

| Proposed Change to Current Policy | Reason/Explanation |
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| Definition of “Town” (2. Definitions) | The current policy makes reference to “the Town” without defining it. |
| Para 5.1(n) – <i>“The area(s) to be licensed must be clearly identified by outlining these areas in red.”</i> | New requirement relating to plans to clearly indicate the area(s) to be licensed. |
| Para 8.3 - <i>“The Council will determine renewal applications on individual merits taking into account the facts of the application and any objections received. Opposed applications will be referred to the Council’s licensing committee for determination. The Courts have confirmed that Council’s are entitled to look afresh at renewal applications and accordingly, it is open to the Council to refuse to renew a licence even where no change in the character of the relevant locality or in the use to which any premises in the locality are put.”</i> | <p>To reflect High Court direction in the case of R (Alistair Lockwood Thompson) v Oxford City Council [2013] EWHC 1819 (Admin).</p> <p>The inclusion of the updated paragraph will serve to inform prospective applications of the position with regards to the renewal of licences.</p> |
| Para 10.2.2 - <i>“Applications for the transfer of an issued SEV licence may only be refused on grounds (a) and (b) above.”</i> | Clarify a technical point not currently stated in the policy. |
| Para – <i>“The fees set are deemed to be reasonable to cover the cost of administration, enforcement against licensed operators, inspections and any hearings and are not refundable.”</i> | <p>To take in to account the direction from the Court of Appeal in the case of Hemming (t/a Simply Pleasure Ltd) & Ors, R (on the application of) v The Lord Mayor and Citizens of Westminster [2013] EWCA Civ 591.</p> <p>The Court of Appeal stated that licensing authorities cannot charge for the costs associated with the enforcement of unlicensed operators but can take into account the costs associated with the enforcement and regulation of licensed operators.</p> |
| Appendix 1 (Conditions regarding Performers) – <i>“There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant</i> | An additional standard condition not currently being imposed on SEV licences. |

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| <p><i>entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can at all times be easily and conveniently read by persons inside the premises..”</i></p> | |
| <p>Remove condition “A safe distance of 90cms (36 inches) should be maintained between performers and customers during all performances.”</p> | <p>Very difficult to police and enforce. Safety and protection will not be compromised because conditions prohibiting physical contact will be retained.</p> |
| <p>“Exempt Sexual Entertainment Code of Practice</p> <p><i>The Government has seen it fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the Council recognise and accept this, it is also acutely aware that unless it is properly managed there are risks to public protection & safety, an increased likelihood of associated crime & disorder and an inability of regulatory bodies to respond accordingly.</i></p> <p><i>Whilst the Council cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an Exempt Sexual Entertainment Code of Practice. The intention of the code of practice is to promote responsible and properly managed exempt sexual entertainment. The Council expect any premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.</i></p> <p><i>A copy of the code of practice is attached at Appendix 2 of this policy statement.”</i></p> | <p>Inclusion of the adopted code of practice for infrequent sexual entertainment not included in the current policy statement.</p> |