

Sexual Entertainment Venue Policy

2013



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1 Introduction

- 1.1** Coventry City Council (“the Council”) is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”). Historically, controls have applied to sex shops and sex cinemas.
- 1.2** On 6 April 2010 the Policing and Crime Act 2009 (“the 2009 Act”) came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues (“SEVs”) were added as a category of sex establishment to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3** The Council resolved on 22nd March 2011 to adopt the new amendments to gain regulatory control of SEVs with effect from 1st June 2011. Consequently, a new SEV licensing regime applies to the whole of Coventry.
- 1.4** However, the Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Savings Provisions) (England) Order 2010 makes special transitional provisions in relation to SEVs. These are detailed at page 4 of this policy.
- 1.5** The adoption of the new Schedule 3 powers allows the Council to set conditions and fees for the grant, variation, renewal and transfer of SEV licences and the number of premises to be licensed in an area, which may be nil.
- 1.6** This policy was approved by the Cabinet Member (Community Safety & Equalities) on 16th November 2011. The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Regulatory Committee when making a determination on an application. This policy will be reviewed after 12 months and thereafter at least once every three years.
- 1.7** While each application will be dealt with on its own merits this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not. The policy also provides prospective applicants with details of what is expected of them should an application be successful. Not all premises will automatically require a licence, where there is an exemption within the legislation this has been set out in this policy document.
- 1.8** Notwithstanding matters contained within this policy consideration will be given to the provisions of the Human Rights Act 1998 and the Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales” when considering applications for SEVs.
- 1.9** The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council’s role as a Licensing Authority to regulate such premises in accordance with the law.
- 1.10** The Council will work in partnership with the Coventry Partnership, neighbouring authorities, the West Midlands Police (‘the police’), the Coventry Community Safety Partnership, Health Protection Service, local businesses, local people and those involved in child protection (Coventry Safeguarding Children Board) and those involved with protecting adults from the risk of harm (Coventry Safeguarding Adults Board) to promote the common objectives of safeguarding vulnerable people. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder.

- 1.11 In formulating this policy, the Council has paid due regard to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. In particular as regard to the need to eliminate discrimination, harassment, victimisation etc in relation to females engaged in performing at SEV premises and/or females living or working or travelling within the vicinity of such premises.
- 1.12 Crime prevention, drug & alcohol misuse strategies and the input of the Coventry Community Safety Partnership (CCSP) will be reflected in licence conditions, so far as possible. The CCSP, with membership including the Council, police and the West Midlands Fire Service, is committed to making Coventry a safe place in which to live, work and visit. It is the role of the CCSP to strategically plan, commission and oversee services that tackle crime & disorder and address drug & alcohol misuse.
- 1.13 The Licensing Authority expects licence holders, to make proper provision for child safety and welfare. Notwithstanding public safety issues, assurance that persons under 18 are not permitted on the premises must be reflected within an application .

Transitional Period

2.1 The 'transitional period' lasts for 12 months starting from the 1st appointed day (1st June 2011). Six months following the 1st appointed day is known as the '2nd appointed day' (1st December 2011) and the day on which the transitional period ends is known as the '3rd appointed day' (1st June 2012).

2.2 Existing Operators

To allow time to comply with the new regime an existing operator who immediately before the 1st appointed day had a Licensing Act 2003 ("the 2003 Act") premises licence or club premises certificate, and lawfully uses premises as a SEV under that licence or is undertaking preparatory work to use the venue in that way, will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence) whichever is later.

2.3 New Applicants

New applicants are people who wish to use premises as a SEV 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 SEV until they have been granted a SEV licence.

2.4 Determining applications received on or before the 2nd Appointed Day

Applicants will be able to submit their application for a SEV licence from the 1st appointed day onwards. As the Licensing Authority is able to refuse applications by having regard to the number of SEVs 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 will be considered together all at the same time.

2.5 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 served' basis.

2.6 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. If an existing operator

is granted a licence it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

2.7 Determining Applications Received After the 2nd Appointed Day

Applications made after the 2nd appointed day will be considered at the time they are received but only after all of the applications made on or before that day 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.

3 Sexual Entertainment Venues

- 3.1** A SEV is defined in the 2009 Act as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.
- 3.2** The meaning of ‘relevant entertainment’ is “any live performance or 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 (whether by verbal or other means)”.
- 3.3** Display of nudity is defined as the exposure of the pubic area, genitals or anus and, in the case of women, their nipples.
- 3.4** These definitions would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows.
- 3.5** It must be noted that the above list is not exhaustive and does not include private dwellings to which the public are not admitted. Decisions to license premises as SEVs shall depend on the content of the entertainment provided and not the name it is given. As such each case will be considered on its own merits by the Council as the Licensing Authority.
- 3.6** The 2009 Act provides exemptions from the definition of SEVs as follows:

Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).

Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:

- (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- (c) no such occasion has lasted longer than 24 hours.

Other premises or types of performances or displays exempted by an order of the Secretary of State.

- 3.7** Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated

entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

- 3.8** In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant sexual entertainment and a premises licence or club premises certificate for the sale of alcohol and/or provisions of other types of entertainment regulated by the Licensing Act 2003
- 3.9** Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays live or recorded music for a performer to dance to.

4 Waivers

- 4.1** Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.
- 4.2** The Council does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of SEVs, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12 month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.
- 4.3** Whilst each application will be considered on its own merits by the Licensing and Regulatory Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be considered in exceptional circumstances.

5 Making An Application

- 5.1** The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 5.2** An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below and in Appendix C.
- 5.3** In respect of grant, renewal and transfers there are three separate notice requirements :
- i).** The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Team.
 - ii).** Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
 - iii).** The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is

made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.

- 5.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 5.5 Applicants must, at the time of submission of a new grant application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises shall be such that the interior of the premises is not visible to passers-by. Where a variation application seeks to alter the external experience of the premises then a scheme showing the exterior design must be provided.
- 5.6 In addition applicants must, at the time of submission of a new grant or variation application (unless only the exterior is being altered), provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 5.7 Applicants for new grants must also submit a copy of their "club rules". Such club rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking phone numbers (including exchange of business cards).
- 5.8 Such club rules will form part of the licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 5.9 Officers of the Licensing Team may, will as part of the application process visit the locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the Licensing and Regulatory Committee.
- 5.10 With regards to online applications' tacit authorisation does not apply to new grant applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

6 Fees

- 6.1 The application process involves paying a non-returnable application fee, which covers the costs of administering the SEV licensing regime. The fees are reviewed annually against any rise in council costs of administering the licence regime.
- 6.2 The appropriate fees for applications can be found at Appendix F of the Policy and on the Council's Website.

7 Making Objections to Applications for Grant, Renewal or Transfer

- 7.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing Committee considering the application) or MPs. The Police are a statutory consultee for all applications.
- 7.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Team and should include the following:
 - the name and address of the person or organisation making the objection;

- the premises to which the objection relates;

7.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. These are set out at paragraphs 8.3/8.4 below:-

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Team. Where objections are rejected the objector will be given written reasons.

7.4 The Licensing Authority will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are relevant, frivolous or vexatious will be made objectively by the Licensing Team and where objections are rejected the objector will be given written reasons.

7.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.

7.6 All valid objections will be considered by the Licensing Committee when determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, an objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

8 Determination of an Application for Grant, Renewal or Transfer

8.1 All applications for the initial grant of a SEV licence will be determined by the Licensing and Regulatory Committee. Applications for the renewal and transfer of a SEV licence will also be determined by the Licensing and Regulatory Committee if valid objections have been received. If no valid objections to these types of application are received then they will be determined by the Licensing Team exercising delegated powers. Valid objections to any application will be considered by the Licensing Committee at the hearing to consider the application. Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing Committee's procedure for hearings, which is available from the Licensing Team.

8.2 The 1982 Act provides five mandatory grounds for refusing a SEV licence and four discretionary grounds for refusal/refusal to renew a SEV licence. It also provides two discretionary grounds for refusing to transfer a SEV licence. Each application will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse an application **MUST** be relevant to one or more of the following grounds:

8.3 Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1)(a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

(a) to any person under the age of 18 years;

(b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;

(c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in an EEA State; or
(e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

8.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence are specified in Schedule 3 paragraph 12(3) :

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) 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/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, 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.

The only discretionary grounds upon which the Council may refuse an application to transfer a SEV licence are those stated at 8.4 (a) and (b).

- 8.5** If none of the above applies to the applicant and no objections have been received and there are no other statutory grounds for refusal, including that the application does not exceed any permitted numbers, the application will be granted by way of delegated authority.

9 Unsuitability of an Applicant

- 9.1** In respect of 8.4(a) and (b) above with regard to the unsuitability of an applicant to hold a licence, the criteria for Members to consider are:

- that the operator is honest.
- that the operator is qualified by experience to run the type of sex establishment in question.
- that the operator understands the general conditions.
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers. that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation.
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.

10 Number of Sexual Entertainment Venues

- 10.1** As set out within paragraph 8.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in a 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. The Council is able to determine that the appropriate number for a locality is nil.
- 10.2** The Council has conducted a widespread public consultation on a proposed nil policy for the city. The majority of respondents agreed that there is no locality in Coventry of which it can be said that SEVs are appropriate. These considerations, among others set out in the policy, have led the Council to the clear opinion that there are no localities in Coventry in which it is appropriate to license a Sexual Entertainment Venue. This does not prevent individuals from applying for a Sexual Entertainment Venue Licence and each application being considered on its merits by the Licensing & Regulatory Committee.
- 10.3** However the Council recognises that there is an established Sexual Entertainment Venue which has traded in the city for a long period of time without significant concern. Accordingly, the nil policy will not apply to the said Sexual Entertainment Venue. Rather, any application in respect of the said Sexual Entertainment Venue will be judged on its own merits and without reference to the nil policy.

