



## **Statement of Licensing Policy**

### **For Sex Establishments**

## Preface

Central Bedfordshire Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) with regard to Sex Cinemas and Sex Shops and for Sex Establishments. These now all need to be licensed within Central Bedfordshire Council's area

Central Bedfordshire Council has not imposed any restriction on the number of licences to be issued. The standard conditions adopted by Central Bedfordshire Council are attached as an appendix to this policy

The council consulted on this policy between 18<sup>th</sup> October 2010 and 9<sup>th</sup> January 2011 and it was approved by the regulation Committee on 13<sup>th</sup> April 2011

Consultation was conducted with local residents, existing / future potential holders of sex establishment licences within Central Bedfordshire, the statutory responsible authorities as named under the Licensing Act 2003 and with holders of premises licences under the Licensing Act 2003 in the vicinity of any existing or potential licensed sex establishments known to the Licensing Authority

In developing this policy, the legal requirements of the 1982 Act and duties under the following provisions were taken into account;

- (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within Central Bedfordshire
- (b) The Regulators' compliance code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- (c) The provision of Services Regulations 2009 to ensure requirements are;
  - (i) non-discriminatory
  - (ii) justified by an overriding reason relating to public interest
  - (iii) proportionate to that public interest objective
  - (iv) clear and unambiguous
  - (v) objective
  - (vi) made public in advance, and
  - (vii) transparent and accessible

The council does not take a moral stand in adopting this policy and recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law.

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area. This has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the council to set terms, conditions and fees for the grant, renewal, transfer and variation of such licences, and set the number of licences that may be issued in the area, including nil.

Definitions of the different types of 'sex establishment' can be found at Appendix A to this policy.

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## **Foreword**

### **Overview of the Central Bedfordshire area**

Central Bedfordshire Council covers an area with a population of approximately 240,000 and is situated 40 miles north of London.

In the South of the area, Dunstable, Houghton Regis and Leighton Buzzard are the main urban centres. To the north of the area, which is mainly rural in character, the main towns of Ampthill and Biggleswade are surrounded by numerous smaller towns and villages, each with their own individual characteristics.

Premises in the area are numerous and varied, including nightclubs, theatres, a cinema, leisure centres, clubs and public houses. Whilst several open air type events provide for the larger type of regulated entertainment.

The Central Bedfordshire area currently has four premises that require licensing as sex establishments. These are located;

Two (2) Sexual Entertainment Venues situated in the Leighton Buzzard area, one licensed Sex Shop in the Dunstable area and one licensed Sex Shop in the Sandy/Biggleswade area.

### **Statement of Licensing Policy**

Central Bedfordshire Council will monitor the continuing expansion of the leisure industry, which contributes greatly to the local economy in terms of jobs and revenue, in order to maintain a balance between those commercial interests and the interest of preserving local heritage, as well as protecting the interests of local residents

This 'Statement of Licensing Policy' sets out the policies of the council and will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It sets out the type of controls that are available to the council when decisions are made about licence applications and explains what action can be taken if complaints are received

## **1. Introduction**

- 1.1 Central Bedfordshire Council has resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Anyone operating, or who wants to operate, a 'sex establishment' within the council area must have obtained or must apply to obtain a licence from the council. This resolution was affirmed by the council on 24<sup>th</sup> February 2011, together with the amendment of s27 of that Act by the Policing and Crime Act 2009. This extends the Act to include 'Sexual Entertainment Venues'
- 1.2 This Statement of Licensing Policy for Sex Establishments sets out the council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended)
- 1.3 The advice and guidance contained in the appendices attached to this Statement of Licensing Policy is intended only to assist readers in consulting the Policy and should not be interpreted as legal advice or as constituent of Central Bedfordshire Council's Statement of Licensing Policy
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act

## **2 Definition of 'sex establishment'**

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'Sexual Entertainment Venue'. Full definitions can be found in Appendix A to this Policy.
- 2.2 It includes any premise, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control

