



Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>14th March 2012</i>
Classification:	<i>For General Release</i>
Title:	<i>Rules of Procedure governing Sexual Entertainment Venue applications (including application forms)</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None</i>
Report of:	<i>The Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The report formally advises the Licensing Committee of the Licensing Urgency Sub-Committee decisions on 17th February 2012 relating to setting the Rules of Procedure for applications made for Sexual Entertainment Venue (SEV) licences under the Local Government (Miscellaneous Provisions) Act 1982 (the Act).

2. Recommendations

- 2.1 That the Licensing Committee notes the contents of the 17th February 2012 Licensing Urgency-Sub Committee reports and decisions relating to the Sexual Entertainment Venue rules of procedure.

3. Background

- 3.1 On the 17th February 2012 the Licensing Urgency Sub-Committee formally agreed to set the rules of procedure for Sexual Entertainment Venues applications made under the Local Government (Miscellaneous Provisions) Act 1982 (the Act). This decision is attached at Appendix B to this report.
- 3.2 The Licensing Urgency Sub-Committee report, attached to this report as Appendix A, was put before a Licensing Urgency Sub-Committee due to the need to have the rules of procedure and application forms available to applicants to allow them sufficient time to make applications prior to the second appointed day of 1st April 2012.

4. Financial and Legal Implications

- 4.1 Members should refer to the Financial and Legal Implications sections in the Sexual Entertainment Venue Rules of Procedure report.

Appendices

- Appendix A – Licensing Urgency Sub-Committee report for Rules of Procedure governing Sexual Entertainment Venue Applications including application forms (with appendices)
- Appendix B – Decision of the Licensing Urgency Sub-Committee on 17th February 2012.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Nick Nelson, Environmental Health Case Officer (Licensing) on 020 7641 3431 or email nnelson@westminster.gov.uk.

BACKGROUND PAPERS

None



City of Westminster

Licensing Urgency Sub-Committee Report

Meeting:	<i>Licensing Urgency Sub-Committee</i>
Date:	<i>Friday 17 February 2012</i>
Classification:	<i>For general release</i>
Title:	<i>Rules of Procedure governing Sexual Entertainment Venue applications (including application forms)</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None</i>
Report of:	<i>The Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 This report sets out the proposed Rules of Procedure for applications made for Sexual Entertainment Venue (SEV) licences under the Local Government (Miscellaneous Provisions) Act 1982 (the Act).

2. Recommendations

- 2.1 To agree the proposed Rules of Procedure as set out in Appendix 1 to the report with effect from the decision date.
- 2.2 That any applicant that applies for a Sexual Entertainment Venue licence must do so in compliance with the Rules of Procedure and must apply on the appropriate application form.

3. Reasons for Decision

- 3.1 The proposed Rules of Procedure, in conjunction with the Statement of Licensing Policy and Standard Conditions, will form the framework upon which SEV licensing applications will be made in Westminster.

Application Stage:

- 3.2 Para 10(2) of the Act requires an application for the grant, renewal or transfer of a licence to contain certain information relating to the applicant, be they an individual, a body corporate or an unincorporated body.
- 3.3 Para 10(6) of the Act permits the appropriate authority to require additional information from the applicant that they reasonably require.
- 3.4 Therefore, the application forms have been designed to gather the necessary information as required by the Act and certain additional information which will aid the responsible authorities in assessing the applicant and the proposed premises.
- 3.5 In addition to the application forms, applicants applying for a new licence or applying to vary the layout of a premises are required to submit plans of the premises. Applicants for a new licence will also be required to provide a drawing showing the front elevation of the premises so that the Licensing Authority can determine that the premises will be in line with the standard conditions relating to its appearance.
- 3.6 All application forms for SEVs contain questions relating to Para 12 of the Act, so as to determine whether the applicant will be refused a licence under one of the mandatory grounds under Para 12(1), or to highlight to the Licensing Authority any issues that may lead to the refusal of the licence under Para 12(2).
- 3.7 Transfer applications include a requirement to gain the consent of the outgoing licensee, or for the applicant to provide an explanation of why such consent has not been obtained. A consent form has been provided by the Licensing Authority. Although not a requirement of the Act, this requirement will be in line with many other licensing regimes and prevents the scenario where an applicant can apply to take over a licence at a premises without the current licence holder's consent.
- 3.8 The application procedure has been designed to correspond with other major licensing regimes. In addition to the statutory newspaper notices and premises notices, the Licensing Authority will fix a notice detailing the application on the nearest lamp post to the premises and send letters to local residents within a 30m radius of the premises. This is in addition to the benefits of the online register now in operation. Applications to vary the licence are not required to publish a notice in a newspaper or display a notice at the premises. However, the Licensing Authority will send residents letters and fix the lamp post notice in line with other applications.

