Community Services

Sex Establishment Application Form & Licence Guidelines
## Index

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index</td>
<td></td>
</tr>
<tr>
<td>1. Interpretation</td>
<td>5</td>
</tr>
<tr>
<td>2. Procedure for determining Sex Establishment Licence Applications</td>
<td>7</td>
</tr>
<tr>
<td>3. Submission of the application</td>
<td>8</td>
</tr>
<tr>
<td>4. Consultations on applications made</td>
<td>8</td>
</tr>
<tr>
<td>5. Inspection of Sex Establishments</td>
<td>9</td>
</tr>
<tr>
<td>6. Report submitted to the Licensing Panel</td>
<td>9</td>
</tr>
<tr>
<td>7&amp;8 Determining and granting an application</td>
<td>9</td>
</tr>
<tr>
<td>9 Refusal of an application</td>
<td>11</td>
</tr>
<tr>
<td>10 Appeals against decisions</td>
<td>12</td>
</tr>
<tr>
<td>11 Issue of Sex Establishment Licences</td>
<td>12</td>
</tr>
<tr>
<td>12 Enforcement of Sex Establishments</td>
<td>12</td>
</tr>
</tbody>
</table>

### APPENDICES

1 Application form 15-17  
2 Notice of an application for a licence 19  
3 Publication of notice of application for a licence 21  
4 Sex Establishment Licence Conditions 23  
5 Grounds for granting or refusing the application 29  
6 Public Notice 31-33
INTRODUCTION

These guidelines have been developed to assist persons applying for Sex Establishment Licences in South Gloucestershire. They have been agreed by the Regulatory and General Purposes Committee and set out the Council’s standards for determining applications for, and enforcement of, Sex Establishments in the South Gloucestershire area.

South Gloucestershire Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to sex establishments and will apply these guidelines to sex establishments in its area to ensure consistency of decision making. However each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

Section 1 Interpretation

In these guidelines:

The masculine always includes the feminine and the singular includes the plural.


**Applicant** means the applicant for the grant, variation, renewal or transfer of a licence as appropriate.

**Application** means an application for one or more of the following, as the case may be:

(a) grant of a licence;
(b) transfer of a licence;
(c) renewal of a licence;
(d) variation of a licence (including waiver or modification of a licence condition or to extend the licensed area, increase the accommodation capacity or extend the licensed hours).

**Authorised Officer** means an officer employed by South Gloucestershire Council and authorised by Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Licence means any sex establishment licence that the Council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of such a sex establishment licence.

Objector means any person who has given Notice of Objection in accordance with Paragraph 10 (15) of the Schedule.

Observations means the giving of views by the statutory authorities such as the Fire and Police Authority.

Parties means the applicant(s) and any objector(s) to the grant of the application. In the case of revocation proceedings it means the licensee and the persons seeking revocation.

Premises shall mean any vehicle, vessel, stall or premises (which shall include any part thereof, installations, fittings, forecourt, yard or storage place in connection with any building) which is subject of a licence granted under the Schedule or for which a licence is sought.

Revocation means the revocation of a licence under Paragraph 17 of the Schedule or a proposal to revoke the licence.

The Council means South Gloucestershire Council.

The Panel means South Gloucestershire Council Licensing Panel.

Section 2  Procedure for determining Sex Establishment Licence Applications

The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of this guide:

1. Application is submitted to the Council (Section 3)
2. Consultations are carried out (Section 4)
3. Site inspection is made (Section 5)
4. Report submitted to Licensing Panel (Section 6)
5. Application assessed and determined by Licensing Panel (Section 7)
6. Application approved (Section 8)
7. Application refused (Section 9)
8. Licence Issued (Section 11)
9. Appeal to Magistrates' Court (Section 10)
10. Application approved
11. Application refused
12. Appeal to Crown Court
Section 3 Submission of the Application

An application for a Sex Establishment Licence must be made to South Gloucestershire Council in writing on the form shown in Appendix 1 and include;

- A map of at least 1:1250 scale (enclosed) clearly outlining the locality in which the proposed establishment will be situated. The map should clearly identify the proposed sex establishment by marking the site/premises boundary with a red line.
- A plan showing the part(s) of the premises that it is proposed to license. All areas requiring to be licensed should be outlined in red on the plan.
- A deposit of 25% of the full fee.

