

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

APPLICATION FOR A SEX ESTABLISHMENT LICENCE

I/We, the individual or body identified in question 2 below, apply to South Holland District Council, as the appropriate authority, for a licence to use the premises/vehicle/vessel/stall identified herein as a sex establishment, pursuant to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended.

PREMISES / LOCATION DETAILS	
1. Does this application relate to:	<input type="checkbox"/> A set of fixed premises <i>Please give details of the premises in section a), below</i> <input type="checkbox"/> A vehicle, vessel or stall <i>Please give details of the vehicle, vessel or stall in section b), below</i>
a) Fixed premises	
Please give details of the premises to which this application relates:	
i. Trading name <i>(if any)</i>	
ii. Postal address <i>(including postcode)</i>	
iii. If the premises form part of a larger building, describe the nature of the building and the location of the premises within it	
iv. Please describe the nature of the applicants interest in the premises:	<input type="checkbox"/> Freeholder <input type="checkbox"/> Leaseholder <input type="checkbox"/> Other: _____
b) Vehicle, vessel or stall	
Please give details of the vehicle, vessel or stall to which this application relates:	
i. Application is in respect of:	<input type="checkbox"/> a vehicle <input type="checkbox"/> a vessel <input type="checkbox"/> a stall
ii. Registration mark of vehicle, name of vessel, or trading name of stall <i>(if any)</i>	
iii. Location at which the vehicle, vessel or stall will be situated when used as a sex establishment <i>(postal address, or, if none, description of location)</i>	
iv. Intended frequency of use as a sex establishment in this location	

APPLICANT DETAILS

2. Is this application made by: An individual
Please give details of the individual in section a), below
- A body corporate or an unincorporated body
Please give details of the body in section b), below

a) Individual applicant

Please give details of the individual making this application:

- | | | |
|------|----------------------------------------------------------|--|
| i. | Full name of individual | |
| ii. | Permanent address
<i>(including postcode)</i> | |
| iii. | Telephone number and/or
email address <i>(if any)</i> | |
| iv. | Date and place of birth / / | |
| v. | National Insurance number | |
- vi. Has this individual been resident in an EEA state throughout the period of six immediately preceding the date on which this application is made? Yes No

Please give details of any previous name(s) used in the last 5 years, on a separate page.

b) Body corporate or unincorporated body

Please give details of the body corporate or unincorporated body making this application:

- | | | |
|------|--------------------------------------------------------------------------|--|
| i. | Full name of body | |
| ii. | Registered or principal
office address
<i>(including postcode)</i> | |
| iii. | Telephone number and/or
email address <i>(if any)</i> | |
| iv. | Legal status of body <i>(e.g.
partnership, limited company)</i> | |
| v. | Registration number
<i>[Body corporate only]</i> | |
- vi. Is this body incorporated in an EEA state? *[Body corporate only]* Yes No

c) Operation of other sex establishments

- i. Does any other person connected with this application operate any other sex establishments? Yes No

If yes, state the name, address and type of sex establishment (eg sex cinema, sex shop, sexual entertainment venue) of each

Please also complete and submit Appendix A with your application (included with this form), giving details of the directors, company officers, partners, or other persons responsible for the management of the applicant body.