11 Unsuitability of Premises

- 11.1** As set out within paragraph 8.4 (d) above, paragraph 12 of Schedule 3 provides that a local authority may refuse an application if it is satisfied that granting or renewing a licence would be inappropriate having regard to the character of the relevant locality, or the use to which any other premises in the vicinity are put, or due to the layout, character or condition of the application premises (vehicle/vessel/stall). This power is in addition to and without prejudice to, the power to refuse an application based on the appropriate number of SEV's within the City as referred to at paragraph 10 above.
- 11.2** With reference to paragraph 8.4 'relevant locality' for the purposes of paragraph 12 (3)(d) of Schedule 3 of the Act means
- (i)** in relation to the premises, the locality where they are situated, and
 - (ii)** in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
- 11.3** With reference to paragraph 8.4 (d) in considering if the grant, or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:
- (a)** the fact that the premises are sited in a residential area;
 - (b)** the premises are sited near shops used by or directed to families or children, or to frontages frequently passed by the same;
 - (c)** the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
 - (d)** the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons, families or vulnerable adults, including but not limited to educational establishments, leisure facilities such as parks,

libraries or swimming pools, markets, covered markets, women's refuges and other community facilities..

(e) places and or buildings of historical/cultural interest, tourist attractions.

(f) the proximity of the application premises to other SEV premises or proposed SEV premises

(g) the premises are sited near premises or areas that are sensitive because of crime and disorder issues and in particular because of prostitution and associated activities.

(h) the premises are in areas of the city which are not well lit so as to affect the safety of the performers leaving the premises late at night.

(i) the premises are not sited near good transport links – for the benefit of performers.

(j) proximity to places where vulnerable people may congregate e.g. bus stops and taxi ranks.

11.4 With reference to paragraph 8.4(d), the Council will consider the extent of the locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire ward.

11.5 When hearing an application for the grant of a SEV licence, the Committee shall have regard to the guidelines set out above but subject to the overriding principle that each application will be determined on its merits.

11.6 The Council would (normally) expect that applications for SEV licences for permanent commercial premises should be from businesses with planning consent for the property concerned and may adjourn an SEV application until such time as planning consent has been obtained.

12 Conditions

12.1 When issuing a SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as are specified at the time the licence is issued either in the form of conditions specific to the individual premises or standard conditions applicable to all SEVs.

12.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at annex A.

12.3 A person who runs a SEV without a licence or contravenes a condition of the licence is guilty of an offence and is liable to a fine of up to £20,000.

13 Renewal Applications

13.1 Where before the date of expiry of a licence an application has been made for its renewal it shall be deemed to remain in force until the withdrawal of the application or its determination by the Council.

13.2 The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12.

14 Revocation of a Sexual entertainment Venue Licence

- 14.1** A licence can be revoked by the Council at any time on any one of the grounds set out in 8.3(a - e) or any one of the grounds set out in 8.4(a and b) of the policy.
- 14.2** The Council will not revoke a licence without the licence holder being given an opportunity to appear and be heard before the Licensing and Regulatory Committee.
- 14.3** Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.
- 14.4** When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

15 Cancellation of a Sexual Entertainment Venue Licence

- 15.1** The Council may at the written request of the licence holder cancel the licence.
- 15.2** If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.
- 15.3** The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

16 Transfer of a Sexual Entertainment Venue Licence

- 16.1** A licence holder may at any time apply to transfer a licence to any other person or Company. The statutory requirements for advertising, giving notice, consideration by the licensing authority, hearings and the giving of reasons are the same as those applying to initial grants.

16.2 Variation of a Sexual Entertainment Venue Licence

- 16.3** A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel or stall. On receiving such an application, the Council can either:
- (a) make the variation as requested;
 - (b) make such variations as it thinks fit;
 - (c) refuse the application.

The council will forward a copy of the application to the police and environmental health for comment.

- 16.4** Where relevant objections are received, the applicant will be given an opportunity to attend and be heard at a Licensing and Regulatory Committee hearing before a decision is made to make a variation other than that being applied for or to refuse the application.

16.5 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

17. Right to Appeal a Decision

17.1 The decisions against which a right of appeal lies are refusals of initial grants, renewals, variations or transfers, the imposition of conditions and also revocation.

17.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.

17.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 8.4(c and d), namely: that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or the use of premises in the vicinity or the layout, character or condition of the premises.