- 3.9 Under Para 10(15) of the Act, any person may object to an application within 28 days of it being made. The Licensing Authority will consult with the Environmental Health Service, the District Surveyors, the Licensing Inspectors, the Metropolitan Police and the London Fire and Emergency Planning Authority specifically in order to assess whether any of these parties will have concerns regarding the applicant, the premises or the application in general.

Hearings:

- 3.10 Under the current schedule of delegation, unopposed applications for the renewal, transfer and variation of SEV licences can be granted at officer level under delegated authority. Applications for a new licence or any opposed application where the objection has not been withdrawn must be determined by a Licensing Sub-Committee.
- 3.11 The Licensing Sub-Committee hearing stage has been designed to correspond with other major licensing regimes. Although there is no right under the Act for objectors to be heard at the hearing, it is the opinion of the Licensing Authority that having objectors and applicants attend the same hearing to present their arguments to the Sub-Committee members is an effective method by which members can assess the application.
- 3.12 There is no requirement in the Act to hold a hearing to determine an opposed application to vary a licence. However, Para 27 of the Act does allow the applicant to appeal a decision to refuse the variation to the Magistrates' Court. Therefore, it is the opinion of the Licensing Authority that a Licensing Sub-Committee be held to determine opposed variation applications in line with other SEV applications.

4. Background, including Policy Context

- 4.1 SEVs are a new category of sex establishment under the Act, as amended by the Policing and Crime Act 2009. The provisions relating to SEVs were adopted by the Council on 4 April 2011.
- 4.2 These Rules of Procedure and application forms, along with the Statement of Licensing Policy and the Standard Conditions, form the framework for the SEV licensing regime.

5. Financial Implications

- 5.1 There are no financial implications.

6. Legal Implications

- 6.1 Para 10 of the Act sets out certain requirements for making new, renewal and transfer applications. Para 10 (6) permits the appropriate authority to request other particulars as they reasonably require.
- 6.2 Para 18 of the Act permits the licence holder to vary the terms, conditions or restrictions on the licence, but does not prescribe a format for making applications.
- 6.3 Para 10(19) of the Act requires the appropriate authority to hold a committee or sub-committee before refusing to grant a new, renewal or transfer of a licence. It does not apply to the variation of a licence.
- 6.4 Para 27 of the Act permits an applicant whose application has been refused for the grant, renewal, transfer or variation of a licence to appeal to the Magistrates' Court. However, if an application for grant or renewal is refused under Para 12(1), the applicant shall not be able to appeal unless they seek to prove the ground did not apply to him. The applicant for a new or renewal of a licence will not be able to appeal if the refusal is based on any of the grounds under Para 12(3)(c) or (d). This does not preclude the applicant's right to Judicial Review a decision of the Licensing Sub-Committee.

If you have any queries about this report or wish to inspect any of the background papers please contact Nick Nelson, Environmental Health Case Officer (Licensing) on Tel: 020 7641 3431 or Email: nnelson@westminster.gov.uk

BACKGROUND PAPERS

- Local Government (Miscellaneous Provisions) Act 1982

General Licensing Team

Premises Management

**Sexual Entertainment Venues Guidance and
Procedure**

Sexual Entertainment Venue Applications

Effective from 17 February 2012

1 Introduction

- 1.1 Sex establishment premises are governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982), which was adopted by the local authority under s2(1) of that Act. The Policing and Crime Act 2009 (PCA 2009) added provisions to the LG(MP)A 1982 to include Sexual Entertainment Venues as a type of sex establishment.

This document relates solely to Sexual Entertainment Venues.

- 1.2 Sexual Entertainment Venue (SEV) applications are primarily designed to cover premises that provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. They may also relate to other premises that provide sexual stimulation (e.g. burlesque). Full statutory definitions are available at Appendix 1.

Period of licence

- 1.3 A SEV licence shall remain in force for up to one year, or for a shorter period should the Licensing Authority think fit.

2 Applications

- 2.1 There are 4 types of application available to the applicant. These are:

1. application for the grant of a licence;
2. application to renew the licence;
3. application to transfer the licence to another holder;
4. application to vary the licence.

3 Application Requirements

- 3.1 Below are the types of application and the documentation needed to be submitted with the application:

3.1.1 New Application

- An application for the grant of a new SEV licence must be made on the form provided by the Licensing Authority. This form must be completed in full. If not, it will be deemed invalid.