APPLICATION DETAILS	
<p>3. This application is for: <i>(please tick and complete details for all that apply)</i></p>	
<input type="checkbox"/> the grant of a new licence <input type="checkbox"/> the renewal of a current licence <input type="checkbox"/> the transfer of a current licence <input type="checkbox"/> the variation of a current licence	<p style="text-align: right;"><i>Please complete section a), below</i></p> <p style="text-align: right;"><i>Please complete section b), below</i></p> <p style="text-align: right;"><i>Please complete section c), below</i></p> <p style="text-align: right;"><i>Please complete section d), below</i></p>
a) Grant of new licence	
<p>i. Is the premises, vehicle, vessel or stall subject to a current sex establishment licence issued by any authority? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. Is the premises, vehicle, vessel or stall subject to a current licence issued by South Holland District Council under another statutory provision? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><i>If either of these questions has been answered 'yes', please give details of the licence(s) under question 11, below.</i></p>	
b) Renewal of current licence	
<p>Please give details of the current licence for this sex establishment:</p>	
<p>i. Licence number</p>	<input style="width: 100%; height: 20px;" type="text"/>
<p>ii. Expiry date</p>	<input style="width: 100%; height: 20px;" type="text"/>
c) Transfer of current licence	
<p>Please give details of the individual/body that currently holds the licence for this sex establishment:</p>	
<p>i. Licence number</p>	<input style="width: 100%; height: 20px;" type="text"/>
<p>ii. Expiry date</p>	<input style="width: 100%; height: 20px;" type="text"/>
<p>iii. Name of current licensee</p>	<input style="width: 100%; height: 20px;" type="text"/>
<p>iv. Has the current licensee consented to the transfer of this licence? <i>If yes, please submit Appendix B, completed and signed by the current licensee.</i> <i>If no, please outline below the steps you have taken to try and obtain this consent:</i></p>	<p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
d) Variation of current licence	
<p>Please describe in detail the proposed variation(s) to the terms, conditions or restrictions subject to which the licence is held: <i>If you are seeking to amend the layout of the premises, your application should also be accompanied by an updated scale plan of the premises, which indicates the locations and areas in which regulated activities will be carried on.</i></p>	

APPLICATION DETAILS (continued)

4. The sex establishment is to be used as: *Please tick all that apply*

a sexual entertainment venue
 a sex cinema
 a sex shop

5. Please give the times during which the applicant proposes to operate the sex establishment:

	From	To	Any non-standard timings
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

6. Please describe the activities that are to be provided under the authority of the licence:
Please see guidance notes for assistance in completing this question

7. Please describe any special measures that you have undertaken, or will undertake, to limit the impact of these activities:
Please see guidance notes for assistance in completing this question

PREVIOUS REFUSALS & CONVICTIONS

Please read guidance notes before completing this section

In the following questions, ‘any person connected with the application’ will include the applicant; the directors, company officers, partners, or other persons responsible for the management of an applicant body; and any person who will be/is responsible for the management of the premises/vehicle/vessel/stall to which this application relates.

8. In the last 12 months, has any person connected with the application been refused a licence [or the renewal of a licence] for the premises, vehicle, vessel or stall to which this application relates? Yes No

If yes, was that decision subsequently reversed upon appeal? Yes No

9. In the last 12 months, has any person connected with the application had a licence revoked by this authority in respect of any premises, vehicle, vessel or stall? Yes No

10. Has any person connected with this application previously been convicted of an offence in the U.K. or in any other jurisdiction? Yes No

It is not necessary to declare any convictions which are considered to be spent under the provisions of the Rehabilitation of Offenders Act 1974

11. Has any person connected with this application ever been served with a winding up petition? Yes No

If question 10 has been answered ‘yes’, please also complete and submit Appendix C with your application (included with this form), giving details of the conviction(s) in question.

ANY FURTHER INFORMATION

12. Please give any further information which you wish the authority to take into account when considering this application:

ENCLOSURES	
Payment of the relevant application fee of £_____ is enclosed. <i>Please make cheques payable to South Holland District Council</i>	<input type="checkbox"/>
A scale plan of the premises, or a site plan of the location at which the vehicle/vessel/stall will be located, is enclosed. PLEASE SEE GUIDANCE NOTES FOR PLAN REQUIREMENTS	<input type="checkbox"/>
If transferring or varying the licence: The original, current licence is enclosed.	<input type="checkbox"/>
If transferring the licence: Written consent to the transfer of the licence from the current licensee, or a statement explaining why it has not been possible to provide this, is enclosed.	<input type="checkbox"/>

DECLARATION AND SIGNATURE	
I/We will arrange for publication of notice of this application, in the form prescribed by the authority, in a local newspaper circulating in the authority's area, not later than 7 days after the date of application.	<input type="checkbox"/>
For applications relating to premises only: I/We will display a notice in the form prescribed by the authority at or near the premises to which this application relates for a period of 21 days beginning from the application date, placed so that it can be conveniently read by the public.	<input type="checkbox"/>
I/We will send a complete copy of this application to Lincolnshire Police Headquarters, Licensing - Alcohol, PO Box 999, Lincoln, LN5 7PH, after the application is given to the Licensing Authority.	<input type="checkbox"/>
I/We declare that the information given in this application is true and complete in all respects. I/We understand that it is an offence to make a false statement (i.e. one which is known to be false in any material respect or which is not believed to be true) in connection with an application for a sex establishment licence.	<input type="checkbox"/>
Signature	Date
Capacity	I / We (<i>print full name and capacity</i>) sign on behalf of and have authority to bind the applicant.

