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# SEX ESTABLISHMENT POLICY



Council of the  
ISLES OF SCILLY

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January 2017

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## REVISIONS TO SOURCE DOCUMENT

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## DOCUMENT RETENTION

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**CONTENTS**

Revisions to Source Document ..... 1

Version History..... 1

Equalities Impact Assessment Record ..... 1

Document retention ..... 1

Contents..... 2

1 INTRODUCTION ..... 3

2 MEANING OF SEXUAL ENTERTAINMENT VENUE..... 3

3 DEFINITIONS ..... 3

4 THE APPLICATION PROCESS..... 3

    Third Party Beneficiaries ..... 3

    Fees..... 3

    Notices..... 3

    Objections..... 3

    Hearings..... 3

    Reasons for Decisions..... 3

    Conditions..... 3

    Right of Appeal ..... 3

    Period of Licence ..... 3

    Renewal, Transfer..... 3

    Variation ..... 3

    Revocation..... 3

    Waiver ..... 3

5 ENFORCEMENT PRINCIPLES..... 3

STANDARD CONDITIONS APPENDIX 1..... 3

Sexual Entertainment Venues..... 3

    Exhibition of the Licence ..... 3

    Hours of Opening ..... 3

    Conduct on the Premises ..... 3

    External Appearance ..... 3

    Advertising..... 3

    Layout of the Premises ..... 3

    Management of the Premises ..... 3

    Exhibition of the Licence ..... 3

    Safety and Security ..... 3

    Staff Welfare..... 3

    Vessels, Stalls and Vehicles ..... 3

    Variation of Conditions..... 3

Sex Shops..... 3

    Exhibition of Licence..... 3

    Hours of Opening ..... 3

    External Appearance ..... 3

    Advertising..... 3

    Layout of the Premises ..... 3

    Management of the Premises ..... 3

Video Recordings.....	3
Vessels, Stalls and Vehicles .....	3
Variation of Conditions.....	3
Sex Cinemas .....	3
Exhibition of Licence.....	3
Hours of Opening .....	3
Conduct on the Premises .....	3
Advertising.....	3
Layout of the Premises.....	3
Management of the Premises .....	3
Vessels, Stalls and Vehicles .....	3
Variations of Conditions .....	3
APPLICATION FORM FOR SEXUAL ENTERTAINMENT VENUE   APPENDIX 2	3
APPLICATION – Sample Declaration   Appendix 3c.....	3

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## 1 INTRODUCTION

This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shop and sex cinemas.

The council's licensing regime aims to ensure that sex establishments in the Isles of Scilly operate in a safe, fair and discreet manner and are sensitive to the area in which they are situated. Specific attention has been taken to advertising, staff welfare, external appearance, locality and the number of licensed premises.

This policy also has regard to the guidance issued by the Home Office.

The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement

This document sets out the Council of the Isles of Scilly's policy ("the policy") regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences covering;

- sex shops
- sex cinemas
- sexual entertainment venues

As defined by the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This includes lap-dancing establishments.

The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009 on 8 March 2011

The Council is mindful of possible concerns within the local community with regard to applications for sex establishment licences and that there can be conflict between applicants and objectors. The Policy will assist the council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities. It will inform applicants and objectors of the parameters under which the council will make licence decisions as well as ensuring consistent decisions.

This policy will be reviewed regularly. All legislative amendments will be made automatically; all other changes will be subjected to a 28 day consultation period. Any representations will be determined by the Licensing Committee and if none are received, it will be recommended that the Committee re-adopt the policy.