17.4 The only discretionary grounds against which an appeal lies are those in paragraph 8.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

18. Public Health

18.1 We would encourage holders of SEV licences to display and make available, without charge, literature on matters relating to sexual health as may be published by the FPA (formerly the Family Planning Association) and other similar organisations, the prevention of sexually transmitted diseases and HIV, and information about local health services.

19 COMMENTS ON THIS POLICY

19.1 This Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Community Services Directorate, Public Safety and Housing
Licensing Team, Broadgate House,
Broadgate, Coventry, CV1 1NH

Telephone Number: 024 7683 1888
Fax Number: 024 7683 2154
e-mail: licensing@coventry.gov.uk
website www.coventry.gov.uk

APPENDIX A

COVENTRY CITY COUNCIL STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV) EFFECTIVE FROM 1 JUNE 2011

These regulations are made under paragraph 13(1) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") . In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

(i) "The Council" shall mean the Coventry City Council and all enquiries concerning these Regulations and its conditions shall be directed to the Licensing Team, Broadgate House, Broadgate, Coventry, CV1 1NH. Tel 024 7683 1888. E-mail licensing@coventry.gov.uk

(ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.

(iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.

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

(v) '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).

(vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.

(vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

(viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

1. The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Regulatory Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

2. The interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.

3. The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (a) The address of the premises.
- (b) The licensed name of the premises.
- (c) A notice stating the opening hours of the establishment.
- (d) In the case of a licence granted to a body corporate:
 - (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.

The lettering used in respect of such permitted items shall be of such colour, size and style as may be approved by the Council.

4. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

5. The licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

6. At the time of granting the licence in respect of the premises the Council will appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other.

EXHIBITION OF LICENCE

7. A copy of the Licence as issued by the Council shall be retained in a clean and legible condition, suitably framed and exhibited in a position that can easily be seen by all persons using the premises.

8. A copy of the conditions of the Licence and these Regulations (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.

RESPONSIBILITY OF THE LICENSEE

9. The licensee shall take all reasonable precautions for the safety of the public and employees on its premises and, except with the consent of the Council, shall retain control over all parts of the premises. Any request to sublet the premises following the grant of a licence will be determined through an application to vary the licence granted.

10. The premises shall not be used for regulated entertainment as defined by the Licensing Act 2003, or exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.

11. The licensee, or any person purporting to act upon their behalf, shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

12. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.

13. The written nomination referred to in condition 13 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.

14. The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.

15. A notice showing the name of the person responsible for the management of the SEV shall be prominently displayed within the SEV throughout the period during which they are responsible for its conduct.

16. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

17. The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers contracted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them.

18. The term contracted does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, these such persons must be aged 18 years and over if the premises are open for business.

19. The licensee shall ensure that all persons employed or contracted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.

20. The licensee or a responsible person purporting to act upon their behalf shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.

21. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Council within 14 days of such change.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

22. Where licensed premises are a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. N.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.

23. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display shall not be made unless a variation has been granted.

CLUB RULES

24. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all performers and employees to have easy access whilst at work.

25. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

26. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

PERFORMANCES

27. No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted" so that it can be easily read by persons entering the premises.

28. All members of the staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a "PASS" logo.

29. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.

30. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.

31. Performers shall be aged not less than 18 years and there should be routine checking of the age of any performer before they are allowed to perform, to ensure that they are over 18.

32. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.

33. During any performance (including performances usually termed 'private dances') performers should be confined to the stage area and there must not be any deliberate contact, by the performer, with any patron or person within the viewing audience except:

- a). Leading a patron hand in hand to and from a chair or private room or designated dance area.
- b). Simple handshake greeting at the beginning and/or end of the performance.
- c). A customary ("peck on the face") kiss at the end of the performance.
- d). The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.

34. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.

35. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.

36. Any person connected with or employed by the business who can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible).

37. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.

38. At all times during a performance, performers shall have unrestricted access to secure and private changing facilities.

39. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones.

40. Customers who act inappropriately will be removed from the premises and a register will be kept so no person will be readmitted if they have been offensive, violent or aggressive towards a performer,

THE PROTECTION OF PERFORMERS AND THE PREVENTION OF CRIME ON THE PREMISES

41. Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges.

42. There shall be separate and private sanitary facilities for performers.

43. Free drinking water or other non-alcoholic refreshments should be available to performers

44. There should be routine monitoring to ensure that drugs are not being used by performers

45. The monitoring referred to in condition 33, 42 and 44 above shall be recorded in a weekly register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.

46. All entrances to private areas to which members of the public are not permitted shall have clear signage stating that access is restricted.

47. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

48. No smoking areas are to be allowed at the front of clubs to minimise the potential for harassment of women living, working and passing through the area.

49. The licence holder shall include in the club rules a written policy to ensure the safety of performers when leaving the premises following any period of work.

50. Booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.

51. All escape routes and emergency exits shall be clearly signed and shall be kept clear. Emergency exits must remain unlocked at all times any person is on the premises. Emergency lighting must be provided to the satisfaction of West Midlands Fire Service.

DOOR SUPERVISORS

52. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.

53. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee and agreed by the Police shall be on duty on the premises whilst relevant entertainment takes place.

54. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

55. CCTV shall be installed in each room within the premises where the public has access, including private booths. All cameras shall continuously record whilst the premises are open to the public and video or digital recordings shall be kept available for a minimum of thirty one days.

56. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed.

57. The premises will provide any footage of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

58. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.

59. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

60. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or within the vicinity of the licensed premises.

61. The licensee shall ensure that any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

62. Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Regulatory Committee is responsible for making licensing decisions with officers having delegated powers to make some decisions. The table below describes how it is proposed licensing decisions will be made. This scheme of delegations will be subject to review as part of this policy document.

| Matter to be dealt with | Decisions to be made by | |
|--|----------------------------|--|
| | Full Committee | Officers (Senior Licensing Officer or above) |
| Application for Initial Grant | All cases | |
| Application for renewal, transfer, or variation | If relevant objection made | If no relevant objection made |
| Revocation of licence | All cases | |
| Cancellation of licence | | All cases |
| Make/amend regulations prescribing standard conditions, terms and restrictions | All cases | |
| To administer and enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 | Authorising prosecutions | All cases other than authorising prosecution |
| Waivers | All cases | |

Requirements for applying for grant, variation, transfer or renewal of a sexual entertainment venue licence

Grant of a licence

- 1) To apply for the grant of a sexual entertainment venue licence an applicant must: -
 - a) send the Council: -
 - i) a completed application form (a sample is shown at Appendix D);
 - ii) a plan to the scale of 1:100 of the premises to which the application relates;
 - iii) a location plan with the premises identified;
 - iv) a colour drawing showing the proposed exterior appearance of the premises;
 - v) a copy of the proposed "Club Rules"
 - vi) the fee;
 - b) display a public notice advertising the application on or near the premises;
 - c) advertise the application in a local newspaper;
 - d) send a copy of the application and plan to the West Midlands Police (Little Park Street, CV1 2JX), within 7 clear days of submitting the application to the Council (where applications are made electronically then the Council will forward a copy of your application to the Police on your behalf).

Plan requirements

- 2) The plan must show: -
 - a) the layout of the premises including e.g. stage, bars, cloakroom, WC's, performance area, dressing rooms
 - b) the extent of the boundary of the building (in red), if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - c) the extent of the public areas outlined in blue
 - d) any parts used in common with other premises
 - e) the location of points of access to and egress from the premises;
 - f) the location of escape routes from the premises;
 - g) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - h) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - i) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - j) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - k) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
 - l) the location of a kitchen, if any, on the premises.

- m) Any private rooms for adult entertainment
 - n) Any area where relevant entertainment is intended to take place
 - o) Position of CCTV cameras
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a continuous period of not less than 21 consecutive days from the day following the day the application was given to the Council, where it can be conveniently read from the exterior of the premises.
- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale pink paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state: -
 - a) details of the application and activities that it is proposed will be carried on or from the premises,
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date upon which the application was submitted to the Council and a statement that representations can be submitted to the Council within 28 clear days from the date the application was submitted and the address to which any representations should be sent.
 - e) That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper within 7 days of giving the application to the council.
- 9) A sample public notice is shown as Appendix E.

Variation of a licence

- 10) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 11) Where relevant a revised plan of the premises is required.
- 12) The process for applying for a variation is detailed in paragraph 17 of the policy

Renewal of a licence

- 13) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted *before the current licence expires*.
- 14) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Transfer of a licence

15) A person may apply for transfer of a licence at any time.

16) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

APPLICATION FOR GRANT/RENEWAL/VARIATION/TRANSFER OF A SEXUAL ENTERTAINMENT VENUE LICENCE

Important Notes

1. All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.
2. Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

Part 1 – The Applicant

1.

I/We

.....
(Insert name(s) of applicant)

apply for a Sexual Entertainment Venue Licence as described below.

2. Please state whether you are applying for a licence as:

- | | | |
|---|--------------------------|-----------------------------|
| a) an individual | <input type="checkbox"/> | please complete section (A) |
| b) a company or other corporate body, incorporated within an EEA State | <input type="checkbox"/> | please complete section (B) |
| c) a partnership or other unincorporated body | <input type="checkbox"/> | please complete section (C) |

(A) INDIVIDUAL APPLICANT (fill in as applicable)

You must complete and submit the form at Annex A for the individual named in this section

| | | Annex A completed? |
|-----------------------------|--|--------------------------|
| Full Name of Applicant | | <input type="checkbox"/> |
| Former Name (if applicable) | | |