Please indicate below the name, postal address and other contact details of a person who can provide further information or assistance in respect of this application, and to whom any correspondence relating to the application should be sent:

Contact name and address for correspondence associated with this application:	
Telephone number (if any)	
Email address (if any)	

APPENDIX B CONSENT OF LICENCE-HOLDER TO TRANSFER OF LICENCE

This appendix should be completed by the current licence-holder (or by a person with the authority to sign on their behalf), and submitted with any application to transfer a sex establishment licence.

I/We,	<i>[full name of licence holder(s)]</i>
being the holder(s) of a sex establishment licence relating to:	
	<i>[name and address of premises (or vehicle, vessel or stall) to which the application relates]</i>
hereby give my/our consent for the transfer of this licence to:	
	<i>[full name of applicant]</i>
Signed:	
Print name:	
Capacity:	
	Dated:

APPENDIX C CONVICTIONS OF APPLICANT OR OTHER PERSON(S) CONNECTED WITH THE APPLICATION

If any person connected with the application has previously been convicted of an offence, whether in the U.K. or abroad, details of the conviction(s) must be provided with the application. Convictions which are considered to be 'spent' under the Rehabilitation of Offenders Act 1974 do not need to be declared, and will not be taken into consideration when the authority determines the application.

Please supply the required information for all persons connected with the application with previous convictions, using either a blank piece of paper, or a further copy of this appendix.

Name of person:			
Role: <i>(e.g. individual applicant, partner, company director, premises manager)</i>			
Date of conviction	Convicting court	Offence	Sentence

APPLYING FOR A SEX ESTABLISHMENT LICENCE

GUIDANCE NOTES

These notes are intended to provide guidance on the process of making an application for a sex establishment licence, and should be read in conjunction with the application form for such. We recommend that all prospective applicants for sex establishment licences seek independent legal advice prior to making an application. The legislation surrounding this area of regulation is complex, and operators must ensure that they are fully aware of the various restrictions that may affect their activities. South Holland District Council cannot give legal advice to applicants or licence-holders.

What activities are licensable?

A location must be licensed if it is to be used as a sexual entertainment venue, a sex cinema, or a sex shop. A single location can be licensed for more than one of these functions.

- A **sexual entertainment venue** is any premises at which a live display of nudity or other live performance is provided before an audience, solely or principally for the purpose of sexually stimulating, verbally or otherwise, any member of a live audience (including an audience of one), for the financial benefit of the organiser or the entertainer. Nudity is defined as the exposure of the pubic area, genitals or anus by a man, or the exposure of the pubic area, genitals, anus or nipples by a woman.

(Premises at which sexual entertainment is provided on no more than 11 occasions in any 12-month period, where each occasion lasts for a maximum of 24 hours, with at least one month between each occasion, are not required to hold a sex establishment licence.)

- A **sex cinema** is any premises (other than a dwelling-house to which the public is not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, which portray or are intended to stimulate or encourage sexual activity or associated acts of force or restraint; or are concerned primarily with the portrayal of genital organs, or urinary or excretory functions.
- A **sex shop** is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:
 - any object used to stimulate or encourage sexual activity, or acts of force or restraint which are associated with sexual activity;
 - any article containing or embodying matter to be read or looked at (or used for the manufacture of such an article), which is concerned primarily with the portrayal, stimulation or encouragement of sexual activity or associated acts of force or restraint; or the portrayal of genital organs, or urinary or excretory functions; or
 - any recording of vision or sound, which portrays or is intended to stimulate or encourage sexual activity or associated acts of force or restraint; or is concerned primarily with the portrayal of genital organs, or urinary or excretory functions.