Additionally, public notice of the application shall be given by;

- Displaying an approved notice in on or near the premises, in a place where it can conveniently be read by the public, for 21 days beginning with the day of the application. The format of the approved notice is given in Appendix 2.
- By publishing an advertisement detailing the above notice in a local newspaper circulating in the South Gloucestershire area not later than 7 days after the date of the application.
- By providing South Gloucestershire Council with a completed 'Publication of notice of application for a licence' within 28 days of the application being made (shown in Appendix 3) and sending one complete copy of the newspaper containing the advertisement to the Council.

The applicant must send a copy of the completed application form to the Chief Officer of Avon and Somerset Constabulary, Licensing Bureau, 2nd Floor, New Bridewell, Bridewell Street, Bristol, BS1 2QH within 7 days of the application being made.

Help in completing the application form can be obtained from the Council’s Health, Safety and Licensing Team on 01454 863490/92.

Section 4 Consultations on applications made

Before a Sex Establishment Licence is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular, we will consult with the following organisations or persons:

- Avon and Somerset Constabulary
- Avon Fire Brigade
- The Council's Director of Planning, Transportation and Strategic Environment
- The appropriate Ward Member
- The appropriate Parish or Town Council
- The Council's Trading Standards Section

For new applications, in addition to the above, further consultations will be carried out with property and business owners within 100 metres radius of the proposed sex establishment. This consultation will consist of the Council sending copies of the Notice of Application to the relevant property and business owners.
Written observations from the above bodies, organisations and occupiers of properties will be sought and taken into consideration by the Panel when determining an application that has been made to the Council.

**Section 5 Inspection of Sex Establishments**

On receipt of an application the premises will be visited and inspected by an Authorised Officer of the Council to determine compliance with the Sex Establishment Licence conditions given in Appendix 4. A report will be prepared for submission to the next available Panel and the applicant will be informed in writing of the referral of the application to the Panel and notified of the date when the application will be considered.

**Section 6 Report submitted to the Licensing Panel**

Following inspection of the proposed establishment a report will be prepared for consideration by the Council’s Licensing Panel.

If objections are received against the granting of a Sex Establishment Licence from:

1. Property and business owners within 100 metres radius of the proposed site, or
2. South Gloucestershire Council Ward Members, or
3. Parish or Town Councils, or
4. Avon Fire Brigade, or
5. Avon and Somerset Constabulary, or
6. The Council’s Director of Planning, Transportation and Strategic Environment, or
7. The Council’s Trading Standards Officer

details will be referred to the designated meeting of the Panel for consideration and determination of the application.

Persons making written objections will also be informed of a decision to refer an application to the Panel and notified of the hearing date of the application.

The appropriate South Gloucestershire Council Ward Members, Parish and Town Councils for the proposed sex establishment will be informed of a referral of an application to the Panel for consideration and the hearing date.

**Sections 7 and 8 Determining and granting an application**

In determining applications for sex establishments, the Panel shall have regard to the relevant matters of the Schedule shown in Appendix 5 and Licence Conditions contained in Appendix 4. Each case, though, will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.
The Panel has been established to consider applications, hear objections and appeals in relation to licensing matters. The Panel consists of three elected members of South Gloucestershire Council who have received specific training in licensing issues. The Panel is supported by a Clerk and a solicitor and meets on a quarterly basis. Panel meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Panel is to:

- Determine applications, or
- Hear appeals from applicants against the imposition of a condition (see Section 10).

Once arrangements have been made for the application to be heard by the Licensing Panel the applicant will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.

The applicant will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague. The Licensing Panel will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

In determining an application the Licensing Panel will consider presentations from the applicant and the Council’s Licensing Officer. Either side may use witnesses and supporting documentation may be submitted to the Licensing Panel for consideration.

The Licensing Panel will consider all the evidence presented to it during the hearing and members may ask questions of officers and the applicant. After hearing the evidence presented to it, the Licensing Panel will retire and come to a decision on the application. When a decision has been reached the Panel will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Panel will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.

Where objections have been raised to the granting a Sex Establishment Licence the Panel will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Panel and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Panel in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will though be given a broad indication of the proximity of the objector’s property in relation to the proposed sex establishment. If though the objection is from a South Gloucestershire Council Ward Member, or a Parish or Town Council the full details of the letter of objection will be sent to the applicant.