## 2 MEANING OF SEXUAL ENTERTAINMENT VENUE

- 2.1 Paragraph 2A of Schedule 3 as inserted by section 27 of the Policing and Crime Act 2009 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."
- 2.2 The meaning of 'relevant entertainment' is "any live performance or 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 an audience (whether by verbal or other means)." An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

## 3 DEFINITIONS

- 3.1 "The Act" refers to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 3.2 "The Policy" refers to Council of the Isles of Scilly's Sex Establishment Licensing Policy.
- 3.3 "Relevant Locality" refers to 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. This council has determined that relevant locality will be determined on a case by case basis for the purpose of decision making.
- 3.4 "Character of the Relevant Locality" the character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the granting of a licence will be appropriate. This council has not defined what type of area would or would not be acceptable in terms of character. The council will consider the character of the area on a case by case basis and will take into account such factors as the uses and users of the area, how the area is perceived, the vision/plan for the area and the views of the planning authority.
- 3.5 "The Council" means; the Council of the Isles of Scilly
- 3.6 "The Police" means; the Devon and Cornwall Police
- 3.7 "The Licensing Authority" means the Council of the Isles of Scilly's Licensing Section.
- 3.8 "Display of Nudity" means; In the case of a female: exposure of her nipples, pubic area, genitals or anus. In the case of a male: exposure of his pubic area, genitals or anus.
- 3.9 "The Licensed Premises" means; the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises should be in possession of all appropriate consents and permissions to operate prior to an application for a Sex Establishment Licence.
- 3.10 "The Organiser" means; any person who is responsible for the organisation or management of the relevant entertainment on the premises.
- 3.11 "Permitted Hours" means the hours of activity and operation that have been authorised under a sex establishment licence.

- 3.12 “Sexual Entertainment Venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainment.
- 3.13 “Relevant Entertainment” means;
- Any live performance ·
    - Any live display of nudity which is of such a nature that, regardless of financial gain, it must reasonably be assumed to be provided solely or primarily for the purpose of sexually stimulating any member of the audience whether by verbal or other means. An audience can consist of one or more persons.
- 3.14 “Sex Article” means;
- a) Anything made or adapted or intended for use in connection with, or for the purpose of stimulating or encouraging:
    - sexual activity; or
    - acts of force or restraint which are associated with sexual activity; and
  - b) to 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
  - c) to any recording of visual or audible representation, 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.
- 3.15 “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; · sexual activity, or acts of force or restraint which are associated with sexual activity. No premises shall be treated as a sex shop by reason only of its use for the exhibition of moving pictures by whatever means produced.
- 3.16 “Sex Cinema” means; 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
    - sexual activity; or
    - acts of force or restraint which are associated with sexual activity; or
  - b) 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.

## 4 THE APPLICATION PROCESS

- 4.1 Applications must be made to the council in the form prescribed in Appendix 2. Guidance is available to applicants setting out the detail of the process.
- 4.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:
- Application form
  - Criminal Records Bureau check
  - Personal interview either in person, at hearing, by phone or in writing
  - Accreditation
- 4.3 In the first instance, the application will be sent to the Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic CRB checks, or attend an interview, to support their application.
- 4.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:
- is honest
  - has a clear understanding of the conditions that may be attached to the licence
  - has a suitable business plan which will deliver compliance of the standard conditions.
  - has no unspent conviction of a nature that deem him/her unsuitable.
- 4.5 Applications for sexual entertainment venue/sex establishment licence will also show they have:
- a clear employees welfare policy
  - a clear code of conduct for employees
  - a clear code of conduct for customers
  - a clear policy on pricing, and
  - protects the interests of his customers
- 4.6 The council will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to the council that the interest of the public is protected.

## THIRD PARTY BENEFICIARIES

- 4.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the

operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.

- 4.8 Enquiries may be made via the application form, checks with Companies House, Devon and Cornwall Police, personal interview or applicants may be asked to provide business records.

#### FEES

- 4.9 The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

#### NOTICES

- 4.10 The applicant must advertise the application in three ways:
- Advertisement in *The Cornishman* newspaper within 7 days of the application
  - Advertisement at the premises by way of a site notice for 21 consecutive days
  - Notice of the application to be sent to the Chief Officer of Police for West Cornwall within 7 days of the application.

Proof that the applicant has advertised the application will be required.

- 4.11 A full Consultation Process is provided at Appendix 3

#### OBJECTIONS

- 4.12 Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and can be on any matter. However the appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.
- 4.13 Guidance on making an objection can be found on the council's website.
- 4.14 The council will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application. However objectors will remain anonymous and efforts will be made to sanitise the contents of the objections so the objector's identity remains anonymous.
- 4.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.

