

SEXUAL ENTERTAINMENT VENUE LICENCE

GUIDANCE NOTES FOR APPLICANTS

Application Process

1. The application fee must be paid on application – payments should be made on the East Lothian Council website at – **Pay for it / East Lothian Council**

An application for the grant, variation, renewal of a licence must be made in writing (including email) to **licensing@eastlothian.gov.uk** to the Council together with the appropriate fee, layout plan as well as complying with the following requirements:

- a. The applicant must publish an advertisement circulating in the Council area, such as the East Lothian Courier, and must supply a copy to the Council of that advertisement, once published. A sample advert can be found on the Licensing website.
- b. The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days from the date the application is lodged with the Council. A copy of a Site Notice can be downloaded from the Licensing website. As soon as possible after the expiry of the 21 day period, the applicant shall submit to the Council a Certificate of Compliance (available online) which states that a notice was duly exhibited for the required period.
- d. Application packs must include a copy of the premises 'house rules' for performers and proposed code of conduct for patrons.
- d. The Council will advertise the application on Tell Me Scotland.

- e. East Lothian Council will send a copy of the application to each person or body listed below, for consultation purposes:
- Police Scotland
 - Scottish Fire and Rescue Service
 - Building Standards
 - Environmental Health
 - Planning
 - NHS Scotland
- f. Applicants should note that the application fee is non-refundable in the event of the licence being refused or the application being withdrawn prior to determination.

Layout Plan

2. The plan must be in electronic format at a scale of 1:100 and show:
- The layout of the premises including e.g. stage, bars, cloakroom, WCs, performance area, dressing rooms
 - The extent of the boundary of the premises outlined in red
 - The extent of the public areas outlined in blue
 - Uses of different areas in the premises e.g. performance areas, reception, staff facilities
 - Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment
 - Location of points of access to and egress from the premises
 - Any parts used in common with other premises
 - Positions of CCTV cameras
 - Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
 - The location of any steps, stairs, elevators or lifts
 - The location of any public conveniences, including accessible WCs
 - The location and type of any fire safety and other safety equipment
 - The location of the kitchen (if applicable)
 - The location of emergency exits

Determining an Application

- 3.** Under the terms of the 1982 Act, there are mandatory and discretionary grounds for refusal of an SEV licence. The specific mandatory grounds for refusal are:
 - a.** The application is under the age of 18 years
 - b.** The applicant is disqualified from holding an SEV licence
 - c.** The applicant has been convicted of an offence relating to the enforcement of SEV licensing legislation
 - d.** The applicant has not resided in the United Kingdom for at least six months (or, if a company, is not registered in the United Kingdom)
 - e.** The applicant has been refused a SEV licence in the past 12 months

- 4.** The discretionary grounds on which an SEV application can be refused are as follows:
 - a.** The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason
 - b.** That if the licence were to be granted or renewed, 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 otherwise refused the grant/renewal of a licence, if they made the application themselves
 - c.** That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the Council considers appropriate
 - d.** That the grant or renewal of the licence would be inappropriate having regard:
 - To the character of the relevant locality; or
 - To the use to which any premises in the vicinity are put; or
 - To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Renewal application

5. Provided an application for renewal has been accepted and deemed competent by the Licensing Authority prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal application has been determined
6. The statutory requirements for advertising and giving notice are the same as those applying to initial grants at paragraph 2

Right to Appeal

7. An appeal against any decision of the Licensing Sub-committee must be made to the Sheriff Court within 28 days of the decision being made. Applicants should seek independent legal advice in this regard

Review of a Licence

8. Breaches of the policy or any of the licence conditions may result in enforcement action against the licence holder by the Licensing Sub-committee and may lead to review of any licence held

Transfer of a Licence

9. It is not competent under the 1982 Act, to transfer a licence and a new licence will be required