The Panel will always strive to ensure that when it is considering an application that all persons get a proper and fair hearing through:

1. Considering each case on its merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Dealing with the appeal in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an appeal, a reference or an objection sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their appeal or objection.

When a Sex Licence Establishment Licence is granted by the Panel, the Licence will be provided to the applicant as soon as possible after payment of the full fee is received by the Council.

Section 9 Criteria for refusal of an application

The grounds for refusal are given in Appendix 5; The following criteria will be considered when determining an application:

The relevant locality

Paragraph 12 (5) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines the relevant locality as:

(a) in relation to premises, the locality where they are situated; and
(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The local authority is entitled to consider the relevant locality, and to determine the number of sex establishments suitable for it. That number can be nil. The locality cannot include the whole of the District. The relevant locality may cover the area of a ward or, alternatively, the local authority may wish to consider a suitable from the applicant premises or some other nearby landmark as comprising the relevant locality.

In assessing the locality each case will be considered on its merits.

The use to which premises in the vicinity are put

It may be inappropriate to site a sex establishment in the vicinity of certain types of premises such as those used for religious purposes and frequented by children and young people. These may include schools, youth clubs, churches, cemeteries, chapels, social clubs, for example. ‘Vicinity’ is not defined in the Schedule but in other statutory provisions has been defined as, ‘the state of being near in space’.

The layout, character, or condition of the premises

Premises or part of premises to may be unsuitable to be used as a sex establishment due to their physical layout. For example, a basement may have limited access rendering it unsafe or unsuitable and therefore it may be appropriate to licence the ground floor only.

The use of premises can be considered in the context of the character of a building or location. The use of the whole or part of a building or location may not be in keeping with the character of that building or location.
Section 10 Appeals against decisions

The Local Government (Miscellaneous Provisions) Act 1982, Section 27 permits appeals against the decisions of the Council in relation to Sex Establishment Appeals will be heard in the first instance by a Magistrates' Court. An appeal should be made within 21 days of the decision of the Council to Northavon Magistrates, Kennedy Way, Yate, South Gloucestershire.

An appeal can be made in the following circumstances:-

1. Refusal of an application for the grant, renewal or transfer of a licence.
2. Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held.
3. A grievance relating to any term, condition or restriction on or subject to which a licence is held.
4. Revocation of a licence.

A person wishing to appeal against a Council decision on a Sex Establishment Licence is strongly advised to seek assistance from a solicitor, prior to commencing action in a Court of Law.

Section 11 Issue of Sex Establishment Licences

Sex Establishment Licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'South Gloucestershire Council'.

Fees

The full fee for an annual licence for the current financial year (2003/2004) is £5250. The full fee for a 6 month licence for the current financial year (2003/2004) is £3150. A charge of £525 will be made for the transfer of a licence. A fee of £26 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked. The fees are reviewed annually and any charges are made from the 1st April each year.

If a cheque is dishonoured by a bank this will result in the revocation of the Sex Establishment Licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

Section 12 Enforcement of Sex Establishments

South Gloucestershire Council will actively enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1982 in relation to sex establishments within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Departmental Enforcement Policy, copies of which are available free of charge. If you require a copy please contact the Health, Safety and Licensing Team on 01454 863490/92.
The following principles will be adhered to when carrying out street trading enforcement activities:

**Openness:** The Council will be open about how it enforces the legislation in relation to street trading. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.

**Helpfulness:** The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.

**Proportionality:** The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Officers will have regard to the human rights of all parties involved in its enforcement activities.

**Consistency:** The Council will carry out its duties in a fair, equitable and consistent manner. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

**Complaints against the Service**

South Gloucestershire Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Street Trading Services you should in the first instance contact the Assistant Director of Community Services (Environmental Services) at the Council Offices, Castle Street, Thornbury, South Gloucestershire, telephone 01454 863420.

If the matter cannot be resolved advice will be given on how to further your complaint under the Council’s Complaints Scheme.
APPLICATION FOR SEX ESTABLISHMENT LICENCE

Please complete the following details and return to Health, Safety and Licensing, Environmental Services, Council Offices, Castle Street, Thornbury, Bristol BS35 1HF.

Complete either (1) or (2) below and Sections (3) to (11).