(B) A COMPANY OR OTHER CORPORATE BODY

You must complete and submit the form at Annex A for all individuals named in this section

| | |
|---|--|
| Applicant Name ⁽¹⁾ | |
| Address | |
| Registered number ⁽²⁾ | |
| Telephone number | |
| E-mail address | |
| Previous Name (if applicable) ⁽³⁾ | |

1 If your business is registered, use its registered name

2 If business is not registered, put "none"

3 If the Applicant has been formerly known by a different name, please provide details

Please state the names of:

- (i) the Applicant's Directors;**
- (ii) Company Secretary;**
- (iii) any other persons responsible for the management of the Applicant; and**
- (iv) any persons with a shareholding of greater than 10% in the Applicant**

| <u>Position</u> | <u>Name of Individual</u> | Annex A completed? |
|-----------------|---------------------------|--------------------------|
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

Is the applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary

| Name | | |
|---|---------------------------|--------------------------|
| Place of registration | | |
| Names of Directors and Company Secretary | | |
| <u>Position</u> | <u>Name of Individual</u> | Annex A completed? |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

(C) A PARTNERSHIP OR OTHER UNINCORPORATED BODY

You must complete and submit the form at Annex A for all individuals named in this section

| | |
|-----------------------|--|
| Applicant Name | |
|-----------------------|--|

| Names of Partners | Annex A completed? |
|-------------------|--------------------------|
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |

| Please state the names of than other persons responsible for the management of the Applicant other than the partners. | | |
|--|--------------------|--------------------------|
| Position | Name of Individual | Annex A completed? |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

Questions 3-6 to be completed in all cases

| | |
|----------|---|
| 3 | Does the applicant have a different trading name from that given above in (A), (B) or (C)? If yes, please provide details. |
| | |

| | |
|----------|--|
| 4 | What is the Applicant’s trading address? |
| | |

| | |
|----------|---|
| 5 | Will the business be carried on for the benefit of a person other than the applicant? If yes, please provide full details. |
| | |

| | |
|----------|---|
| 6 | Does the applicant operate any other sex establishment? If yes, please provide full details. |
| | |

End of Part 1

Part 2 – The Premises, Vehicle, Vessel or Stall

| | | |
|----------|--|----------------------------|
| 7 | Is the application in respect of a: | Mark as appropriate |
| | Premises | <input type="checkbox"/> |
| | Vehicle | <input type="checkbox"/> |
| | Vessel | <input type="checkbox"/> |
| | Stall | <input type="checkbox"/> |

Answer Q8 only where the application is for a premises

| | | | |
|-----------|--|----------------------------------|----------------------------|
| 8a | Postal address of premises | | |
| | Post town | | Post code |
| | Telephone number | | |
| 8b | Is the whole of the premises to be used as a sex establishment? | | Mark as appropriate |
| | Yes | <i>(If 'Yes' move on to Q10)</i> | <input type="checkbox"/> |
| | No | | <input type="checkbox"/> |
| 8c | If "No", state: | | |
| | <ul style="list-style-type: none"> (i) the use of the remainder of the premises; (ii) the names of those who are responsible for managing the remainder of the premises. | | |

Answer Q9 only where the application is for a vehicle, vessel or stall

| | |
|----------|---|
| 9 | Where is it proposed to use the vehicle vessel or store? |
|----------|---|

| | |
|-----|---|
| 10a | State the nature of the Applicant's interest in the premises, vehicle, vessel or stall, e.g. owner, lessee, sub-lessee. |
| 10b | <p>If the applicant is a lessee or a sub-lessee, state:</p> <p>(i) the name and address of the landlord;</p> <p>(ii) the name/address of the superior landlord (if any);</p> <p>(iii) the amount of annual rental;</p> <p>(iv) the length of the unexpired term;</p> <p>(v) the length of notice required to terminate the tenancy.</p> |

| | | |
|-----|---|--------------------------|
| 11a | State the current use of the premises | |
| 11b | Is there planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| 11c | If "Yes", state the date of the planning permission | |
| 11d | If "No", state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details | |

| | | |
|-----|--|--------------------------|
| 12a | Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| 12b | If "Yes", please provide full details including the name of any Designated Premises Supervisor | |

| | | |
|---|--|--------------------------|
| 13a | Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| 13b | Does the applicant intend to operate the sex establishment in conjunction with any other licence? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| If "Yes" to (a) or (b), please provide full details | | |

| | | |
|---|--|--------------------------|
| 14a | Is customer access to the premises, vehicle, vessel or stall: | Mark as appropriate |
| | Directly from the street or a public thoroughfare? | <input type="checkbox"/> |
| | From other premises? | <input type="checkbox"/> |
| If from other premises, provide full details | | |
| 14b | Is customer access from the street to be supervised at all times the premises are open to the public? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| If "No" give details of proposed door control and supervision | | |
| 14c | Are all door supervisors to be licensed with the Security Industry Authority? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |

