Purpose

The purpose of this guidance note is to provide information regarding the licensing process for sex establishments. This guidance not also provides information relating to the advertising of premises, and the approval process for new advertising material.

Background Information

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings lap dancing, pole dancing and other “relevant entertainment” into the same regime that has licensed sex shops and sex cinemas in the Leeds area since 1982.

In January 2011 Council formally adopted these provisions to come into effect on 1st October 2011. In September 2011 the council adopted a licensing policy and set of standard conditions to support the licensing regime. In 2012 the council reviewed the policy to ensure it met the needs of the people of Leeds, and the revised policy came into effect on 1st September 2013.

The council’s licensing regime aims to ensure that sex establishments in the Leeds district operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated.

The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:

- West Yorkshire Police,
- West Yorkshire Fire and Rescue Service,
- Health and Safety Executive,
- Crime and Disorder Reduction Partnerships,
- NHS Leeds
- West Yorkshire Trading Standards
- Leeds Safeguarding Children Board

A definition of sexual entertainment, sex shops and sex cinemas is included in the Statement of Licensing Policy.

Sex Establishment Statement of Licensing Policy

The Sex Establishment Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Local Government (Miscellaneous Provisions) Act 1982 as amended. Applicants for
sex establishment licences are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

Applicants should note that the policy includes a set of standard conditions which will be applied to all new and renewed licences. The policy also includes the council’s position on the number of sex establishments it considers appropriate for Leeds, as well as locations and uses in which it is unsuitable to locate a sexual entertainment venue near to. Applicants should be aware that the council is able to depart from the policy if it has clear and cogent reasons to do so.

**Interaction with other licensing regimes**

Possession of a sex establishment licence does not remove the need for the other permissions companies will need to operate their business. For example a premises licensed to provide sexual entertainment will still need to ensure it has the appropriate planning permission, and if they plan to sell alcohol, a Licensing Act 2003 Premises Licence. Further information can be obtained from [www.businesslink.gov.uk](http://www.businesslink.gov.uk) or through a local business advisor.

**Applying for a new licence or renewing an existing licence**

Applicants will need to complete all the stages listed below. They will need to complete an application form, pay the fee, notify the police of the application and then advertise their application.

After a 28 day notice period, the application will be placed before a licensing sub-committee for a decision to be made. Even though anyone can object to the application and on any grounds, the appropriate weight will be given to objections during determination by the Licensing Committee, in line with the council’s Statement of Licensing Policy. It should be noted that the grounds for refusal are limited to suitability of the applicant and the location of the premises.

A sex establishment licence remains in force for one year. Towards the end of the year licence holders are able to apply for a renewal of the licence, which is subject to same application process as a new licence.

**The application process**

1. Complete the form SE1.

2. Complete form SE5 for any relevant individuals.

3. Prepare the following documents to accompany the application form:
   a. A plan of the premises (See “Plans” below)
   b. The correct fee
   c. Illustration of the external appearance (photo, drawing, etc)
   d. Details of any advertising material to be approved (see “Advertising” below)
   e. Details of any vehicles to be used in connection with, or to advertise the premises including copies of appropriate licences

4. Sexual Entertainment Venues should also include the following documents:
   a. Code of conduct for dancers
   b. Code of conduct for customers

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c. Staff Welfare Policy

d. Dancers Welfare Pack

5. Send the completed application (including the plans, fee and associated documents) to Entertainment Licensing, Leeds City Council, Civic Hall, Leeds LS1 1UR.

6. On the same day as sending the application to the Council, send a full copy of the application to West Yorkshire Police.

7. Upon sending the application to the Licensing Authority and the Police, the application will need to be advertised.

Please note acceptance of documents during an application process or the subsequent grant of the licence does not constitute tacit approval of these documents or their suitability.

Plans

The plan of the premises should show:

- the boundary of the building with any external or internal walls; entrances and exits to the building;
- escape routes from the building;
- fixed or temporary structures which may block entrances or exits to the building;
- the location and height of any stages in the premises; any steps, stairs, elevators or lifts in the premises;
- the location of any public toilets in the building;
- the location of the CCTV cameras
- fire safety equipment or any other safety equipment such as:
  - Location of fire alarm; type of sounder e.g. siren or bell
  - Whether it is a heat or smoke detector
  - Location of emergency lighting
  - Location of illuminated exit signs
  - Location of fire extinguishers and ID type
  - Position of any fire doors - Location of fire blanket - The location of a kitchen.

Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

Advertising your application

The Act requires all applications for sex establishments to be advertised as follows:

A notice must be displayed on or at the licensed premises. The notice must be displayed for 21 consecutive days. The 21 days run from the day after the application is made to the Council. An example notice (SE6) is provided in the application pack.

The notice should not be obscured in any way or made difficult to read. Others must be able to read the notice from outside the premises. If the premises is within a complex or its own grounds and the public will be unable to view the notice or notices from the exterior of the site then the notice should be displayed at
the nearest public thoroughfare (such as at the entrance to the complex/site) so the notice is easily read by the passing public.

Once an application is received an enforcement officers will visit the premises to inspect the notices. If it is found that the notices or their positioning does not meet the council’s requirements we may ask the applicant to redisplay the notices.

