

ANNEX 1

Sexual Entertainment Venue Policy

A Sexual Entertainment Venue is defined as

‘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).

Test Valley Borough Council will judge each case on its own merit but having regard to the statutory definition would expect that the definition of “relevant entertainment” would apply but not exclusively 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 purposes 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 sex establishment 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 which Test Valley Borough Council consider is appropriate for that locality
- (d) 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.

Policy Statement

Test Valley Borough Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Entertainment Venue in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship or places of education and learning.

Any licence granted shall be subject to the Council's standard conditions applying at that time and any additional conditions considered necessary in the circumstances.

A licence shall ordinarily be granted for a period of 12 months although the Council may determine to issue a licence for a lesser period if the circumstances warrant this. The licence shall operate until the expiry date stated, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.

The licence may be revoked at any time by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).