| | | |
|---|---|--------------------------|
| 15 | Are the premises, vehicle or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| If "No" state the Applicant's proposals for affording such access | | |

| | | |
|------------|--|--------------------------|
| 16a | Are the premises, vehicle, vessel or stall being operated as a sex establishment at the date of this application? | Mark as appropriate |
| | Yes (answer 16b) | <input type="checkbox"/> |
| | No (answer 16c) | <input type="checkbox"/> |
| 16b | If "Yes" to 16a, please state the name and address of the person or body now operating the business. | |
| 16c | If "No" to 16a, are you preparing to operate the premises, vehicle, vessel or stall as a sex establishment? | Mark as appropriate |
| | Yes (answer 16d) | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |

Part 3 – Operation of the Business

| | |
|-----------|---|
| 17 | Under what name will the Business be known? |
|-----------|---|

| | |
|-----------|--|
| 18 | Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share agreement? If so, provide full details together with a copy of any such agreement. |
|-----------|--|

| | |
|-----------|---|
| 19 | Is the business required to purchase merchandise from a particular person or body? If so, provide full details. |
|-----------|---|

| | |
|-----------|--|
| 20 | Set out the Applicant's system for checking the age and right to work in the UK for all employees. |
|-----------|--|

| | | |
|-----------|---|--------------------------|
| 21 | State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager') | Annex A completed? |
| | | <input type="checkbox"/> |

| | | |
|-----------|---|--------------------------|
| 22 | Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole occupation | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| | If "No", provide details | |

| | | |
|-----------|--|--------------------------|
| 23 | Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ('the Relief Manager(s)') | Annex A completed? |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

| | | | |
|-----------|--|--------------|---------------|
| 24 | Please detail the times during which it is proposed to open the business | | |
| | | Start | Finish |
| | Monday | | |
| | Tuesday | | |
| | Wednesday | | |
| | Thursday | | |
| | Friday | | |
| | Saturday | | |
| | Sunday | | |
| | Non-standard timings or specified days: | | |

| | |
|-----------|---|
| 25 | What means are to be taken to prevent the interior of the premises being visible to passers-by? |
|-----------|---|

| | |
|-----|--|
| 26a | <p>State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage and any images to be used.</p> <p><i>Please note: a plan of the exterior showing such signage and advertising is required to be submitted with this application</i></p> |
| 26b | <p>What if any window displays are to be exhibited? Please indicate the size and nature of any display</p> |

| | |
|----|--|
| 27 | <p>State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.</p> |
|----|--|

| | |
|----|---|
| 28 | <p>State what age restrictions are to be applied in respect of admissions, and how are these to be enforced.</p> <p><i>In answering, state what forms of identity will be accepted and whether it is proposed to use electronic identification systems.</i></p> |
|----|---|

| | |
|----|--|
| 29 | <p>State the arrangements for CCTV and for retention of recordings.</p> <p><i>In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded.</i></p> |
|----|--|

Only answer Q30 where application is for a Sexual Entertainment Venue

| | | |
|------------|--|--------------------------|
| 30a | Is the proposal for full nudity? | Mark as appropriate |
| | Yes | <input type="checkbox"/> |
| | No | <input type="checkbox"/> |
| 30b | Give details of the nature of the entertainment, e.g. lap-dancing, pole dancing, stage striptease | |
| 30c | State what if any separation between performers and audience is proposed. | |
| 30d | State whether arrangements are proposed for private booths or areas. If so, provide full details, including supervision for such areas | |
| 30e | Set out the system for training all staff and for monitoring and enforcing compliance. | |
| 30f | Set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance. <i>Please note: the Rules for Customers must be attached to this form.</i> | |
| 30g | Set out the system for monitoring compliance with the venue's Policy for Welfare of Performers. <i>Please note, the Policy for Welfare of Performers must be attached to this form</i> | |

| | |
|-----------|---|
| 31 | Set out any further information that you wish the authority to take into account. <i>Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sexual Entertainment Venue Policy.</i> |
|-----------|---|

| | |
|-----------|---|
| 32 | Is there any information on this form that you do not wish to be seen by members of the public? <i>If so, state which information and the reasons why you do not wish it to be seen.</i> |
|-----------|---|

| Checklist | Mark as appropriate |
|--|--------------------------|
| I have completed all relevant section of Parts 1, 2, and 3 of the application | <input type="checkbox"/> |
| I have completed Annex A for each person whose details have been included in this application. | <input type="checkbox"/> |
| I have completed Annex B | <input type="checkbox"/> |
| I have enclosed the relevant fee | <input type="checkbox"/> |

Declaration & Signature

The following declaration must be signed in all cases

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/We certify to the best of our/my knowledge and belief that the information given in this application is complete and correct in every respect. I/We agree to notify the Licensing Authority should any of the information given in this application change.