A licensing authority may waive the requirement for a sex establishment licence, if the authority considers that it would be unreasonable or inappropriate to require a licence to be held. Waivers may be granted for a limited period, and are entirely at the authority's discretion – generally, they will only be granted in exceptional circumstances, and not to permit the ordinary business of a sex establishment. You may apply for a waiver at the same time as the grant of a licence – if a waiver is declined, the authority will then continue to consider your licence application.

Completing the application form

Question 1

Licences may be granted in respect of fixed premises, or a vehicle, vessel or stall situated at a particular location. Please indicate which you are applying in respect of, and give the appropriate details requested.

Question a) iii. asks whether the premises comprises part of a larger building, and if so, the nature of that building and the specific location of the premises. For example, if a unit in a shopping centre is the subject of the application, describe the overall centre, give a specific address for the premises (e.g. a unit number) or detailed description of the location, and refer to any other businesses or organisations who occupy other units. If the premises occupy space in a multi-storey building, please identify which area/floor(s) is occupied by the business, and refer to the other occupiers of the building.

It is assumed that applicants will have obtained the right to occupy premises in respect of which they are making an application, or permission to situate their vehicle/vessel/stall at the location to which the application relates, prior to making their application. Evidence of this may be requested during the application process. A sex establishment licence does not convey any right of occupation of private or public property.

Question 2

Applications may be made either by an individual, or by a body corporate (e.g. a limited company), or by an unincorporated body (e.g. a partnership). Please indicate in which capacity the application is made, and give the appropriate details.

Applicants for sex establishment licences must either be resident in or incorporated in a European Economic Area (EEA) state. At present, the EEA consists of the following countries:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Finland
- Estonia
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom

If an individual applying for a licence has been known by any other names in the last 5 years (for instance, a maiden name prior to marriage, or where a name has been changed by deed poll), details of all names used in that period must be provided with the application.

If the application is made by a body corporate or an unincorporated body, details of all partners, directors, company officers and persons in similar roles must be also given with the application. A form is provided for this purpose, at Appendix A.

Question b) v. requires the registered number of the applicant and the name of the registering authority. For most limited companies, this will be the company registration number issued by Companies House, or for applicants incorporated in other EEA states, the equivalent local registrar.

Question 3

Please indicate the type(s) of application you are making. More than one type of application may be made at a time – for instance, simultaneous applications to transfer and renew the licence. In this case, the relevant sections of the form relating to both transfer and renewal should be completed. Payment of the application fees (see relevant section later in these notes) for every type of application would also be required in these circumstances.

- If applying for the grant of a new licence, please answer the questions in section a), about any other licences that are held for the premises, vehicle, vessel or stall. Details of any other licences should be given in the response to question 11 (further information).
- If applying to renew an existing licence, please give details of that licence in section b).
- If applying to transfer an existing licence, please give details of that licence and of the current holder of the licence in section c). The form at Appendix B, completed and signed by the current holder of the licence, should also be submitted with the application. If it is not possible to obtain the licence-holder's consent, a statement should be submitted explaining the reason for this, and outlining the steps that were taken to try and obtain this consent.
- If applying to vary any of the terms, conditions or restrictions to which the licence is subject, please describe in detail the changes you are seeking. Please identify any specific conditions which you wish to be removed, or set out in full any amendments or additional conditions you wish to see added to the licence. If the variation relates to a physical change to the layout of the premises, please supply an updated scale plan to reflect this change.

Question 4

Please indicate the use(s) or proposed use(s) of the sex establishment. Details of the meaning of each of these categories are given on the first page of these notes.

Question 5

Please set out the times during which you propose to operate the sex establishment, if a licence is granted, using timings in the 24-hour clock format (e.g. 09:00 to 21:00). If there are any specific occasions on which different hours are sought (e.g. bank holidays, New Years Eve), please set these out in the box provided for non-standard timings, giving the proposed times for each specified occasion.

When determining the application, the authority may impose a condition limiting the use of the licence to within the timings sought here, or such shorter hours as the authority deems appropriate.

Question 6

This question asks you to describe the activities for which authorisation is sought. Your answer here should give enough detail for the authority to form a comprehensive picture of the operation of the sex establishment, including the management structure.