1. **Application by individual person**

   Full name............................................................................................................

   Permanent Address............................................................................................
   ..........................................................................................................................

   Date of birth..............................................Place of birth.............................

   Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? Yes / No

   Have you any convictions recorded against you? Yes / No

   If 'Yes' please provide the following details (if necessary please continue in the same format on a separate sheet of paper).

   Date of Conviction............................................................................................

   Offence.............................................................................................................

   Sentence (including suspended sentence).......................................................  

   Please go to (3)

2. **Application on behalf of a corporate or unincorporated body**

   Full name of body.............................................................................................

   (Provide details of all directors or persons responsible for the management of the body/business in the same format as (1) above on separate sheets (Appendix 6))

   Address of registered or principal office..........................................................

   If made on behalf of a body corporate is that body incorporated in the United Kingdom? Yes / No
Has the body corporate or unincorporated body or any of its directors or other persons responsible for its management any recorded convictions?  Yes / No

If 'Yes' please provide the following details (if necessary please continue in the same format on a separate sheet of paper).

Body or individual convicted: .................................................................

Date of Conviction.................................................................................

Offence.................................................................................................

Sentence (including suspended sentence). ..........................................

3. Full address of premises proposed to be used as a sex establishment.....

...................................................................................................................

...................................................................................................................

4. If this application relates to a vehicle, vessel or stall please give a description and state where it is to be used as a sex establishment..........................

...................................................................................................................

...................................................................................................................

5. I/we require a Sex Establishment Licence for a period of [6 months] [12 months].

(delete as appropriate)

6. During which hours and on which days do you wish to trade?...............

...................................................................................................................

...................................................................................................................

7. The premises are to be used as a [sex shop], [sex cinema], or [combined sex shop and sex cinema] (delete as appropriate)

8. Have you (or, if a corporate or unincorporated body, that body) ever had a Sex Establishment Licence revoked?  Yes / No

If Yes please state when, name of revoking authority and reason for revocation.

...................................................................................................................

...................................................................................................................

9. Are you (or, if a corporate or unincorporated body, that body) currently disqualified from holding a licence for a sex establishment?  Yes / No

10. Have you ever been refused a licence for a sex establishment?  Yes / No

If 'Yes' give details....................................................................................

...................................................................................................................

...................................................................................................................

11. Have you employed one or more individuals to be responsible, wholly or in part, for the day to day management of the business?  Yes / No

If 'Yes' please provide detailed information on separate sheets (Appendix 6) in respect of each individual 'manager' in a format shown in section (1).
I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

[All persons to sign]

Date...................................... Signature...............................................................  
Designation..........................................................

Date...................................... Signature...............................................................  
Designation..........................................................

Date...................................... Signature...............................................................  
Designation..........................................................

Date...................................... Signature...............................................................  
Designation..........................................................

[Continue as appropriate]
NOTICE OF APPLICATION TO APPLY FOR A SEX ESTABLISHMENT NOTICE

South Gloucestershire Council

ADDRESS OF PREMISES

........................................................................................................................................................................
........................................................................................................................................................................
........................................................................................................................................................................
........................................................................................................................................................................

I/WE.................................................................................................................................................................

Hereby give notice that I/we have applied to South Gloucestershire Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises as a sex shop / sex cinema*

Any person wishing to make representations about the application should make them in writing to:

South Gloucestershire Council
Health, Safety and Licensing
The Council Offices
Castle Street
Thornbury
Bristol
BS35 1HF.

Signed..............................................................................................................................................................

*On behalf of......................................................................................................................................................

Date of application to South Gloucestershire Council............................................................................................

*Delete where appropriate
Publication of notice of application for sex establishment licence

South Gloucestershire Council

Address of premises............................................................................................................................................

Name of proposed licensee....................................................................................................................................

I, ...........................................................................................................................................................................

Hereby certify that:

1. On the ........ day of...........(month)..............(year)

   I affixed a copy of the attached notice upon the*

   Being a place where the notice could conveniently be read by the public and that the said notice was kept displayed as aforesaid for 21 days thereafter;

2. On the ........ day of...........(month) ..............(year), I caused a copy of the notice attached to be published in the .................

   being a local newspaper circulating in the South Gloucestershire Council area. A copy of the relevant newspaper is hereby provided.