| | |
|--------------------------|--|
| Name | |
| Position in organisation | |
| Date | |
| Signature | |

Contact Details

| | | | |
|--|--|------------------|--|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |

ANNEX A: INFORMATION ON INDIVIDUALS

| | |
|--|--|
| Name | |
| Former name (if applicable) | |
| <i>If you have ever been known by a different name, please provide details above</i> | |

| | | | |
|--|--|------|--------|
| Position in relation to Applicant (e.g. Director, Partner, Manager) | | | |
| Date of birth | | | |
| Age | | | |
| Gender | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Male</td> <td style="width: 50%;">Female</td> </tr> </table> | Male | Female |
| Male | Female | | |
| Permanent residential address | | | |
| If resident at the above address for less than three years, state previous address(es) | | | |
| Previous residential addresses and dates at which you were resident at them | | | |

| | | |
|---|------------------------------|-----------------------------|
| Have you been resident in the United Kingdom for more than six months prior to the date of the application? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Have you ever been disqualified from holding a sex establishment licence under Schedule 3 paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | |
|--|------------------------------|-----------------------------|
| Have you ever been involved in the management of a business which has had any of the following types of licence refused, refused on renewal, reviewed or revoked? | | |
| Sex establishment licence | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Licence for the supply of alcohol | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Licence for the provision of entertainment, whether sexual or otherwise | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Personal licence under the Licensing Act 2003 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | |
|---|------------------------------|-----------------------------|
| Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| To your knowledge are you currently the subject of any criminal investigation? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Have you had any civil legal action taken against you? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | |
|---|------------------------------|-----------------------------|
| Have you ever been served with a winding up order? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Have you ever been disqualified from acting as a company director? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

| | | |
|---|------------------------------|-----------------------------|
| Is there any information in this Annex which you do not wish to be seen by members of the public? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|---|------------------------------|-----------------------------|

If you have answered 'yes' to any of the above questions please provide full details below.

| | | | |
|---|--|------|--|
| Declaration | | | |
| I declare that the information on this form and true and complete to the best of my knowledge and belief | | | |
| Signature | | Date | |

ANNEX B

DOCUMENTS SUPPLIED WITH THIS APPLICATION:

| | | |
|---|------------------------------|-----------------------------|
| A site scale plan (1:100) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Drawings showing the front elevation as existing | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Drawings showing the front elevation as proposed including signage, advertising and window display. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Scale layout plan of premises | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Note, the requirements of the layout plan are set out below | | |
| Planning Permission | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Certificate of lawful use or development | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If the Applicant is a company, copies of Memorandum and Articles of Association of the Company | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If the Applicant is a partnership, a certified copy of the Partnership Deed | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A copy of any other licences for the premises, vehicle, vessel or stall | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Club rules for Performers | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Rules for Customers | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Policy for Welfare of Performers. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

REQUIREMENTS FOR LAYOUT PLAN:

The layout plan must show;

1. The layout of the premises including, e.g. stage, bars, cloakroom, WCs, performance area, dressing rooms.
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 area in the premises, e.g. performance areas, reception.
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.

**Local Government (Miscellaneous Provisions) Act 1982
Sexual Entertainment Venue Licence
Public Notice**

[Name of person applying for licence] is applying to Coventry City Council for a *sexual entertainment venue licence* at *[name and address of premises]*

Any person wishing to make representations in relation to this application may do so by writing to:

**Licensing Team
Environmental Health,
Broadgate House
Broadgate
Coventry,
CV1 1NH.
Email: licensing@coventry.gov.uk**

Any representations should include the following:

- **the name and address of the person/organisation making the representation (it should be noted that personal details e.g. name, address, tel number, email address etc will not be disclosed to the applicant or outside the Council);**
- **the proposed sex establishment to which the representation relates;**
- **the grounds upon which the representation is being made.**

Representations must be received by the Council within 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Thursday 9.00 am to 5.00 pm, and 9.00 am to 4.30 pm on Fridays, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is £20,000

[Date] – This must show the date that the application was received by the Licensing Authority.

Proposed Fee Structure

New Application £6,560

This fee includes;

- Application processing
- Inspection of notices
- Dealing with objections
- Compilation of committee report
- Chairs brief
- Notices of hearing
- Site visits
- Associated hearing costs
- Notice of decision
- Production of licence
- Appeals and other legal costs

Based on the procedures involved for the below application type, it is considered that the following fees be applied;-

Licence Renewal £1,370

Variation: £1,370

A variation may include a change of the details on the licence, i.e. operating hours, conditions etc, change of external appearance, new advertising material and structural changes.

Transfers: £1,370

The authority may transfer a licence to any other person on the application of that other person. The statutory requirements for advertising, giving notice, consideration by the licensing authority, hearings and the giving of reasons are the same as those applying to initial grants.