

This guidance note is intended to provide licensed operators in Cheltenham with information about what is permitted if you offer, or intend to offer, adult entertainment at your premises.

If you have any further questions, please contact the licensing section on [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk) or 01242 77 5200.

### 1. Do you need a Licence?

That depends on how frequently you offer, or intend to offer, adult entertainment or “relevant entertainment” at your premises.

If you offer, or intend to offer, relevant entertainment only once a month for no more than 11 months a year and these last no longer than 24 hours at a time, you are exempt from requiring a Sexual Entertainment Venue (“SEV”) licence.

If you offer, or intend to offer, relevant entertainment more frequently than what the exemption allows, you will need a Sexual Entertainment Venue licence.

### 2. What is ‘relevant entertainment’?

‘Relevant entertainment’ is the legal definition of what constitutes (adult) entertainment in sexual entertainment venues.

The law defines relevant entertainment as any live performance or any live display of nudity which can 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**).

The Home Office gives the following as examples of relevant entertainment:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

Nudity includes, in the case of a woman, exposure of her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus. **However, it is important to note that even fully-clothed or verbal entertainment could be classed as 'relevant entertainment' if the content is sexual in nature. The decision whether entertainment is 'relevant' will be based on the content of the entertainment provided and not the name given to it.**

### 3. Does the Licensing Act 2003 still apply?

This again depends on whether you are making use of the exemption or are required to have a SEV licence.

Premises making use of the exemption needs to be regulated under the Licensing Act 2003 for regulated entertainment. If you hold a Premises Licence or Club Premises Certificate under the Licensing Act 2003 you will need to ensure it covers the activities you are planning to hold; for example performance of dance or recorded music. Also you will need to make sure there is no restriction on your Premises Licence prohibiting adult entertainment. If you are holding the entertainment at a location that does not have a licence under the Licensing Act 2003 (or you have a licence but it does not permit such entertainment), you will need to apply for a Temporary Event Notice.

If you require or hold a SEV licence, you do not also require a premises licence, club premises certificate or temporary events notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the 2003 Act. **However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment), you will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities, subject to any exceptions contained in that Act.**

### 4. What about spontaneous entertainment?

Where relevant entertainment happens spontaneously at your premises, such as a spontaneous display of nudity or a lap dance by a customer or guest, your premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. **However, it should be noted that you may be considered to have provided the entertainment by permitting the activity to take place, whether expressly or impliedly.**

### 5. Boundaries

It is necessary to ensure that certain boundaries are not crossed, or offences of Outraging Public Decency, Prostitution, or Indecent Assault will be committed. For example, sexual acts or physical stimulation of genitals would fall into this category.

### 6. Conditions

If you need a SEV licence, conditions have been adopted by the Council to ensure that acceptable standards are applied to relevant entertainment. Some conditions are summarised below for your information;

- No physical contact between the performer and any member of the public. A safe distance of one metre should be maintained between performers and customers.
- No performances shall include any sexual act with other performers.
- No performances shall include any sexual act with objects.
- Performers are not to solicit, exchange addresses or telephone numbers with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
- The performance must not be visible from the street. Any person who can be observed from the outside of the premises must be properly and decently dressed.
- When relevant entertainment is taking place, no person under the age of 18 shall be permitted on the premises.
- Door Supervisors shall be employed to protect the performers and to maintain good order.

### 7. What else do I need to do?

We encourage you to maintain written records of any relevant entertainment you hold that falls within the exemption. This will assist in proving compliance with the legislation or refute any allegation of unlicensed events. Any records should contain information of the date and times of the event and the type of event.

Additionally, you should remember that members of the public (especially children and older persons) can be offended by indecent advertising. We encourage you not display advertising outside of the premises that could cause offence.

### Flowchart

