

**Extract from Watford Borough Councils Sex Establishment Licensing Policy,
October 2010**

3 Commenting on licence applications

- 3.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.
- 3.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.
- 3.3 We take the following approach to deciding applications:
- (a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;
 - (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
 - (c) we will give clear reasons for our decisions.
- 3.4 We 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 frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A report will be made to our committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- 3.5 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.
- 3.6 Objections will be considered by a Licensing Sub-Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with our protocol which is available on our website at www.watford.gov.uk or our licensing team.
- 3.7 Objections should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
 - be in black ink on single sides of A4 paper
 - indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)

- indicate the premises to which the objection relates
- indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
- clearly set out the reasons for making the objections.

PART C

7. SEXUAL ENTERTAINMENT VENUES

7.1 Relevant entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “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).” An audience can consist of just one person, eg in a private booth.

7.3 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.

7.4 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which

we consider appropriate for that locality;

(2) the grant or renewal of the licence would be inappropriate, having regard to

- (i) the character of the relevant locality, or
- (ii) the use to which any premises in the vicinity are put, or
- (ii) to the layout, character or condition of the premises.

7.6 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality are set out below:

Locality	Number of SEVs	Reason
The Parade, High Street	1	This area is heavily biased towards premises licensed under the Licensing Act and so a sexual entertainment venue would be appropriate in this locality
Market Street between High Street and Exchange Road	1	This locality is characterised by a number of retail premises, food premises and, for a number of years, a lap dancing club.
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and entertainment premises of this nature would be an inappropriate facility in a retail area
Kingswood Leisure Park	0	The leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue would

		be inappropriate given the family-orientated nature of these premises
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7.7 This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) size of neighbourhood
- (2) impact of thoroughfares
- (3) residential accommodation
- (4) parks and children's play areas
- (5) other retail units (and their uses)
- (6) schools
- (7) communal buildings
- (8) alcohol or entertainment licensed premises.

7.8 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

7.9 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven 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.

7.10 **Application form**

We have a standard application form, including public notices, which are available on request from our licensing team.

7.11 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix II. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

7.12 **Fees**

Our fees are set each year and details are available from our licensing team and on our website at www.watford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making major and minor variations to a licence.