## **3 Location of Licensed Premises**

- 3.1 The council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, ant-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

Whilst the council have not imposed a limit on the number of premises that may be licensed in an area, and whilst treating each application upon its own merits, the council will consider the characteristics of a locality and shall particularly take account of the density, and proximity

of;

- Residential areas
- Schools, nurseries or any other premise substantially used by or for children under 16 years of age
- Parks or other recreational areas used by or for children under 16 years of age
- Churches or other places of religious worship
- Community buildings
- Gateways to an identifiable locality
- Alcohol or entertainment licensed premises

- 3.2 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment
- 3.3 The council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned
- 3.4 The council will inform its residents and other interested bodies of applications for the grant, renewal, transfer and variation of a licence through the maintenance of a public register of all applications received. This information will be available on the council's website in the form of a register and details will be communicated to all ward councillors.
- 3.5 All applicants will be required to advertise their application for grant, renewal, transfer or variation of a licence in the local vicinity where the premises, vehicle, vessel or stall will carry on the business of a 'sex establishment'
- 3.6 For the purposes of this Policy only 'vicinity' will generally mean an area within 100 metres of the premises, vehicle, vessel or stall.

#### **4. Making an application**

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B
- 4.2 In keeping with council policy regarding the introduction of e-government the council consents to applications being given electronically. The address at which applications and notices will be accepted is:-
- (a) by post or personal service to Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF
- (b) on-line via the council's website at [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)
- 4.3 A specimen notice for public advertisement is attached at Appendix C.

## **5. Fees**

- 5.1 The application process involves paying –
- an application fee, including costs for inspections of the premises and processing the application. This also includes the fee to meet the costs of holding a hearing before a committee in the case of a contested application, which will be refunded where either an application is withdrawn before the need for a hearing arises, or where a hearing is not required.
- 5.2 The fees are reviewed annually against any rise in council costs of administering the regime.

## **6. Advice and Guidance**

- 6.1 The council will seek to liaise with applicants and/or mediate between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit
- 6.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the council's Licensing Team and those from whom they think that objections are likely prior to submitting their application.

## **7. Grant, renewal or transfer of licences**

- 7.1 The council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such of the terms and conditions specified by the council in Appendix B.
- 7.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.3 The council may, if they think fit, transfer a licence to any other person upon application by that person.
- 7.4 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.
- 7.5 Where applications for licences have been granted, the council will send the licence to applicants by post.

## **8. Variation of licences**

- 8.1 The holder of a licence may apply to the council to vary the terms, conditions or restrictions on or subject to which the licence is held.



## **9. Objections**

- 9.1 Objections may be made to an application by any person.
- 9.2 An objection must be in writing and state the grounds on which the objection is made.
- 9.3 Objections may only be made within the period of 28 days following the date on which the application was given to the council.
- 9.4 The council will not consider any objection that does not contain the name and address of the person making it.
- 9.5 Where objections are made the council will provide copies to the applicant. The council will not divulge the identity of the objector/s to the applicant without their permission to do so.
- 9.6 Where objections are made and not withdrawn, a hearing before a Licensing Sub Committee will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree a hearing is unnecessary.
- 9.7 In all cases, applicants and those making objections that are genuinely aggrieved by a decision of the council are entitled to appeal to the Magistrates' Court.
- 9.8 Where no objections are made, the council will grant the licence subject to the terms and conditions shown at Appendix E

## **10. Determining applications**

- 10.1 When considering applications, the council will have regard to:
  - (a) the Local Government (Miscellaneous Provisions) Act 1982
  - (b) any supporting regulations;
  - (c) this Statement of Licensing Policy.
- 10.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 10.3 When determining applications, the council will take account of any comments made by the Chief Officer of Police and any objections made.
- 10.4 In all cases, the council reserves the right to consider each application on its own merit.

## **11. Conditions**

- 11.1 The council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise.
- 11.2 No condition will be imposed that cannot be shown to be necessary.
- 11.3 The conditions that may be attached to a licence are shown in Appendix E.