- An application must be accompanied by the appropriate fee in full (see fees list).
- Plans of the premises at a scale of 1:50, showing:
 - (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - (b) all means of ingress and egress to and from the premises;
 - (c) all escape routes from the premises (if different from above);
 - (d) all areas where relevant entertainment takes place outlined in red;
 - (e) 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;
 - (f) 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;
 - (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - (h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - (i) the location and type of any fire safety and any other safety equipment;
 - (j) the location of all CCTV cameras (including scope of view);
- drawings showing the front elevation as proposed at a scale of 1:50;
- the code of conduct for performers.

Public Advertisement:

The applicant is also required to:

- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid.

Note: The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

3.1.2 **Renewal Application**

- An application to renew a SEV licence must be made on the form provided by the Licensing Authority. This form must be completed in full. If not, it will be deemed invalid.
- An application must be accompanied by the appropriate fee in full (see fees list).

Public Advertisement:

The requirements for the public advertisements for renewal applications are the same as for new applications (see above).

3.1.3 **Transfer Application**

- An application to transfer a SEV licence must be made on the form provided by the Licensing Authority. This form must be completed in full. If not, it will be deemed invalid.
- An application must be accompanied by the appropriate fee in full (see fees list).
- A consent form provided by the Licensing Authority must be completed by the outgoing licence holder, although this requirement can be waived if the Licensing Authority is satisfied that all reasonable attempts have been made to contact the outgoing licence holder without success.
- The current SEV licence in force at the premises must be returned with the application, or a statement provided as to why this has not been possible.

Public Advertisement:

The requirements for the public advertisements for transfer applications are the same as for new applications (see above).

3.1.4 **Variation Application**

- An application to vary a SEV licence must be made on the form provided by the Licensing Authority. This form must be completed in full. If not, it will be deemed invalid.
- An application must be accompanied by the appropriate fee in full (see fees list).
- If the application is to vary the layout of the premises, the applicant must also submit a plan of the premises which meets the requirements for plans under a new application (see above).
- The current SEV licence in force at the premises must be returned with the application, or a statement provided as to why this has not been possible.

Public Advertisement:

There are no requirements for the applicant to publicly advertise a variation application, however the Licensing Authority will send notification of the application in line with 4.5 below.

4 Application Procedure

- 4.1 An application for a licence should be made on the appropriate form (Appendix 2 - 6). This can be completed online or posted to the Licensing Authority. The application form shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.
- 4.2 Any person over the age of 18 can apply for a licence provided they:
- (a) are a resident of an EEA state; and
 - (b) have been a resident of an EEA state throughout the 6 month period preceding the application; and
 - (c) are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
 - (d) have not been refused a grant or renewal application within the period of 12 months immediately preceding the date of the application.
 - (e) A body corporate can apply for a licence provided it was incorporated in an EEA state.
- 4.3 If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The Licensing Authority will then allow the applicant to submit/resubmit the required documents. If these documents are provided within a reasonable length of time (to be determined by the Licensing Authority), the application will be deemed valid from the day they are received. The applicant will then be required to re-advertise the application at the premises and in the local newspaper, stating the new consultation period.

- 4.4 If the reason for invalidity is not remedied within a reasonable length of time (to be determined by the Licensing Authority), the application will become invalid and will not be progressed any further. The applicant may apply for a refund of the application fee, which will be refunded in full minus the Council's costs. Should the applicant wish to gain a licence at any point in the future, he will have to submit a completely new application along with the relevant fee.
- 4.5 In addition to the notice given by the applicant at the premises and in the local newspaper, the Council will:
- (a) send notification of the application to local residents within a 30m radius of the premises; and
 - (b) fix a notice (or notices where appropriate) to the nearest lamp post(s) to the premises to which the application relates.
- 4.6 The consultees for this type of application are the professional bodies whose opinion the Licensing Authority considers in determining the application. These are:
- (a) Environmental Health Service;
 - (b) District Surveyors;
 - (c) Licensing Inspectors;
 - (d) London Fire and Emergency Planning Authority;
 - (e) Metropolitan Police Service.
- 4.7 As part of the application process, one or more of the responsible authorities will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Some responsible authorities may deem it necessary to investigate the applicant or, where the applicant is a company, the company and the directors of that company. Once they have considered the application and/or made any necessary inspections or investigations they will inform the Licensing Authority whether or not they wish to make an objection.
- 4.8 Each authority has individual requirements that they will consider when deciding whether or not a premises is suitable or an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, an indication of what these are is as follows:

Environmental Health Service:

Visits are made with regard to all applications for licenses to ensure that the applicant is compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the licence

to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers and adequate sanitary facilities.

