



Statement of Licensing Policy

For Sex Establishments

DRAFT

INDEX

Preface

Foreword

Introduction

Consultation

Definition of 'Sex Establishment'

Location of Licensed Premises

The Application

Fees

Advice and Guidance

Grant, Renewal or Transfer of Licences

Variation of Licences

Objections

Determining Applications

Conditions

Refusal of Licences

Revocation of Licences

Cancellation of Licences

Rights of Appeal Following Determination of Application

Complaints

Enforcement

Council's Commitments

After Granting the Licence

Appendix A - Definitions

**Appendix B - Requirements for Applying for the Grant,
Variation, Transfer or Renewal of a Licence**

Appendix C - The Application Form

Appendix D - Notice for Public Advertisement

Appendix E - Fees

Appendix F - Conditions

Appendix G - Refusal and Revocation

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;

- Two (2) Sexual Entertainment Venues situated in the Leighton Buzzard and Ampthill areas;
- One (1) licensed Sex Shop in the Dunstable area; and
- One (1) 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 For the district of Central Bedfordshire, Central Bedfordshire Council is the appropriate authority for the licensing of Sex Establishments

This document sets out Central Bedfordshire Council's policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

- 1.2 This document relates to applications for sex establishment licences covering:

- sex entertainment venues
- sex cinemas
- sex shops

as set out in the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

- ..1.3 Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the Act') provides that local authorities may resolve to adopt the provisions of Schedule 3 for its 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.

- 1.4 Central Bedfordshire Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) with regard to Sex Cinemas, Sex Shops and for Sexual Entertainment Venues. It is, therefore, a requirement that each of these types of premises be licensed within Central Bedfordshire Council's area

- 1.5 The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities

- 1.6 The Council has considered the character of its wards and has determined strict locality criteria to be applied to the sighting of sex establishments.

- 1.7 This Statement of Licensing Policy sets out

- the Council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act
- The process for making an application , and

- The process the Council will follow in considering and determining an application for a sex establishment
- The standard conditions adopted by Central Bedfordshire Council are attached as an appendix to this policy

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

- 1.8 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
- 1.9 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or any of the schedules contained in the Act

2 Consultation on the Policy

- 2.1 Central Bedfordshire Council originally consulted on this policy between 18th October 2010 and 9th January 2011 and it was approved in its original form by the Regulation Committee on 13th April 2011. Consultation on this policy took place between **June and ** August 2013
- 2.2 In developing this policy, the legal requirements of the 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.

2.3 Consultation on the policy took place with

2.4 The council gave due weight to the responses received and made appropriate amendments to the Policy. In determining what weight to give particular representations the following factors were taken into account:

- Who made the representation (what was their expertise or interest)
- What the motivation may be for their views
- How many other people expressed the same or similar views.
- How far representations related to matters the Council should include in its Policy

2.5 The full list of consultees, comments made and their consideration by the Council is available from the Licensing Team licensing@centralbedfordshire.gov.uk

2.6 Once adopted, the council may review the Policy from time to time as it deems appropriate

3. Definitions

3.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'Sexual Entertainment Venue'. Full definitions of the different types of sex establishment can be found at Appendix A to this Policy.

3.2 The definition of a sex establishment includes any premise, vehicle, vessel or stall used as such 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

3.3 Relevant Locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide.

4 The Application

Specific mandatory grounds for refusal of a licence are set out in the Act

A licence cannot be granted:

- a) to anyone under 18 years of age
- b) to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) to someone who has been refused a new or renewal of licence within the last 12 months (from the date of making the application.
- d) to an individual who is not resident in the United Kingdom or has not been resident for six months prior to the making of an application
- e) to a company not incorporated in the United Kingdom

The Council has determined that the following principles will apply

The Council has set a limit on the distance a sex establishment may be sited in relation to sensitive areas or premises . Having regard to its analysis the Council has determined that the appropriate distances to be maintained is 500m from those types of premises set out below.

- Schools, nurseries or any other premises substantially used by or for children under 16 years of age
- Areas frequented by children and families
- Residential areas
- Parks or other recreational areas used by or for children under 16 years of age
- Areas frequented by vulnerable adults
- Areas associated with family leisure and retail
- Community buildings
- Churches or other places of religious worship
- Buildings or locations where leisure activities are undertaken
- Sites of historical or heritage value

Given the characteristics of Central Bedfordshire this will result in a nil policy in many areas, those areas where it is likely a licence will be granted are industrial areas or adjacent to main transient routes through the area.

There is no right of appeal against a decision based on this element of the policy.

While each case will be considered on its own merits, the Council does intend that the policy will be strictly applied and that exceptions will be granted only in the most exceptional cases. For those purposes, the fact that an applicant is of good character and will manage the proposed premises well will not be considered an exceptional circumstance

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 submitted electronically. The address at which applications and notices will be accepted is:-

4.3 by post or personal service to Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF; or

4.4 on-line via the council's website at www.centralbedfordshire.gov.uk

4.5 A template application form can be found at Appendix C.

4.6 A template notice for public advertisement is attached at Appendix D.

The Council will have regard to all relevant considerations, including and representations received and comments made by:

- Ward Councillors
- Police
- Fire Brigade
- Development Management
- Pollution Reduction
- Health & Safety
- Licensing Authority
- Children's Services
- Any representation made by the applicant
- Interested parties (local residents /businesses)

- 4.7 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
- 4.8 The council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned
- 4.9 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.
- 4.10 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'
- 4.11 For the purposes of this Policy only 'vicinity' will generally mean an area within 500 metres of the premises, vehicle, vessel or stall.