## **12. Refusal of licences**

- 12.1 Except where the council are prohibited from granting, renewing, varying or transferring a licence, the council will not refuse a licence without first: -
- Notifying the applicant or holder of the licence in writing of the reasons;
  - Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.
- 12.2 The circumstances in which the council must or may refuse a licence are shown in Appendix F

## **13. Revocation of licences**

- 13.1 The council may revoke a licence: -
- on any of the grounds specified in paragraph 1 of Appendix F of this policy;
  - on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy.
- 13.2 The council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

## **14. Cancellation of licences**

- 14.1 The licence-holder may surrender the licence at any time and may request the council in writing to cancel the licence.
- 14.2 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 14.3 Where the council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## **15. Complaints**

- 15.1 Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **16. Enforcement**

- 16.1 The council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The council will carry out its regulatory functions in a fair, open and consistent manner.

### ***Specifically, the council is committed to:***

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
  - (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
  - (c) be consistent – to implement rules and standards fairly;
  - (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
  - (e) target its regulatory action at cases in which action is needed.
- 16.2 The council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 16.3 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

## Appendix A

## Definitions

### 'Sex Cinema'

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
  - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity; or
    - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.
- 2) No premises shall be treated a sex cinema by reason only—
  - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
  - b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

### 'Sex Shop'

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
  - a) sex articles; or
  - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

### Sex Article

- 3) A sex article means—
  - a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity;
  - b) anything to which sub-paragraph 4 below applies.

- 4) This sub-paragraph applies to—
- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - b) any recording of vision or sound which —
    - is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

‘Sexual Entertainment Venue’

‘sexual entertainment venue’ means —

- (a) Premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- (b) Premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) Premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) Premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity;

A ‘sexual entertainment venue’ is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

1) In this paragraph relevant entertainment means-

- a) *any live performance; or*
- b) *any live display of nudity;*

*which is of such a nature that, ignoring financial gain, it must 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).*

2) The following are not sexual entertainment venues: -

- a) sex cinemas and sex shops;

- b) premises at which relevant entertainment is provided as mentioned in sub-paragraph (1) less frequently than once a month; or
  - c) premises specified or described in an order made by the relevant national authority
- 3) The relevant national authority may by order provide for descriptions of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of the regulations.
- 4) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- 5) For the purposes of this paragraph references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.
- 6) Other definitions:

‘audience’ includes an audience of one;

“relevant entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must 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).

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means— in relation to England, the Secretary of State;

and for the purpose of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

## **Appendix B**

### **Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence**

#### **Grant of a licence**

- 1) To apply for the grant of a sex establishment licence an applicant must: -
  - a) send the council: -
    - i) a completed application form;
    - ii) a plan to the scale of 1:100 of the premises to which the application relates;
    - iii) a non-returnable application fee (fee applicable to type of establishment)
  - and;
  - a) Display a notice on or near the premises;
  - b) advertise the application in a local newspaper;
- 2) Send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the council.

#### **Plan requirements**

- 3) The plan shall show: -
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;

- i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - j) the location of a kitchen, if any, on the premises.
- 4) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

### **Public notices**

- 5) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 6) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 7) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 8) The notice must state: -
- a) details of the application and activities that it is proposed will be carried on or from the premises,
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing,
  - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 9) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.

### **Variation of a licence**

- 10) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 11) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

### **Renewal of a licence**

- 12) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.



13) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

**Annual Fees**

14) In the case of a sexual entertainment venue, an annual fee will be payable

**Transfer of a licence**

15) A person may apply for transfer of a licence at any time.

16) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

## Appendix C

### APPLICATION FOR \_\_\_\_\_ OF A SEX ESTABLISHMENT LICENCE. (\* insert GRANT / RENEWAL / VARIATION / TRANSFER)

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / We

(Insert name/s of applicant/s – please read guidance note 1)

**apply for the Grant / Renewal / Variation / Transfer\* of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982** (\*delete as necessary)

#### Part 1 - Premises Details (Please read guidance note 2)

Postal address (including trading name, post code and telephone number of premises)

#### Part 2 - Applicant Details

Please state whether you are applying for a licence as

Please tick yes

- |   |                          |                                 |
|---|--------------------------|---------------------------------|
| a) an individual or individuals *               | <input type="checkbox"/> | please complete section (A & C) |
| b) a person other than an individual *          |                          |                                 |
| i. as a limited company                         | <input type="checkbox"/> | please complete all sections    |
| ii. as a partnership                            | <input type="checkbox"/> | please complete all sections    |
| iii. as an unincorporated association or .      | <input type="checkbox"/> | please complete all sections    |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete all sections    |

**(A) Individual Applicant Details** *(Please read guidance note 3)*

<b>Mr</b> <input type="checkbox"/>	<b>Mrs</b> <input type="checkbox"/>	<b>Miss</b> <input type="checkbox"/>	<b>Ms</b> <input type="checkbox"/>	<b>Other Title</b>	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current postal address including post code</b>					
<b>Telephone number (if any)</b>					
<b>E-mail address (optional)</b>					
<b>Mr</b> <input type="checkbox"/>	<b>Mrs</b> <input type="checkbox"/>	<b>Miss</b> <input type="checkbox"/>	<b>Ms</b> <input type="checkbox"/>	<b>Other Title</b>	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current postal address including post code</b>					
<b>Telephone number (if any)</b>					
<b>E-mail address (optional)</b>					

*(Continue on separate page if necessary)*

**(B) Other Applicants**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number.**

<b>Name</b>	
<b>Address including post code</b>	
<b>Registered number</b>	
<b>Description of applicant (e.g. partnership, company, etc.)</b>	
<b>Telephone number (if any)</b>	
<b>E-mail address (optional)</b>	

**(C) Description of Trading Activity**

<b>The premises will trade as:</b>						
a sex cinema <input type="checkbox"/>		a sex shop <input type="checkbox"/>			a sex encounter <input type="checkbox"/> establishment	
<b>The premises will trade on the following days and between the following times:</b>						
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>From</b>	<b>From</b>	<b>From</b>	<b>From</b>	<b>From</b>	<b>From</b>	<b>From</b>
<b>To</b>	<b>To</b>	<b>To</b>	<b>To</b>	<b>To</b>	<b>To</b>	<b>To</b>

**(D) Licensing History**

Has any person or the corporate or unincorporated body referred to in this application: -

<b>Been disqualified from holding a licence for a sex establishment?</b>	
<b>Been refused the grant / renewal / transfer of a licence for a sex establishment?</b>	
<b>Been the holder of a sex establishment licence when that licence has been revoked?</b>	
<b>If 'Yes' to any of the above please provide details:</b>	

### Part 3 - Declaration

I/We:

#### Please tick yes

- Enclose the fee (Please make payable to Central Bedfordshire Council)
- Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable
- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service
- Understand that if the above requirements have not been complied with my application will be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

#### **(C) Signatures** *(Please read guidance note 4)*

Signature of applicant/s or applicant/s' solicitor or other duly authorised agent.  
If signing on behalf of the applicant please state in what capacity.

<b>Signature/s</b>	
<b>Date</b>	
<b>Capacity</b>	

**(D) Contact Details** *(Please read guidance note 5)*

<b>Contact name</b>	
<b>Contact postal address including post code</b>	
<b>Telephone number (if any)</b>	
<b>E-mail address (optional)</b>	

## Notes for Guidance

- 1) Insert the name/s of individual applicant/s or partners or the trading name under which the business operates.
- 2) Include the postal address, including name by which the premises that is to be used as a sex establishment is to be known.
- 3) The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence, and either a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service.
- 4) The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
- 5) This is the address that we shall use to correspond with you about this application.
- 6) A plan of the premises must be submitted with the application, drawn to a scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage areas fixed seating and tables, bars / counters from which refreshments are available.
- 7) Copies of the application together with a plan of the premises must be submitted to: -
- 8) Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF
- 9) Chief Officer of Police, County Police Office, West Street, Dunstable, LU6 1SJ
- 10) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
- 11) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application being given to the licensing authority.
- 12) Fees can be obtained via the council's website or by contacting the Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF

**NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION /  
TRANSFER  
OF A SEX ESTABLISHMENT LICENCE**

**Local Government (Miscellaneous Provisions) Act 1982**

**Schedule 3**

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p><b>NOTICE IS HEREBY GIVEN</b> that an application has been made to Central Bedfordshire Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried out under a licence) and of the application may be inspected at the offices of Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.</p>	



**Notes:**

This Notice may be used to display the application on the premises or for publication in a local newspaper.

The date to be inserted in the notice by which objections must be made will be that of the 21st day following the day on which the application is given to the council.

**Newspaper Notice**

It must be published in a local newspaper circulating in the vicinity of the premises.

If there is no local newspaper, the Notice may be published in a circular or similar document circulating **IN THE VICINITY OF THE PREMISES**.

The Notice must be published on **AT LEAST ONE OCCASION** during the period of **SEVEN DAYS** starting on the day after the day on which the application was given to the council.

It is for the applicant to decide in which local newspaper to publish this Notice, but the council considers publication in locally delivered newspapers within the vicinity of the premise satisfies the requirements of the regulations.

**Premises Notice**

This Notice must be of a size **EQUAL TO OR LARGER THAN** A4 paper and must be on **PALE BLUE** coloured paper. It must be **PRINTED IN BLACK INK** or **TYPED IN BLACK** in a **FONT SIZE EQUAL TO OR LARGER THAN 16**.

It must be displayed prominently on or near the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than **50 METRES SQUARE**, a further Notice in the same form must be displayed **EVERY 50 METRES** along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of **NO LESS THAN 21 CONSECUTIVE DAYS** starting on the day after the day on which the application was given to the council.

## Appendix D

### Fees

Application fee*	Dependant upon type of establishment (contact Licensing Team for advice)
Contested application ** Copy / replacement of licence	Licensing Team will advise fee £25

*\* The fee for making any application is non-returnable, regardless of outcome of the application.*

*\*\* The fee to cover the council's costs for holding a hearing in the case of a contested application. This will be refunded if a hearing is unnecessary.*

- 1) Fees are based upon an estimate of the time taken and costs incurred to process an application. The cost to the council of administering the licence regime has been calculated per hour of this time.
- 2) All fees are payable at the time of making and together with an application.
- 3) The fee for a straightforward case is based upon an estimate of the number of hours in officer time for making site visits / inspections and processing an application including documentation, correspondence and production of the licence.
- 4) The fee for a contested case is based upon an estimate of: -
  - a) hours in officer time in producing committee reports, agendas and other papers and attendance at a hearing;
  - b) hire costs for the venue for the hearing;
  - c) allowances and expenses in respect of committee members attendance.
- 5) The fee for a copy / replacement licence is based upon a comparison with the fee payable under other licensing legislation for a similar application.
- 6) Annual fees and fees for renewal or transfer can be found by accessing the Council website or contacting the Licensing Team.

## **Appendix E**

### **Conditions**

#### **Access to premises**

- 1) Access must be afforded at all reasonable times to authorized officers of the council and the police and fire services.

#### **Hours of Opening**

- 2) If granted the hours that premises may open to the public will be as stated on the licence.
- 3) The premises shall not open on Christmas Day or Good Friday.