District Surveyors:

The District Surveyors will assess each licensing application from a public safety perspective and look to ensure that the appropriate technical standards are in place for the licensable activity being applied for. This may entail advising on issues such as means of escape, primary and secondary lighting, seating layout and design and safe capacities. If works are required to bring the premises up to the relevant standard the District Surveyors will then ensure that these are completed satisfactorily prior to any licence being granted.

Licensing Inspectors:

The Premises Licensing Inspectorate pays particular regard to enforcement matters and will make comment on any premises which has a connection with unlicensed activity (whether or not formal enforcement action has been instigated). In addition, each applicant is assessed to determine their possible involvement or connection with unlicensed activity or other similar offences (such as those contained under the Video Recordings Act 1984).

Observations and/or comments are then made in support of police representations or, in more serious cases, in the form of a formal objection under Schedule 3 paragraph 10(15) to the Local Government (Miscellaneous Provisions) Act 1982.

- 4.9 Any person wishing to object to the application must give notice in writing to the Licensing Authority, stating in general terms the grounds of the objection, not later than 28 days after the date of application.
- 4.10 If an objection is made by a Residents' Association or Local Amenity Society it shall be confirmed at any licensing hearing that the objection has been formally authorised by that Association. This confirmation should be made by the Chairman, Secretary or other duly authorised officer of the Association.
- 4.11 Petitions shall bear the prayer of that petition on each page and a warning to potential signatories that a copy of the petition will be supplied by the Licensing Authority to the applicant. Each person signing should also print his name and address. Each page of the petition should be dated. The Licensing Authority will not, without the consent of the objectors, reveal their names or addresses to the applicant.
- 4.12 Copies of the objections shall be forwarded onto the applicant by the Licensing Authority. However, all objections must remain anonymous and the Licensing Authority will not reveal the name or address of the objecting party without their consent.

- 4.13 A Councillor may also object to the application in accordance with Schedule 3 paragraph 10(15) of the Act.
- 4.14 The applicant may respond in writing to any objections received against the application. The Case Officer will provide the objector with a copy of the response.
- 4.15 Unless the objection relates to the character of the applicant, the Case Officer may seek to mediate between the parties to see if agreement can be reached prior to a Licensing Sub-Committee hearing.
- 4.16 Applications for renewal, transfer and variation applications may be granted under delegated authority without the need for a hearing provided no objections have been received against the application.

5 Hearings

- 5.1 Following the end of the consultation period, applications for the grant of a licence or applications for the renewal, transfer or variation of the licence which have received objections that have not been withdrawn will be referred to the Licensing Sub-Committee to be determined. Written notice of the hearing will be given to the applicant and all interested parties or responsible authorities who have made valid objections.
- 5.2 The Sub-Committee shall normally consist of three members. However no business shall be transacted unless at least two members are present. The councillor for the ward in which the applicant's premises is situated or where either the applicant or the objectors live shall not normally sit on the Sub-Committee when that application is to be considered.
- 5.3 Under no circumstances shall applicants or objectors lobby members of the Sub-Committee determining the application although it is perfectly proper for the support of the Ward Councillor concerned to be sought.
- 5.4 At any time during the hearing, the Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal and/or Policy Advisor or other relevant officer.
- 5.5 A report will be put before the Licensing Sub-Committee Members by the Case Officer. This report will contain any objections made by interested parties or responsible authorities, any response to the objections by the applicant and any relevant supporting evidence from either side. Any documentation for inclusion should be sent to the Licensing Service as soon as possible prior to the hearing. A copy of the report will be sent to the applicant and any objectors in advance of the meeting.

- 5.6 The report may or may not include the Case Officer's recommendation but if it does details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.
- 5.7 Each party will be given the opportunity to present their arguments before the Licensing Sub-Committee. A party to the application may also call witnesses and will be given the opportunity to cross-examine any other party to the application. An objector may not raise any ground of objection not referred to in the written objection.
- 5.8 The applicant and the objector shall attend the hearing in person.
- 5.9 If the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate.
- 5.10 In the case of the applicant, the representative must be empowered to supply any undertaking requested by the Sub-Committee or demonstrate that any conditions attached to the licence will be complied with.
- 5.11 All objectors and applicants are reminded that they can, if they wish, be legally represented, at their own expense, at the hearing. Alternatively they may ask a Councillor to represent them.
- 5.12 Where an objection has been lodged in accordance with paragraph 10(15) of Schedule 3 LG(MP)A 1982 but the objector fails to attend, the Sub-Committee is required by paragraph 10(18) of the Schedule to have regard to it. In these circumstances the Sub-Committee will be prepared to hear and consider any evidence and arguments put forward by or on behalf of the applicant not only on general matters but also in relation to the objection(s) which have been received. In reaching its decision, the Sub-Committee will take into account the fact that any statements made by an objector(s) who is not present will not have been tested by questioning.