5 Advice and Guidance

- 5.1 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discusses the proposal with the Council's Licensing Team and those from whom they think that objections are likely prior to submitting their application.
- 5.2 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. Fees

- 6.1 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.

- 6.2 The application fee is reviewed annually against any rise in Council costs of administering the regime, and the current fee is set out at Appendix E.
- 6.3 In addition, holders of a licence for a sex establishment will be required to pay an annual fee, which covers costs such as the ongoing requirement to inspect the premises.

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' in the manner set out at Appendix C.
- 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 it thinks 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.
- 7.6 Licences for sex establishments shall last for a period of one (1) year.

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 Panel 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 Where no objections are made, the Council will grant the licence subject to the terms and conditions shown at Appendix F.
- 9.8 An objection on moral grounds is not an objection that the Council can properly take into consideration when determining the application. Where an objection is received and is solely on moral grounds, the objector will be advised that the objection cannot be taken into account and asked to consider whether they wish to submit a relevant objection.

10 Determining applications

- 10.1 When considering applications, the Council will have regard to:
- the Local Government (Miscellaneous Provisions) Act 1982
 - any supporting regulations;
 - 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 shall consider each application on its own merit, and in accordance with the evidence presented to and held by it.
- 10.5 Where the application requires determination by Members of the Council, i.e. where objections have been submitted and not resolved, the matter will be determined by a Licensing Panel.
- 10.6. Licensing Panel shall mean the Licensing Sub-Committee, the Licensing Committee or Full Council, as the context requires.
- 10.7 Any person who has submitted an objection will be invited to speak at the Licensing Panel hearing and must confirm whether they wish to do so.

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 A non-exhaustive list of the conditions that may be attached to a licence are shown in Appendix F. It is open to the Council to impose all of the conditions listed therein.

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: -
 - 12.2 Notifying the applicant or holder of the licence in writing of the reasons;
 - 12.3 Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.
- 12.4 The circumstances in which the Council must or may refuse a licence are shown in Appendix G

13 Revocation of licences

- 13.1 The Council may revoke a licence: -
- on any of the grounds specified in paragraph 1 of Appendix G of this policy;
 - on either of the grounds specified in paragraph 3 (a) and (b) of Appendix G of this policy.
 - 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 Rights of Appeal Following Determination of Application

- 15.1 The following persons may, at any time before the expiration of the period of 21 days beginning with the date on which the individual is notified of the Council's decision, appeal to a magistrates' court:
- an applicant for the grant, renewal or transfer of a licence whose application was refused;
 - an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;

- a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- a holder of any such licence whose licence is revoked,

16. Complaints

- 16.1 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.

17. Enforcement

- 17.1 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.

18. Council's Commitment

- 18.1 the Council is committed to:
- be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
 - 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;
 - be consistent – to implement rules and standards fairly;
 - be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
 - target its regulatory action at cases in which action is needed.

19. After Granting the Licence

- 19.1 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.

- 19.2 However, proportionate but firm action will be taken against those who commit serious offences or break the law or breach the conditions of the licence.

DRAFT

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

The Application

The application form

- 1) To apply for a (new, variation or renewal to) sex establishment licence an applicant must submit to the Council: -
 - a) a completed application form (personally, by post or on-line);
 - b) a plan to the scale of 1:100 of the premises to which the application relates and;
 - c) a non-returnable application fee (fee applicable to type of establishment)
- 2) An application for a licence for a Sex Establishment must be made to the Council on the form set out at Appendix C.

Publicity of the application

- 3) Upon submission of the application to the Council, the applicant must
 - a) Display a notice on or near the premises;
 - b) advertise the application in a local newspaper;
- 4) Additionally, the applicant must send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the Council.

Requirements of the plan

- 5) 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.
- 6) 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.

Requirements for public notices

- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

11) A similar notice must be published in a local newspaper, circulating in the area of the premises, or similar document within 7 days of giving the application to the council.

Variation of a licence

- 12) 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.
- 13) 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

- 14) 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.
- 15) 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

- 16) In the case of a sex establishment licence, an annual fee will be payable.
- 17) This annual fee is in addition to the licence application fee and is to cover the expense of:
 - a) Inspections of the Premises;
 - b)

Transfer of a licence

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

19)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.

DRAFT

Appendix C

The Application Form

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.

Summary of Application

- This application is for the Grant / Renewal / Variation / Transfer of a licence for a Sex Cinema / Sex Shop / Sexual Entertainment Venue
- The premises are located in _____ (location of premises)
- The type of entertainment to be provided is: _____

- The hours for the entertainment will be

Mon	Tues	Weds	Thurs	Fri	Sat	Sun
From	From	From	From	From	From	From
To	To	To	To	To	To	To

This application has been made because (*please insert reasons)

- Have you discussed this application with any perceived Yes No

objectors?

- Do you consider Council led mediation to be beneficial to the application? Yes No

DRAFT

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)*

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

(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.

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

(C) Description of Trading Activity

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

(D) Licensing History

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

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

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.

Signature/s	
Date	
Capacity	

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

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

DRAFT

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

DRAFT

Appendix D

Notice for Public Advertisement

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>NOTICE IS HEREBY GIVEN 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 and RECEIVED by</p> <p>[REDACTED] (PLEASE COMPLETE)</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 E

Fees

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

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 less than 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 G

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.



Central Bedfordshire

A great place to live and work

Contact us...

by telephone: 0300 300 8302

by email: customer.services@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