#### HEARINGS

- 4.16 The council has appointed a licensing committee. Licensing functions will often be delegated to a licensing sub committee of 3 councillors or, in appropriate cases to officers of the council.

- 4.17 All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee.
- 4.18 It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five working days before the hearing as laid down in Local Government Act 1972.
- 4.19 This notice will provide the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.
- 4.20 The hearing will take place in public except where the public interest requires otherwise.
- 4.21 All parties will be given an equal amount of time to present their case.
- 4.22 Councillors will have regard to the Council of the Isles of Scilly's Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.
- 4.23 A licensing subcommittee may refer an application to another subcommittee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 4.24 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question, where a minimum of three Elected Members will constitute a quorum.

#### REASONS FOR DECISIONS

- 4.25 In determining licence applications under the Local Government (Miscellaneous Provisions) Act 1982 the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 4.26 Every decision to refuse a licence made by the Licensing Committee, subcommittee or officers will be accompanied by clear reasons for the decision.
- 4.27 Every effort will be made to provide a decision verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow mature consideration of the respective case and a time for the reasoned condition to be drawn up and all parties notified.

#### CONDITIONS

- 4.28 The council will impose standard conditions on all licences. However if deemed necessary, the council may change, alter or replace the standard conditions with

conditions that are relevant to the application. Please see appendix 1 for the standard conditions.

4.29 Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.

4.30 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:

*“In cases where conditions on a premises licence or club premises certificate are inconsistent with and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”*

4.31 Therefore if there are any conditions on the sex establishment licence which conflict with a condition on the Licensing Act, the more onerous will apply.

#### RIGHT OF APPEAL

4.32 Only the applicant has the right to appeal the council’s decision to the Magistrate’s Court and only on limited grounds. There is no right of appeal for objectors or statutory authorities. Applicants and interested parties are referred to the Local Government (Miscellaneous Provisions) Act 1982, para 27 for further details.

#### PERIOD OF LICENCE

4.33 A sex establishment licence will remain in force for a fixed period that shall be no more than one year unless brought to an end early by the licence being surrendered or revoked.

#### RENEWAL, TRANSFER

4.34 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council’s website.

#### VARIATION

4.35 At any time, a holder of a licence can apply to vary the terms, conditions or restrictions of a licence. There are some matters, required under the standard conditions, for which the premises licence holder is required to notify the council. These matters may include:

- Minor internal structural changes (moving of existing fixed furniture, etc.)
- Change in personnel
- Amendment of the approved advertising material
- Change of name of premises

## REVOCATION

- 4.36 However as there is no requirement to advertise a variation, licence holders should contact Entertainment Licensing before making their application to discuss if a new application is more suitable. In general any variation which affects the matters mentioned in Section 2 will require a new application.
- 4.37 Should information be received by the council that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, the council may revoke the sex establishment licence.
- 4.38 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Committee and be heard by Members.
- 4.39 The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 4.40 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

## WAIVER

- 4.41 Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.
- 4.42 The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.
- 4.43 The application for a waiver uses the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There will be no requirement to advertise the application. There is a fee. Further information can be found on the council's website, or by contacting the Licensing Section.
- 4.44 The decision to waive the need for a licence will be taken at the next available licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 4.45 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence

## 5 ENFORCEMENT PRINCIPLES

- 5.1 The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

- 5.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **proportionate:**  
regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **accountable:**  
regulators must be able to justify decisions, and be subject to public scrutiny;
  - **consistent:**  
rules and standards must be joined up and implemented fairly;
  - **transparent:**  
regulators should be open, and keep regulations simple and user friendly; and
  - **targeted:**  
regulation should be focused on the problem, and minimise side effects.
- 5.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

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These conditions may be dispensed with, added to or modified by the council. Where, in these conditions, there is a reference to the consent of the council being required, the consent may include terms, conditions and restrictions as appropriate.