Signed.......................................................Date................................

*Describe the part of the premises upon which the notice was affixed.
APPENDIX 4

SOUTH GLOUCESTERSHIRE COUNCIL

STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

Notes:

(i) ‘The Council’ shall mean South Gloucestershire Council

(ii) ‘Sex Establishment’, ‘sex cinema’, ‘sex shop’, and ‘sex article’, shall have the meanings given them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982


(iv) ‘Premises’ shall mean any vehicle, vessel, stall or premises (which shall include any part thereof, installations, fittings, forecourt, yard or storage place in connection with any building) which is subject of a licence granted under Schedule 3 aforesaid.

(v) ‘Special Conditions’ shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid.

(vi) ‘Licence’ means any sex establishment licence that the Council can grant under this Act. This includes any associated consent or permission.

(vii) ‘Licensee’ means the holder of a sex establishment licence.

(viii) These conditions may be dispensed with, added to or modified by the Council in any special case.

(ix) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

(x) If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.
| **Exhibition of the licence** | 1 | The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority, and authorised officers of the Council. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an Authorised Officer of the Council, or the Police or Fire Authority. |
| **Hours of Opening** | 2 | The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours: Monday - Friday 0900 hours to 2100 hours Saturday 1000 hours to 2100 hours Sunday 1000 hours to 1700 hours |
| **Conduct of the Premises** | 3 | (a) No change from a sex cinema to sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council. (b) No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema. (c) All sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged. (d) All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises. (e) No film, digital versatile disc (DVD) or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect. (f) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the, nor allow the premises to be used by prostitutes. |
| **External** | 4 | (a) The licensee may exhibit on the outside of the
appearance

premises the name, address, and contact details of the business and a notice, capable of being enclosed by a rectangle one square metre in area, consisting of the words ‘Licensed Sex Establishment’.

(b) The licensee shall exhibit on the outside of the premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times of opening and the words ‘No person under the age of 18 allowed. People under the age of 21 will be required to show proof of their age.’

(c) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 4(a) and 4(b) or otherwise approved by the Council in writing.

(d) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

(e) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.

(f) Windows and openings to the premises other than entrances shall either be obscured, or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

State, condition and layout of the Premises

5

(a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

(b) The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.

(c) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
(d) Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

(e) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Management of the Premises

6 (a) The licensee or some responsible person nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.

(b) Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

(c) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

(d) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee’s control of the premises.
(e) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.

(f) No person under the age of 18 shall be admitted to the premises and a notice to this effect, in accordance with condition 4(b), shall be displayed on the outside of the premises.

(g) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Safety and Security

7

(a) The licensee shall take steps to check the age of customers entering the premises who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18 years of age.

(b) The licensee shall comply with fire prevention and safety measures which may be required by the Council.
Grounds for Granting or Refusing the Application

1. Case-law has determined that the Licensing Panel may not refuse a sex establishment licence solely on the ground that the establishment may cause offence. *(Rv Coventry City Council ex parte Quitelynn Ltd (1985)).*

2. The local authority may refuse the licence on any of the grounds listed in **paragraph 12(1)** of the Schedule, as follows:

(a) To a person under the age of 18;

(b) To a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months;

(c) To a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) To a body corporate that was not incorporated in the United Kingdom; or

(e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3. The local authority shall not grant the licence where any of the following matters in mentioned in **paragraph 12(3)** applies:

(a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason.

(b) That if the licence were to be granted, renewed or transferred 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 refused the grant, renewal or transfer of such a licence if he made the application himself.

Members and officers will make diligent enquiries in these respects.

(c) That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

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

(i) character of the relevant locality; or

(ii) use to which any premises in the vicinity are put; or

(iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
Appendix 6

Full name.................................................................................................................................................................

Designation / relationship to business:
.................................................................................................................................................................................

Permanent Address...........................................................................................................................................................
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Date of birth.........................................................Place of birth.................................................................

Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? 

Yes / No

Have you any convictions recorded against you? 

Yes / No

If 'Yes' please provide the following details (if necessary please continue in the same format on a separate sheet of paper).

Date of Conviction............................................................................................................................................................

Offence................................................................................................................................................................................

Sentence (including suspended sentence)........................................................................................................................

Full name.................................................................................................................................................................

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