Order of Proceedings

- 5.13 At the start of the hearing the Chairman will introduce himself and other members of the Sub-Committee.
- 5.14 There will be a list provided indicating the names of the persons appearing at the hearing and the Chairman will establish whether there are any additions or alterations to be made to it. The Chairman will then outline the procedure to be followed for the remainder of the hearing. The procedure shall be as follows and normally in the following order:

- (a) The Case Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. This will, where appropriate, include a summary of the activities proposed by the applicant under any licence granted.
- (b) Any Council Officer may be legally represented.
- (c) The Responsible Authorities may make observations unless the authority concerned is objecting under the schedule.
- (d) The applicant(s) and objector(s) shall present their respective cases. The applicant or applicants will normally present their case first. Any party may be represented.

NOTE: There is no automatic right for an objector to give evidence although normally the Sub-Committee permits this. If there is a challenge to an objector giving such evidence the Sub-Committee should consider representations from the applicant and objector on this point before deciding whether or not oral evidence will be permitted.

- (e) The party presenting its case first may call witnesses and may address the Sub-Committee either before or after doing so.
- (f) The other party or parties may then call witnesses and may address the Sub-Committee before doing so.
- (g) Closing addresses may then be made to the Sub-Committee in this order:
 - (i) Officers
 - (ii) Objector(s)
 - (iii) Applicant(s)
- (h) New evidence must not be introduced in any closing address. In exceptional circumstances, the Sub-Committee may, with the agreement of the other parties, allow the introduction of further evidence by any party at any time prior to the closing addresses.

5.15 Where a person gives evidence as a witness:

- (a) He is first asked to state his full name and address. A witness may withhold his address but to do so may result in no weight being given to his evidence if his address is relevant to any issue in the case.
- (b) He may either make a statement or give evidence in answer to questions from his representative.

- (c) He may then be questioned by the opposing party or parties. Members of the Sub-Committee and its legal and policy advisors may ask questions at any stage but will usually ask them at this stage. An opposing party may ask questions arising out of a new matter raised by a question from the Sub-Committee or its legal and policy advisers. A witness may decline to answer questions but less, if any, weight will then be attached to his evidence.

NOTE: An objector is entitled to remain anonymous, where however this puts the applicant at a disadvantage, this fact will be taken into account by the Sub-Committee.

- (d) If represented, he may then be re-questioned by his representative but only on matters arising out of the questions from others.

Documentary Evidence

5.16 Documentary evidence upon which any party intends to rely shall be submitted to the Case Officer prior to the publication date of the report in order that it may be included with the report to be submitted to the Sub-Committee. A copy of this report will be supplied to both applicants and objectors prior to the hearing.

5.17 Any document submitted to the Case Officer after the report has been published and on which one party wishes to rely shall be the subject of the following procedure before it may be taken into account by the Sub-Committee in reaching its decision:

- (a) The document must be shown to all the other parties to the hearing wherever possible before the hearing commences.
- (b) The party wishing to rely on the document shall be asked to explain why the document was not submitted in advance and may make any representations as to why it should be taken into account by the Sub-Committee in reaching its decision.
- (c) The other party or parties to the hearing shall indicate whether, because of its late submission, they have any objection to the Sub-Committee taking the document into account in reaching its decision.
- (d) The Sub-Committee may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
- (e) Taking into account its power to grant an adjournment (including the possible delay and cost caused thereby) and any representations or objections made by the parties, the Sub-Committee shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

Note: At least 8 copies should be provided of any document that is to be submitted at the meeting.

Video Evidence

- 5.18 If one of the parties wishes to show video evidence at the hearing the Case Officer should be advised prior to the publication of the report. At least one copy of the video evidence shall be supplied to the Case Officer so that the opposing party or parties may have the opportunity to view the evidence in advance of the hearing. Provided the appropriate notice has been given the Council will normally provide the necessary viewing equipment.
- 5.19 At the hearing the Chairman will establish whether any party objects to the video being shown. If an objection is raised then the parties concerned should give their reasons for and against the proposed showing of the video. The Legal Advisor to the Sub-Committee may also give advice before the Sub-Committee decides whether or not to see the video evidence.

Waiver of Rules

- 5.20 In any particular case, any of these rules under rule 5 may be waived, altered or modified by the Sub-Committee or by an officer of the Council acting under delegated powers.