## SEXUAL ENTERTAINMENT VENUES

### General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The licensee will provide (subject to the satisfaction of both the police and the licensing authority), a code of practice for dancers and code of conduct for customers, and these must be made available upon request to both the police and authorised officers.
5. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
6. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
7. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.
8. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

### EXHIBITION OF THE LICENCE

9. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

#### HOURS OF OPENING

10. The premises will only be open to the public during the following hours:

Monday	22.00 to 01.00	Friday	22.00 to 01.00
Tuesday	22.00 to 01.00	Saturday	22.00 to 02.00
Wednesday	22.00 to 01.00	Sunday	22.00 to 01.00
Thursday	22.00 to 01.00		

#### CONDUCT ON THE PREMISES

11. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.
12. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
13. There must be no physical contact between dancers.
14. There must be no physical contact between the dancer and the customer at any time.
15. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
16. Sex toys must not be used and penetration of the genital area by any means must not take place.
17. Customers will not be permitted to throw money at the dancers.

#### EXTERNAL APPEARANCE

18. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following:

**Strictly No Admittance to Persons Under 18 Years of Age**  
**This premises operates a Challenge 25 policy.**  
**Persons who appear to be under the age of 25 will be required to show proof of age.**

19. The external appearance of the premises must be approved by the council in writing.
20. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
21. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant

entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

22. Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.

#### ADVERTISING

23. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
24. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
25. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee will have a flyer distribution policy to be approved by the Council.

#### LAYOUT OF THE PREMISES

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

#### MANAGEMENT OF THE PREMISES

28. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
29. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.

30. Where the licensee is a body corporate, or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

#### EXHIBITION OF THE LICENCE

31. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
32. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee’s control of the premises.
33. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
34. No persons under the age of 18 will be admitted to the premises.
35. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
36. The licence holder will not employ any person under the age of 18 in any capacity.

#### SAFETY AND SECURITY

37. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding within WCs and changing rooms). The CCTV system will cover the main entrances and exits and designated emergency egress routes from the premises. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with Devon and Cornwall Police and the Licensing Authority.
38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates. The CCTV system will contain the correct time and date

stamp information. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

39. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of an authorised officer or an officer of Devon and Cornwall Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
40. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Devon and Cornwall Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.
41. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

#### STAFF WELFARE

42. Dancers will be aged 18 years or over.
43. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
  - a) has not been convicted of theft, drug offences or prostitution
  - b) has the right to work in the UKThe licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.
44. All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:
  - a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
  - b) Details of any other conditions applied by management of the premises
  - c) Details of how to report crime to the relevant authority
  - d) Details of the premises public liability insurance
  - e) Information on how dancers can obtain personal liability insurance

- f) Details of unions, trade organisations or other bodies that represent the interests of dancers
  - g) A copy of the code of conduct for dancers
  - h) A copy of the code of conduct for customers
  - i) Price lists for drinks and sexual entertainment
45. The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.
  46. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description .
  47. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
  48. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
  49. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
  50. A smoking area for staff must be provided which is separate from the area where customers smoke. Customers and staff must not be allowed to interact while using these smoking areas.
  51. Dancers must be covered up at all times with knee length robes whilst using the smoking areas.
  52. The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
  53. The practice of fining is prohibited.
  54. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.

#### VESSELS, STALLS AND VEHICLES

55. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses, rickshaws, bicycles and novelty vehicles will not be used to transport customers to and from the premises.

#### VARIATION OF CONDITIONS

56. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
57. The licensee may apply to the council to vary any of the terms of the licence.

58. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence

#### SEX SHOPS

##### General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

#### EXHIBITION OF LICENCE

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

#### HOURS OF OPENING

5. The premises will only be open to the public during the following hours:

Monday	Noon to 18.00	Friday	Noon to 18.00
Tuesday	Noon to 18.00	Saturday	Noon to 18.00
Wednesday	Noon to 18.00	Sunday	Closed
Thursday	Noon to 18.00		

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

## EXTERNAL APPEARANCE

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

**Strictly No Admittance to Persons Under 18 Years of Age**  
**This premises operates a Challenge 25 policy.**  
**Persons under the age of 25 will be required to show proof of age.**

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

## ADVERTISING

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy approved by the council.

