

## Appendix 2

# SEXUAL ENCOUNTER VENUE POLICY STATEMENT AND GUIDELINES

### POLICY STATEMENT

The Bromsgrove District Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Encounter Venue in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship etc., or where they consider such an application is inappropriate to the character of the relevant locality or the use or layout, character or condition of the premises, vessel or vehicle.

### GUIDELINES

The Policing and Crime Act 2009 (Section 27) introduced from 6<sup>th</sup> April 2010 a new category of sex establishment called "Sexual Encounter Venue" which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

#### Meaning of 'Sexual Encounter Venue'

*'Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'*

#### 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 the audience (whether by verbal or other means)'*

An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

The Local Authority will judge each case on its merits but would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live Sex Shows

For the purpose of these provisions a premises includes any vessel, vehicle or stall, but does not include a private dwelling to which the public are not admitted.

**A licence must not be granted**

- (a) to a person under the age of 18 years
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the authority within the last 12 months
- (c) to a 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 a person who has within a period of 12 months immediately preceding the date when the application was made, been refused the 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.

**A Licence may be refused where:**

- (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 made the application himself; or
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number of which the authority consider it appropriate for that locality; Nil may be an appropriate number.
- (d) That the grant or renewal of the licence would be inappropriate having regard:-
  - (i) to the character of the relevant locality
  - (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.

A decision to refuse a licence must be relevant to one or more of the above grounds.