#### **Management and Staffing of the Licensed Premises**

- 4) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 5) The name of the person who has been approved by the council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
- 6) Every person employed on the premises in a capacity where he / she has or will have contact with members of the public in the course of carrying on any activity authorised by the licence, must have first been approved by the council.
- 7) An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of: -
  - a) a criminal conviction certificate issued under section 112 or a criminal record certificate issued under section 113A of the Police Act 1997 or the results of a subject access search under the data Protection Act 1998 of the Police National Computer by the National Identification Service that has been issued no earlier than one calendar month before submitting it to the council;
  - b) a passport sized photograph in colour.
- 8) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises.
- 9) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 10) Every person employed on the premises in the furtherance of the business shall wear a form of visible identification of a type approved by the council indicating his/her name and position.
- 11) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

- 12) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 13) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 14) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

### **External Appearance**

- 15) Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the council.
- 16) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 13 and 14.
- 17) The council shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.
- 18) As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the council's approval)
- 19) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
- 20) There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
- 21) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

***“WARNING***

***Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”***

### **Maintenance and Repair**

- 22) The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition
- 23) The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 24) The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

## **General**

- 25) No part of the premises shall be let
- 26) Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.

## **Special Conditions for Sexual Entertainment Venues**

- 1) The Licensee shall in all things conduct the premises in a decent sober and orderly manner and take whatever steps are necessary to ensure that there is no profanity or obscene, immoral, licentious or indecent behaviour likely to cause a breach of the peace. No persons aged under 18 years by way of staff, visitors, customers, entertainers or any others are to be present whilst the premise is operating.
- 2) When striptease/table dancing is being provided there shall be no physical contact between dancers and customers other than initial introductions (handshake) or when placing a tip in a dancers hand/garter.
- 3) Dancers shall re-dress at the conclusion of the performance and are to remain fully clothed (minimum bikini top and bottom) at all times except when giving a performance.
- 4) No persons other than dancers shall be in the licensed area in a state of undress.
- 5) Access to the dressing rooms shall be restricted and monitored at all times.
- 6) External advertising shall not show photographs or any visual representation of women and shall be in accordance with the advertising code.
- 7) A nominated person should supervise the dancers' cloakroom.
- 8) Management rules of conduct apply to all dancers.
- 9) There should be a minimum charge per table dancing.
- 10) Last time of entry to the premises to be one hour before closure.
- 11) Dancers must not be propositioned in any manner.
- 12) Other than arrival, departure, visiting the cloakroom or tipping as mentioned, customers are required to remain seated at all times in the table side of the dancing area.
- 13) A member of staff shall escort dancers arriving and exiting the club.

- 14) No dancer shall arrange to meet with, whether it is inside or outside of the premises, or have any correspondence (notes or business cards) with customers.
- 15) Employees, entertainers or dancers may not sit with customers unless all persons are fully clothed.
- 16) Dancers/entertainers may not leave the premises until the end of the agreed shift or performance, and must not be re-admitted that day or night unless as a part of a written contract.
- 17) Any person who can be observed from outside the premises must be properly and decently dressed, scantily clad persons must not exhibit in the entrance way or in the area surrounding the premises.
- 18) Persons performing table side striptease/dancing shall wear a G-string or bikini bottoms which shall at all times be worn covering the genitalia and should be made of opaque material. With exception to performances conducted in the designated private dance areas where full nudity is permitted.
- 19) There shall be no tableside performances to customers seated at a bar or standing.
- 20) When tableside striptease is taking place no performer shall dance with or towards any other performer and shall make no physical contact with another performer.
- 21) Tableside striptease performers are to remain standing during a performance of striptease.

## Appendix F

### ***Refusals and revocations of licences***

1. The council must refuse to grant or transfer a licence to: -
  - (a) A person under the age of 18;
  - (b) A person who is for the time being disqualified from holding a licence;
  - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
  - (d) A body corporate which is not incorporated in the United Kingdom;
  - (e) A person who has, within the period of 12 months immediately preceding the date upon which 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.
2. The council may refuse
  - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
  - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are: -
  - (a) That the applicant is unsuitable for the licence by reason of having been convicted of an 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;
  - (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality;
  - (d) That the grant or renewal of the licence would be inappropriate having regard to: -
    - i. The character of the relevant locality;
    - ii. The use to which any premises in the vicinity are put; or
    - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
4. Nil may be an appropriate number for the purposes of paragraph (3)(c) above.

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