## LAYOUT OF THE PREMISES

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

## MANAGEMENT OF THE PREMISES

16. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee’s control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

## VIDEO RECORDINGS

26. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
27. Items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

## VESSELS, STALLS AND VEHICLES

28. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

## VARIATION OF CONDITIONS

29. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
30. The licensee may apply to the council to vary any of the terms of the licence.
31. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

## SEX CINEMAS

### General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

#### EXHIBITION OF LICENCE

- The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, the police or fire authority.

#### HOURS OF OPENING

- The premises will only be open to the public during the following hours:

Monday	Noon to 22.00	Friday	Noon to 22.00
Tuesday	Noon to 22.00	Saturday	Noon to 23.00
Wednesday	Noon to 22.00	Sunday	Closed
Thursday	Noon to 22.00		

#### CONDUCT ON THE PREMISES

- The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature. External appearance
- There will be a notice displayed on each entrance or doorway to the premises which states the following:

**Strictly No Admittance to Persons Under 18 Years of Age**  
**This premises operates a Challenge 25 policy.**  
**Persons under the age of 25 will be required to show proof of age.**

- The external appearance of the premises must be approved by the council in writing.
- Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
- The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.

11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

#### ADVERTISING

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy to be approved by the council.

#### LAYOUT OF THE PREMISES

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

#### MANAGEMENT OF THE PREMISES

16. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue ("the manager"), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified

immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

#### VESSELS, STALLS AND VEHICLES

26. Vehicles must not be used for personal solicitation, touting or advertising and only licensed hackney carriage and private hire vehicles may be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

#### VARIATIONS OF CONDITIONS

27. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
28. The licensee may apply to the council to vary any of the terms of the licence.
29. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

**Application For A Sex Establishment Licence**

Local Government (Miscellaneous Provisions) Act 1982 As Amended

**Please read the following instructions**

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.

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the applicant.

Any person who, in connection with an application for a grant of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

**Section 1 - APPLICATION DETAILS**

1. Is the application for a:

- |   |                                   |                                     |
|---|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Sexual Entertainment Venue | <input type="checkbox"/> Sex Shop | <input type="checkbox"/> Sex Cinema |
| <input type="checkbox"/> Grant                      | <input type="checkbox"/> Renewal  | <input type="checkbox"/> Variation  |

If the application is for a variation, please state the nature of the variation:

**Section 2 - APPLICANT DETAILS**

2. Is the applicant:

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> An individual<br>and 4)                           | (please answer questions 3     |
| <input type="checkbox"/> A company or other corporate body<br>9)           | (please answer questions 5 to  |
| <input type="checkbox"/> A partnership or other unincorporated body<br>12) | (please answer questions 10 to |

**Individual Application**

3. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

4. Are there any other persons responsible for the management of the premises/business other than those stated in question 3? Please state their names and addresses:

**Company or other corporate body**

5. Name of applicant (company name):

Address of registered or principal office:

Post town:

Post code:

Registration number:

6. Name and address of the applicant's directors and company secretary (please use additional sheet):

7. Are there any other persons responsible for the management of the premises/business other than those stated in question 5 and 6? Please state their names and addresses:

8. State the names of all persons with a shareholding greater than 10% in the business.

9. Is the business a wholly owned subsidiary or another company or corporate body? If so state the name, place of registration and identity of its directors and company secretary.

**Partnership or other unincorporated body**

10. Name and address of applicant:

11. Names and addresses of applicant's partners (please use additional sheet):

12. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

**All applicants**

13. a. Has the applicant ever been known by any other name? Yes  No
- b. Has the applicant ever been convicted of a criminal offence? Yes  No
- c. Has the applicant ever been refused a sex establishment licence? Yes  No
- d. Has the applicant ever had a sex establishment licence revoked? Yes  No
- e. Has the applicant ever been served with a winding up petition? Yes  No

If the answer to any of these questions is yes, please provide details:

14. Applicants' trading address or head office (other than the premises)

15. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? Yes  No

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding.

16. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

**Section 3 - PREMISES DETAILS**

17. Please state the name the business will be known as:

18. Is the premises a  Premises  Vehicle  Vessel  Stall

19. Where is it proposed to use the vehicle, vessel or stall?

20. In the case of a sex shop, does the company propose to only operate on the internet? (if yes answer questions 20 to 28 only) Yes  No

21. Premises address

Post town

Post code

Telephone number at premises

22. Which part of the premises is to be used as a sex establishment?

23. Is the applicant  owner  lessee  sub-lessee  other

24. If the applicant rents the property state:

a. Name and address of landlord

b. Name and address of the superior landlord:

c. Total annual rental:

d. Length of unexpired term:

e. Notice required to terminate tenancy:

25. Please provide details of the building management company (if appropriate):

26. State the current use of the premises:

27. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises?	Yes <input type="checkbox"/> No <input type="checkbox"/>
28. Can members of the public access the premises:	
a. Directly from the street?	Yes <input type="checkbox"/> No <input type="checkbox"/>
b. From other premises?	Yes <input type="checkbox"/> No <input type="checkbox"/>
c. Not at all? (internet sales only)	Yes <input type="checkbox"/> No <input type="checkbox"/>
29. a. Numbers of door supervisors: b. Hours door supervision in place:	
30. Are the premises currently being used as a sex establishment? Please provide details of the business currently operating the business:	Yes <input type="checkbox"/> No <input type="checkbox"/>
31. Are the premises licensed under any other Act such as the Licensing Act 2003? Please state the name of the designated premises supervisor.	Yes <input type="checkbox"/> No <input type="checkbox"/>

#### Section 4 - OPERATING SCHEDULE

32. Opening hours: (If internet sales only please tick here <input type="checkbox"/> and continue to Q39)	
Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	
33. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details	Yes <input type="checkbox"/> No <input type="checkbox"/>
a. Please provide details of any lender, mortgage or others providing finance:	

b. Please provide details of any merchandising agreements:

**Premises management**

34. Please state the name of the person who will be in day to day control of the premises (the manager).  
.....

a. Will the manager be based at the premises Yes  No

b. Will the management of the premises be the manager's sole occupation Yes  No

35. Who will be in control of the premises in the manager's absence (relief manager)?  
.....

a. Will the relief manager be based at the premises in the absence of the manager? Yes  No

If you have ticked 'no' to any of the above, please provide details

(Please complete an SE5 form for each person mentioned in this section)

**External appearance and advertising**

36. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing/photo of the front elevation is required to be submitted with this application

37. Please describe how the interior of the premises is obscured to passers by:

38. Please describe any proposed window displays:

39. Please describe how the business is to be advertised, i.e. business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

**Policies and Operating Schedule**

40. Please provide details of the age verification policy:

41. Please provide details of the CCTV arrangements:

42. State measures to be taken to prevent nuisance to residents and businesses in the vicinity:

43. State measures to be taken to promote public safety:

44. State measures to be taken to prevent crime and disorder:

45. State measures to be taken to protect children from harm:

46. State measures to ensure employees age and right to work in the UK:

47. Describe training and welfare policies:

**Applications for Sexual Entertainment Venues Only**

48. Is the proposal for full nudity?

Yes  No

49. Describe the nature of the entertainment, e.g. lap-dancing, pole dancing, stage strip-tease:

50. Please enclose a copy of the code of practice performers must abide by (or equivalent document), and describe how performers will be monitored to ensure compliance:

51. Please enclose a copy of the code of conduct customers must abide by (or equivalent document), and describe how customers will be monitored to ensure compliance:

52. Please enclose a copy of the welfare policy for performers (or equivalent document) and describe how this will be distributed.

53. Does the business intend to provide vehicles to transport customers or performers to and from the premises? Yes  No

Please enclose copies of the relevant licences issued by Taxi and Private Hire Licensing.

#### Further information

54. Please set out any further information you wish the authority to take into account.

55. Is there any information on this form you do not wish to be seen by members of the public? If so state which information and the reasons why you do not wish it to be seen.