6 Decision

- 6.1 At the end of a hearing the Chairman may invite the Committee to pass a resolution under Section 12A of the Local Government Act 1972 to exclude the press and public so as to enable the Sub-Committee to deliberate in private. If the resolution is passed the Chairman will announce that the Sub-Committee will retire to another room and will return as soon as possible to announce its decision (which can be reached by majority decision). The Sub-Committee will normally be accompanied by the Committee Officer and the Legal and Policy advisers but the decision shall be arrived at by Members of the Sub-Committee only.
- 6.2 The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to revoke a licence and if granting or varying a licence, may attach any conditions they consider appropriate.
- 6.3 Where the Sub-Committee decide to refuse the application, they may do so on any of the following grounds:
- (a) that the applicant for a new, renewal or transfer application is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) for new or renewal applications, that the number of SEVs 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) for new or renewal applications, that the grant 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.

Notification of the decision

- 6.4 The Chairman will announce the Sub-Committee's decision together with reasons in public at the end of the hearing. This decision will then be communicated in writing to the parties as soon as possible after the hearing. Where the application was granted, the Case Officer will issue the appropriate sex establishment licence.
- 6.5 The applicant will also receive a copy of the standard conditions relating to SEVs (Appendix 7). These conditions apply to all issued licences.

7 List of Appendices

- Appendix 1 – Definitions under the Local Government (Miscellaneous Provisions) Act 1982
- Appendix 2 – New SEV Licence application form
- Appendix 3 – Renewal SEV Licence application form
- Appendix 4 – Transfer SEV Licence application form
- Appendix 5 – Consent to transfer SEV Licence form
- Appendix 6 – Vary SEV Licence application form
- Appendix 7 – Standard Conditions applying to all SEV licences

Appendix 1 – Statutory definitions

Sexual Entertainment Venue:

Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a sexual entertainment venue (SEV) 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:

Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines relevant entertainment as:

- (a) any live performance; or
- (b) 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).



City of Westminster

APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We
(Insert name(s) of applicant)

apply for a new Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are applying for a Sexual Entertainment Venue licence as:

- a) an individual or individuals complete section (A)
- b) a person other than an individual:
- i. as a body corporate complete section (B)
- ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	
Is your business registered in the UK with Companies House?	Yes <input type="checkbox"/> Registered Number:
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	
Home Country: (the country where the headquarters of your business is located)	
Registered Address:	
Postcode:	
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Are there any such people for whom you need to provide details?	Yes <input type="checkbox"/> (please complete below) No <input type="checkbox"/>

Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Please use a separate sheet if necessary	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

PART 2 – Premises Details

Premises name:	
Premises address:	
Postcode:	
Premises telephone number:	
Email:	
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is to be used as a sexual entertainment venue:	
Describe the nature of the relevant entertainment (e.g. striptease, pole dancing, table dancing etc):	
Does the relevant entertainment involve:	<div style="display: flex; flex-direction: column; gap: 10px;"> <div>Full nudity <input type="checkbox"/></div> <div>Partial nudity <input type="checkbox"/></div> <div>No nudity (including implied nudity) <input type="checkbox"/></div> </div>

Opening Hours

Please provide the proposed opening hours of the premises:

Day:	Start:	Finish:
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

PART 3 – Policy & Conditions

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your application will promote the following licensing objectives:

Prevention of crime and disorder:
Public safety:
Prevention of public nuisance:
Protection of children from harm:
Improvement in the character and function of the city, or areas of it:
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
Please use a separate sheet if necessary	

Standard Conditions

Please refer to the Council's Standard Conditions for Sexual Entertainment Venues. Should the application be granted, your licence will be subject to all standard conditions unless specifically excluded from your licence.

State which (if any) standard conditions you wish to disapply from your licence and the reasons you feel they should be disapplied, including any individual circumstances relating to your operation:

Condition:	Reason for removing the condition:
Please use a separate sheet if necessary	

State any other conditions you wish to be attached to your licence:

Please use a separate sheet if necessary

PART 4 – Previous Convictions/Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the grant or renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

PART 5 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input type="checkbox"/>
Payment of the fee has been made in full (refer to Part 7 of this form)	<input type="checkbox"/>
A plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input type="checkbox"/>
A drawing showing the front elevation of the premises as proposed has been included	<input type="checkbox"/>
The code of conduct for performers has been included	<input type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input type="checkbox"/>
Notice of this application has been displayed at the premises	<input type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input type="checkbox"/>

PART 6 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT 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, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I declare that the information given above is true and complete in every respect.