For a sexual entertainment venue, please describe the nature of the entertainment to be provided, including the expected frequency of entertainment and the number of performers expected to be involved at any one time. Please also describe the expected size and proximity of the audience.

For a sex cinema, please describe the type of recordings that would be exhibited, and the method and location of exhibition (e.g. projected in a dedicated cinema facility, in a private booth, on television screens around the premises, etc).

For a sex shop, please describe the type of articles that would be made available, and the transaction method (whether they would be sold, rented, etc).

Question 7

The provision of sex-related activities is often contentious, and this section of the form is provided to allow an applicant to set out any control measures that they intend to implement to limit the

impact of their activities, should the licence be granted. These measures are likely to be dependent upon the proposed use of the premises, but may include:

- Details of procedures to prevent underage access to the sex establishment;
- Details of measures to ensure that activities are not visible from outside the premises, and description of any external advertising material that will be utilised;
- Details of 'house rules', to ensure performers safety and welfare (e.g. rules on contact and conduct, statement on the use of drugs and/or alcohol, restrictions on partners frequenting the premises, arrangements for secure changing areas and access routes, provision of security personnel to ensure these rules, and so on).

We would expect any applicant to make themselves familiar with any standard conditions applying to the relevant category of sex establishment licence. Those conditions should be used as a starting point for answering this question.

Questions 8-9

Although every application will be considered on its merits, in some specific circumstances the licensing authority is under a legal obligation to refuse an application (see Decision section, below). These questions require the applicant to declare whether or not they fall within two of those circumstances, due to the refusal or revocation of a licence in the last 12-month period.

Please ensure that these questions are answered accurately, as making a false statement in connection with an application is a criminal offence, carrying a maximum fine of £20,000 upon summary conviction.

Question 10

This question asks the applicant to declare whether they or any person connected with the applicant, including individuals who will be responsible for managing the sex establishment if the licence is granted, have previously been convicted of any offences either in the United Kingdom or abroad. If this question is answered yes, the form at appendix C should be completed for each person connected with the application who has unspent convictions.

The licensing authority is duty bound to consider whether previous convictions will make an applicant unsuitable to hold a sex establishment licence, and may refuse an application if it believes this to be the case. However, each application will be considered on its merits, and previous unspent convictions will not automatically preclude the grant of a licence.

There is no need to declare 'spent' convictions here. The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time from the date of conviction, dependent upon the nature of the sentence given, convictions for offences are to be regarded as 'spent' and will be disregarded when we consider applications. For advice as to whether particular convictions are 'spent', please contact our Licensing Officers, or an independent legal adviser.

Question 11

This space may be used to give any further information that you think the licensing authority should be aware of when considering your application. This may include, but should not be limited to, answers from previous questions where you have been asked to provide fuller information.

For example, if you already operate licensed sex establishments, you may wish to provide details of those premises in this space.

Enclosures

Applications should be accompanied by a number of documents, dependent upon the application type. Please check the boxes on the application form to confirm which enclosures have been sent.

Application fees

Applications for new sex establishment licences, or renewals/transfers/variations of existing licences, must be accompanied by payment of the relevant application fee. Fees are subject to periodic changes - for details of our current fee amounts, please see our web pages.

Payments by cheque should be made payable to 'South Holland District Council'.

Plan of premises

Applications for new sex establishment licences, or applications to vary existing licences to effect changes to the layout of the premises, must be accompanied by a plan of the premises, drawn to an appropriate scale. The plan must be clear and legible in all material respects, and should include the following matters:

- 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;
- the location of points of access to and egress from the premises and, if different, the location of escape routes from the premises;
- the area(s) within the premises used for relevant licensable activities (e.g. the locations in which sexual entertainment or exhibition of sex films will occur);
- 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;
- 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;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room(s) containing public conveniences, the location of the room(s);
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

The above items may be shown on the plan through the use of symbols or colour-coding, in which case a legend should also accompany the plan to indicate the meaning of each symbol and colour used.

Applications in respect of vehicles, vessels and stalls should also be accompanied by a site plan showing the location at which it is intended to operate the sex establishment.