#### Section 5 - CHECKLIST & ENCLOSURES

##### Enclosures

- I have made or enclosed payment of the fee
- I have enclosed three sets of plans of the premises
- I have enclosed a drawing of the street elevation of the premises
- I have enclosed a completed form SE5 for each person named in questions 3 to 11
- I have enclosed a completed form SE5 for the Manager and Relief Manager
- I have enclosed a copy of the company's staff welfare policy
- I have enclosed a copy of the code of practice for dancers (if appropriate)
- I have enclosed a copy of the code of conduct for customers (if appropriate)
- I have enclosed a copy of the Dancers Information Pack (if appropriate)
- I have enclosed a copy of the licences for vehicles used in connection with the business (if appropriate).

**Advertisement**

I declare that I have served a copy of this application on Devon & Cornwall Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice (SE6) and the standard declaration (SE7) is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the *Cornishman* newspaper.

A copy of the relevant press edition will be forwarded to Entertainment Licensing

I understand that if I do not comply with the above requirements my application will be rejected

The Council of the Isles of Scilly is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Any person who, in connection with an application for a grant, renewal, variation or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000

**Section 6 - SIGNATURES**

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

Signature .....

Date .....

Capacity .....

Contact Name (where not previously given) and address for correspondence associated with this application

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

**Guidance Notes**

- 1. Please return this completed application form to:

Licensing Section  
Council of the Isles of Scilly  
Town Hall, St Mary's  
TR21 0LW

2. Please make cheques and postal orders payable to Council of the Isles of Scilly.
3. The fees are as follows:

	<b>New</b>	<b>Renewal</b>	<b>Variation</b>	<b>Transfer</b>
<b>Sexual Entertainment Venue</b>	£4,159.00	£4,159.00	£3,567.00	£776.00
<b>Sex Shop &amp; Sex Cinema</b>	£4,159.00	£776.00	£3,567.00	£776.00

4. The applicant is responsible for serving a copy of this application on the **Licensing Officer, West Cornwall Division of the Police, and the EHO**
5. The licensing authority may forward copies of this application to the Isles of Scilly Fire and Rescue Service who will assess the application and inspect the premises, if necessary, to provide observations in relation to the structure, safety and suitability of the building for the purpose intended.
6. Furthermore, details of this application will be forwarded to the local elected Members.
7. Requirements for layout plan

The plan must show:

1. The layout of the premises including, e.g. stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red
3. The extent of the public areas outlined in blue
4. Uses of different areas in the premises, e.g. performance areas, reception, staff facilities.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routed without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.

For further assistance or information please contact Licensing on 01720 424008

- 1 The consultation period will be for 28 days, starting from the first working day after the date when a valid application is accepted by the Licensing Authority.
- 2 Applicants are required to provide a copy of their application to the police within 7 days of the date of the application being made to the Licensing Authority.
- 3 All applications will be available to view on the council's website for the duration of the 28-day consultation period.
- 4 The following organisations will be consulted and invited to submit representations on all applications:
  - Local elected members
  - Isles of Scilly Fire and Rescue
  - Devon and Cornwall Police
  - The Council as a Planning Authority
  - The council's Environmental Health Department
  - The council's Senior Manager: Services to our Community
  - The Council as a Licensing Authority
- 5 The Licensing Authority will also consider representations received during the consultation period from the following:
  - Local residents/businesses living within the vicinity of the proposed venue
  - Any representations made by the applicant
  - Residents or tenants associations
  - Community associations
  - Trade associations (where appropriate)
- 6 All representations must be received during the 28-day consultation period. Any representations received outside of this period will not normally be considered when determining an application.
- 7 All objections must be made in writing (email is acceptable) and must include the following:
  - The name and address of the person or organisation making the objection;
  - The premises to which the objection relates;
  - The proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this;
  - The reason and justification for making the objection.
- 8 The Licensing Authority will not consider objections that are believed to be frivolous or vexatious, or which relate to moral grounds. Decisions on whether objections are frivolous or vexatious will be made objectively by licensing officers and not on the basis of any political judgement.
- 9 A vexatious objection generally means one that is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 10 During the consultation period for all applications, the applicant shall on request of any of the organisations detailed in 4 to 5 above, allow an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and of the premises.