Signed	
Date:	
Capacity:	

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	
Agent Address:	
Postcode:	
Agent Telephone Number:	
Agent Email:	

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	
Address:	
Postcode:	
Telephone Number:	
Email:	

PART 7 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>																	
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/>	Delta <input type="checkbox"/>																
Card number:																			
Issue date:			/																(mm/yy)
Expiry date:			/																(mm/yy)
Issue number:																			(for Maestro / Solo)
Name on card:																			
Amount (£):																			

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.



City of Westminster

APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We
(Insert name(s) of applicant)

apply to renew the Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name:

Premises address:

Licence reference number:

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are renewing the Sexual Entertainment Venue licence as:

a) an individual or individuals complete section (A)

b) a person other than an individual:

i. as a body corporate complete section (B)

ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	
Is your business registered in the UK with Companies House?	Yes <input type="checkbox"/> Registered Number:
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	
Home Country: (the country where the headquarters of your business is located)	
Registered Address:	
Postcode:	
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Have there been any changes to the directors, partners or managers involved with the premises?	Yes <input type="checkbox"/> (please see below) No <input type="checkbox"/>
If yes, please provide details of the changes on a separate sheet, including the full name, private address and capacity of each director, partner and manager involved with the operation of the premises.	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

PART 2 – Premises Details

Premises name:	
Premises address:	
Postcode:	
Premises telephone number:	
Email:	
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	
Have there been any changes to the nature of the relevant entertainment since the licence was last granted / renewed?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details below.

PART 3 – Convictions / Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details on a separate sheet
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, has the refusal been reversed on appeal?
Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?
Yes <input type="checkbox"/> No <input type="checkbox"/>

PART 4 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input type="checkbox"/>
Payment of the fee has been made in full (refer to Part 6 of this form)	<input type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input type="checkbox"/>
Notice of this application has been displayed at the premises	<input type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input type="checkbox"/>

PART 5 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE RENEWAL 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, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I declare that the information given above is true and complete in every respect.

Signed	
Date:	
Capacity:	

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	
Agent Address:	
Postcode:	
Agent Telephone Number:	
Agent Email:	

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	
Address:	
Postcode:	
Telephone Number:	
Email:	

PART 6 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>																		
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/>	Delta <input type="checkbox"/>																	
Card number:																				
Issue date:			/				(mm/yy)													
Expiry date:			/				(mm/yy)													
Issue number:	(for Maestro / Solo)																			
Name on card:																				
Amount (£):																				

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.



City of Westminster

APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We
(Insert name(s) of applicant)

apply to transfer a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name:

Premises address:

Licence reference number:

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are applying to transfer a Sexual Entertainment Venue licence as:

a) an individual or individuals complete section (A)

b) a person other than an individual:

i. as a body corporate complete section (B)

ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	
Is your business registered in the UK with Companies House?	Yes <input type="checkbox"/> Registered Number:
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	
Home Country: (the country where the headquarters of your business is located)	
Registered Address:	
Postcode:	
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Are there any such people for whom you need to provide details?	Yes <input type="checkbox"/> (please complete below) No <input type="checkbox"/>

Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Please use a separate sheet if necessary	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

PART 2 – Premises Details

Premises name:	
Premises address:	
Postcode:	
Premises telephone number:	
Email:	
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is to be used as a sexual entertainment venue:	
Name of the current premises licence holder:	
Has the current licence holder provided consent for the licence to be transferred into another name?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the answer to the previous question is no, provide a statement as to why consent has not been provided, and what efforts have been made to gain consent.	

PART 3 – Previous Convictions/Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the grant or renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

PART 4 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input type="checkbox"/>
Payment of the fee has been made in full (refer to Part 6 of this form)	<input type="checkbox"/>
A consent form signed by the existing licence holder has been enclosed with this application or a statement has been provided as to why it is not enclosed	<input type="checkbox"/>
The current licence has been returned with this application	<input type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input type="checkbox"/>
Notice of this application has been displayed at the premises	<input type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input type="checkbox"/>

PART 5 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE 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, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I declare that the information given above is true and complete in every respect.

Signed	
Date:	
Capacity:	

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	
Agent Address:	
Postcode:	
Agent Telephone Number:	
Agent Email:	

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	
Address:	
Postcode:	
Telephone Number:	
Email:	

PART 6 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>		MasterCard <input type="checkbox"/>																	
	Solo <input type="checkbox"/>		Maestro <input type="checkbox"/>		Delta <input type="checkbox"/>															
Card number:																				
Issue date:			/					(mm/yy)												
Expiry date:			/					(mm/yy)												
Issue number:	(for Maestro / Solo)																			
Name on card:																				
Amount (£):																				

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.