Declaration and signature

Please read all of the statements in this section, and tick those that apply to your application, to indicate that you agree with those requirements. The application should then be signed by a person with the authority to bind the applicant. For individual applicants, this will usually be the applicant themselves, unless they have authorised an agent or legal representative to sign on their behalf. For corporate applicants, the form should be signed by a director of the company, a senior partner, a company officer or similar, or by an agent or legal representative if the applicant has authorised one to sign on their behalf.

Contact name and address

Please specify in this section of the form the contact details that you would like us to use to correspond with you about your application. If the application is made on your behalf by a legal representative or authorised agent, with whom you wish us to correspond, their details should be entered in this space. If no details are given, we will correspond directly with the applicant using the details given in question 2 of the form.

Consultation

Applicants must send a copy of their complete application (including any enclosures, other than the application fee) to the chief officer of police, at:

Lincolnshire Police Headquarters, Licensing - Alcohol, PO Box 999, Lincoln. LN5 7PH

The police and any other affected party may object to the application within 28 days of the date on which the application was received by the authority. Objections must include and set out the ground(s) upon which that objection is made. Although the applicant will usually be sent a copy of any objections or police observations, the authority is required to obscure names and addresses of any private individuals who have made those objections unless they have explicitly consented to their details being provided to the applicant.

All applications for sex establishment licences will be considered and determined by the council's Licensing Sub-Committee at a hearing. Any objections received in respect of an application will be taken into account during this process.

Advertising your application

Applicants for the grant, renewal or transfer of a sex establishment licence must publicise their application.

All applicants must arrange for the publication of a notice in one issue of a local newspaper, available in the area in which the sex establishment will be situated. This notice must appear within 7 days of your application being given to the licensing authority. Classified advertising publications are not suitable for this purpose – your notice must appear in a publication with news content.

Applicants in respect of fixed premises must also arrange for the display of an A4-sized (or larger) notice, at or near the premises, placed so that it can be conveniently read by members of the public outside the premises. This notice must be maintained so as to be visible 24 hours a day, for a period of 21 days beginning from when your application is given to the licensing authority. Applications for vehicles, vessels or stalls are not subject to this requirement.

A suggested format and wording for these notices is provided on the following pages:

- **Notice Template A** should be used by applicants in respect of fixed premises, to be displayed at/near the premises and published in a local newspaper.
- **Notice Template B** should be used by applicants for vehicles, vessels and stalls, to be published in a local newspaper only.

Decision

Applications **must** be refused if the applicant:

- is aged under 18 years;
- has had a licence revoked by the authority in the preceding 12-month period;
- (if an individual) has not been resident in an EEA state throughout the period of six months immediately preceding the date when the application was made;
- (if a body corporate) is not incorporated in an EEA state; or
- has been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in the preceding 12-month period, unless the refusal has been reversed on appeal.

The authority **may** also refuse an application if:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- the business to which the application 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;
- the number of sex establishments in the local area at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that area;
- the authority considers that the grant or renewal of the licence would be inappropriate, having regard to the character of the local area, the use to which any other premises in the vicinity are put, or the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Transfer applications may only be refused the first two points above.

Each application will be considered on its merits. An application will not be refused unless the applicant has been given the opportunity to appear before and make representations to the council's Licensing Sub-Committee.

If a licence is granted, it will be valid for a period of up to 1 year, as determined by the licensing authority. Renewal applications must be received before the expiry of the previous licence if the applicant wishes to continue trading while their application is considered.

Other points to note

- A sex establishment licence does not convey any entitlement under planning laws. Some sex establishments will require specific planning consent for their activities.
- Persons employed at premises to exercise certain security functions, such as door supervisors, must be licensed or otherwise authorised for that function by the Security Industry Authority (SIA). The operator of the premises must ensure that anyone carrying out such a function is correctly licensed to do so, and is advised to keep formal records of these checks. This will be of particular relevance to sexual entertainment venues, which may employ security staff both to regulate admission to the premises and to oversee customers' behaviour within the premises.
- The remote sale of R18-certificate video's and DVD's (for example, by mail order) is prohibited under the Video Recordings Act 1984. Such recordings may only be sold in person, in licensed sex shops.