Applicants must publish a notice about the sex establishment licence application in a local newspaper which covers the area where the premises is located. The wording should be the same as the site notice. The notice should appear within 7 working days of the application being sent to the Council.

Applicants are asked to complete a declaration (SE7) stating that the site notice is in place and asked to forward a copy of the newspaper advert as soon as practicable.

**Objecting to a licence application**

Under the Act, anyone can object to a sex establishment application and on any grounds. There is no restriction on vicinity and the objection does not have to relate to a specific set of standards. However the council has limited ground to refuse an application outright. These grounds are:

A licence cannot be granted to:
1. Someone under the age of 18
2. Someone who has been disqualified because they are unsuitable as they have been convicted of an offence or for any other reason
3. Someone who has applied on behalf of someone who would not get a licence in their own right
4. Someone who has not been resident in the UK for at least six months.
5. A non-UK company
6. Someone who has already had an application refused in the last 12 months

In additional the council can refuse to grant or transfer a licence if it considers that it would exceed the appropriate number of licences for that locality or that the grant or renewal of the licence would be inappropriate having regard to
1. the character of the locality
2. the use to which any premises in the vicinity are put; or
3. to the layout, character or condition of the premises.

Objections must be made in writing and sent to the council within 28 days of the licence application being received. The appropriate final date for representations will be noted on the advertisement or site notice, but is also available from the council.

The exact definitions for refusal are laid out under paragraph 12 of Schedule 3 – Control of Sex Establishments of the Local Government (Miscellaneous Provisions) Act 1982. Any objector is strongly recommended to read these paragraphs to ensure that their objection is effective.

**Hearings**

All new applications, any renewal application which attract objections and any variation applications will be sent to a Licensing Sub Committee hearing for determination. The Licensing Sub Committee will be made
up of three councillors. Applicants and objectors will be advised of the date of the hearing and will be sent a copy of the papers. Included in the notice of hearing will be a form which will confirm attendance and the details of anyone representatives. If an objector cannot attend their written objection will still be considered.

During the hearing the applicant will be able to put their case forward to the Licensing Sub Committee as will any objectors. After this all parties are asked to leave the room while the Sub Committee deliberate. All attendees will be invited back into the room and will be advised of the outcome. Shortly after the hearing a notice of decision will be sent to all parties.

**Appeals**

Should a licence application be refused or a licence revoked, the applicant or licence holder may appeal the Licensing Committee’s decision to the Magistrate’s Court within 21 days of being notified of the decision. The grounds for appeal are limited and anyone wishing to appeal are advised to consult the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 paragraph 27 and to take legal advice.

**Advertising**

The council is aware of public concern relating to how sex establishments present themselves to the public, especially in the daytime. As a consequence operators of sex establishments are required to gain approval for any form of advertising, including changes to the external appearance of the premises, advertising material such as press adverts, billboards, flyers and wrap around advertising on vehicles. Initial approval will be given during the application for grant of a licence and any changes can be considered through the variation process.

When deciding on advertising campaigns, licensees should bear in mind the overall aim of the council that sex establishments in the Leeds district operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Therefore the appropriate style of advertising may differ depending on the type of premises and its location. Advertising and external appearance matters will be decided on a case by case basis.

However, in general the council would consider the Advertising Standards Agency Advertising Practice Code, the Statement of Licensing Policy and the licence conditions when deciding if an advertising campaign or a change to the external appearance was appropriate for that premises in that location.

The Advertising Standards Agency enforce Advertising Codes written by the Committee of Advertising Practice. The Advertising Codes lay down rules for advertisers, agencies and media owners to follow. They contain wide-ranging rules designed to ensure that advertising does not mislead, harm or offend. Advertisements must also be socially responsible and prepared in line with the principles of fair competition. These broad principles apply regardless of the product being advertised.

As the main concern for the council and members of the public is offence, the section in the Advertising Code that is relevant to sex establishments would be Section 4 - Harm and Offence:

“Marketers should take account of the prevailing standards in society and the context in which a marketing communication is likely to appear to minimise the risk of causing harm or serious or widespread offence.”

The Advertising Codes can be found on the ASA website at http://www.cap.org.uk/The-Codes.aspx
**Variations**

Licence holders can apply for a variation to the licence and receive a quick determination from the next available licensing sub-committee should they wish to:

- alter the external appearance of their premises
- alter their promotional material
- change the name of the premises
- bring a car into service to transport customers to the premises
- ask for conditions to be altered or removed; or
- make any other amendment to the style of operation

Form SE1 should be completed, including details of the approval being sought. The fee is £900. Applicants will be advised in due course at which subcommittee hearing the application will be determined. Normally applicants will not be requested to advertise the application, unless the council believes it is in the public interest to do so.

Should licence holders wish to make a minor change to their advertising material or external appearance, they should contact Entertainment Licensing in the first instance.

**Payment**

We can accept payment by all major credit and debit cards at our offices or over the phone. Please call us to make an appointment. Please make cheques payable to Leeds City Council.

**Use of personal data**

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

**Contact details:**

Entertainment Licensing               Phone: 0113 378 5029  
Leeds City Council                    Fax: 0113 336 7124  
Civic Hall                           Website: www.leeds.gov.uk/licensing  
Leeds                               Email: entertainment.licensing@leeds.gov.uk  
LS1 1UR

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Act and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.