City of Westminster

CONSENT TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

I / We
(Insert full name(s) of Sexual Entertainment Venue licence holder)

the Sexual Entertainment Venue licence holder of licence number:

.....
(insert licence number)

relating to
(insert premises name)

at the address
(insert premises address)

hereby give my consent for the transfer of the licence to:

.....
(insert name of transferee)

Signed:

Name (please print):

Capacity:

Date:



City of Westminster

APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We
(Insert name(s) of applicant)

apply to vary the Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name:

Premises address:

Licence reference number:

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are varying the Sexual Entertainment Venue licence as:

a) an individual or individuals complete section (A)

b) a person other than an individual:

i. as a body corporate complete section (B)

ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	
Is your business registered in the UK with Companies House?	Yes <input type="checkbox"/>
	Registered Number:
Is your business registered in another EEA state:	No <input type="checkbox"/>
	Yes <input type="checkbox"/>
Is your business registered in another EEA state:	EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	
Home Country: (the country where the headquarters of your business is located)	
Registered Address:	
Postcode:	

PART 2 – Premises Details

Premises name:	
Premises address:	
Postcode:	
Premises telephone number:	
Email:	
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	

PART 3 – Variation Details

State the nature of the proposed variation:

Amendment to hours for relevant entertainment:

If the variation is to amend the hours for relevant entertainment, specify the proposed hours below:

Day:	Start:	Finish:
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Amendment to condition attached to the licence / standard conditions

If the variation is to add / remove a condition (including standard conditions), state the condition and the reasons for adding / removing the condition below:

Condition:	Reason for adding / removing the condition:
Please use a separate sheet if necessary	

PART 4 – Policy

Please refer to the Council’s Statement of Licensing Policy for Sexual Entertainment Venues.

State how your variation application will promote the following licensing objectives:

Prevention of crime and disorder:
Public safety:
Prevention of public nuisance:
Protection of children from harm:
Improvement in the character and function of the city, or areas of it:
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
Please use a separate sheet if necessary	

PART 5 – Convictions / Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

PART 6 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input type="checkbox"/>
Payment of the fee has been made in full (refer to Part 8 of this form)	<input type="checkbox"/>
Where the variation relates to a change of layout, a plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input type="checkbox"/>
The current licence has been returned with this application	<input type="checkbox"/>

PART 7 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE VARIATION 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, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I declare that the information given above is true and complete in every respect.

Signed	
Date:	
Capacity:	

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	
Agent Address:	
Postcode:	
Agent Telephone Number:	
Agent Email:	

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	
Address:	
Postcode:	
Telephone Number:	
Email:	

PART 8 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to ‘City of Westminster’.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>										
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/> Delta <input type="checkbox"/>										
Card number:												
Issue date:		/		(mm/yy)								
Expiry date:		/		(mm/yy)								
Issue number:	(for Maestro / Solo)											
Name on card:												
Amount (£):												

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.

Appendix 7 – Standard conditions applying to SEV licences

Definitions

Relevant Entertainment is defined as:

- (a) any live performance; or
- (b) any live display of nudity;

which is of 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).

Performer is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of Relevant Entertainment.

Conditions which apply to all Sexual Entertainment Venue premises

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services.

7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily

available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Relevant entertainment shall only be provided in booths, or other areas of the premises where private performances are provided, where the booth or area does not have a door or other similar closure, the area is constantly monitored by CCTV, and access to the booth or other area is adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Appendix B

Decision of the Licensing Urgency Sub-Committee on 17th February 2012.

LICENSING URGENCY SUB-COMMITTEE

Friday 17 February 2012

Membership: Councillor Audrey Lewis (Chairman), Councillor Andrew Havery and Councillor Tim Mitchell

Legal Adviser: Peter Large
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Also present: Kerry Simpkin (Assistant Service Manager)

Rules of Procedure governing Sexual Entertainment Venue applications (including application forms)	
	<p>Executive Summary:</p> <p>The report set out the proposed Rules of Procedure for applications made for Sexual Entertainment Venue (SEV) licences under the Local Government (Miscellaneous Provisions) Act 1982 (the Act).</p>
	<p>Decision (including reasons):</p> <p>The proposed Rules of Procedure were approved by the Sub-Committee as set out in Appendix 1 of the report with effect from the date of the decision (17 February 2012).</p> <p>Any applicant that applies for a Sexual Entertainment Venue licence must do so in compliance with the Rules of Procedure and must apply on the appropriate application form.</p>