## TIMETABLE

### EXAMPLE

ACTION REQUIRED	DATE	DONE
Submit completed application to the Licensing Section, Town Hall, St Mary's, TR21 0LW	4 January 2017	<input checked="" type="checkbox"/>
Consultation Period Starts/Ends Application appears on the Council's website	5 January to 14 February	<input checked="" type="checkbox"/>
Advertisement on Property for 21 Days	6 January 2017 to 27 January 2017	<input checked="" type="checkbox"/>
Advertisement in <i>The Cornishman</i> (published Thursdays)	By 12 January 2017	<input checked="" type="checkbox"/>
Notice of Application to Chief of Police West Cornwall Division	<b>BEFORE 13 January 2017</b>	<input checked="" type="checkbox"/>

### APPLICANT TIMETABLE

ACTION REQUIRED	DATE	DONE
Submit completed application to the Licensing Section, Town Hall, St Mary's, TR21 0LW		
Consultation Period Starts/Ends Application appears on the Council's website		
Advertisement on Property for 21 Days		
Advertisement in <i>The Cornishman</i> (published Thursdays)		
Notice of Application to Chief of Police West Cornwall Division		

**SE5****Information On Individuals**

Local Government (Miscellaneous Provisions) Act 1982 As Amended

**Please read the following instructions**

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.

**PERSONAL DETAILS**

- |  |  |
|--|--|
| 1. Name:   |  |
| 2. Former name (if any):   |  |
| 3. Position in relation to applicant (i.e. director, partner, manager):  |  |
| 4. Date of Birth:  | 5. Gender:   |
| 5. Permanent address:  |  |
| 6. If resident at this address for less than 3 years, state previous address:  |  |
| 7. Have you been resident in the UK for longer than 6 months?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 8. Have you ever been disqualified from holding a sex establishment licence?<br>Please give details  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 9. Have you ever been involved in the management of a business, whether as a proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal reviewed or revoked? |  |
| a. Sex establishment licence   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| b. Licence for the supply of alcohol   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| c. Licence for the provision of entertainment, whether sexual or otherwise   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| d. Personal Licence under the Licensing Act 2003   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Please give details:   |  |

10. Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere? Yes  No   
 If so, provide details of the date, convicting court, offence and penalty imposed.

11. To your knowledge, are you currently the subject of any criminal investigate? Yes  No   
 If so please give details

12. Have you ever had civil legal action taken against you? Yes  No   
 If so please give details

13. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?  
 If so please give details

14. Have you ever been disqualified from acting as a company director? Yes  No   
 If so please give details

15. Is there any other information which you believe the licensing authority would reasonably expect notice of, or you would like to licensing authority to take into account when considering information you supplied?  
 If so please give details

16. Is there any information in this form which you do not wish to be seen by members of the public? Yes  No   
 If so state which information and the reasons why you do not wish it to be seen.

The Council of the Isles of Scilly is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.  
 Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000

**SIGNATURES**

Signature .....

Date .....

Contact phone number ..... Contact email .....

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

Notice of Application for a Sex Establishment Licence

**Sexual Entertainment Venue / Sex Cinema / Sex Shop**

(delete as appropriate)

Application has today been made to **Council of the Isles of Scilly** in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, for a

**Grant / Renewal / Transfer / Variation**

(delete as appropriate)

of a **SEX ESTABLISHMENT LICENCE** in respect of premises situated at:

(insert address of premises)

To operate as a: Sexual Entertainment Venue   
 Sex Cinema   
 Sex Shop

Signature(s) of Applicant(s) .....

Dated: .....

Any objections to this application should be made in writing **no later than 28 days** after the above date to:

Licensing  
 Council of the Isles of Scilly  
 Town Hall, St Mary's TR21 0LW

and also to the applicant:

Full name: .....

Address: .....

.....  
 .....

SE7

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

Notice Of Application For A Sex Establishment Licence  
Sexual Entertainment Venue / Sex Cinema / Sex Shop

I/we

of

being the applicant, certify that I, on [date]

.....  
displayed a notice in the prescribed form in a conspicuous position on or  
near to the premises situated at:

Signature of applicant:

Date:.....

To be returned to:  
Licensing  
Town Hall, St Mary's, Isles of Scilly  
TR21 0LW