

General Licensing Team

Premises Management

Sex Establishment Guidance and Procedure

Sex Establishment Applications

Effective from the 27th December 2009

1 Introduction

- 1.1 Sex establishment premises are governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which was adopted by the local authority under s2(1) of that Act.

Types of sex establishment licences:

- 1.2 Sex establishment premises currently fall into one of four categories:

- (i) a sex cinema;
- (ii) a sex encounter establishment;
- (iii) a hostess bar;
- (iv) a sex shop.

- 1.3 Sex encounter establishment applications are primarily designed to cover premises that provide lap dancing. Sex cinema, sex shop and hostess bar applications deal with the premises their names suggest. Full statutory definitions of each are available at Appendix 1.

Why does Westminster licence sex establishment premises?

- 1.4 Due to the history of criminal activities associated with these types of establishments and the potential for illegal activities taking place at these premises (e.g. prostitution, drugs, exploitation and blackmail of members of the public, unlicensed sex shops selling unclassified pornographic DVDs), the Council seeks to regulate these activities and identify accountable individuals who can be held responsible should illegal activities take place. Much of the application procedure, although onerous for the applicant, is designed to promote transparency in these organisations and to ensure they promote legitimate business interests.
- 1.5 In particular, the Soho area has a long established reputation within the sex industry. The Council, therefore, seeks to legitimise this business and protect local residents, businesses, vulnerable people and visitors to this popular area.

Period of licence

- 1.6 A sex establishment licence shall remain in force for up to one year, or for a shorter period should the Licensing Authority think fit.

2 Applications

- 2.1 There are 4 types of application available to the applicant. These are:
- 1. New Application
 - 2. Renewal Application
 - 3. Transfer Application
 - 4. Variation Application

3 Application Requirements

3.1 Below are the types of application and the documentation needed to be submitted with the application:

New Application

- An application for a new licence must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—
 - (a) the full name of the applicant;
 - (b) his permanent address; and
 - (c) his age.
- An application made by a body corporate or an unincorporated body shall state—
 - (a) the full name of the body;
 - (b) the address of its registered or principal office; and
 - (c) the full names and private addresses of the directors or other persons responsible for its management.
- An application relating to premises shall state the full address of the premises.
- An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- Application fee (see fee's list relating to sex establishment premises)

Within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 it states that 'Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under the sub-paragraphs above.

Below is the criteria requested by Westminster City Council to be submitted with the application. This allows the Council and other responsible authorities i.e. the Police to determine whether the applicant and staff members are considered fit and proper, that the premises meet health and safety requirements and that there are no crime and disorder issues relating to the business.

- if the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- if the applicant is a company, a passport-size photograph of each of the Directors, the Company Secretary, or any other person responsible for the management of the company which must be dated and have the name of the person identified in the photograph printed on the back;
- a passport-size photograph of each person responsible for the management of the premises which must be dated and have the name of the person identified in the photograph printed on the back;
- a site plan at a scale of 1:1250;

- scale plans of the premises at a scale of 1:50, showing all means of ingress and egress to and from the premises, any parts used in common with other buildings and details of how the premises lie in relation to the street;
- drawings showing the front elevation as existing and as proposed at a scale of 1:50
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- if the applicant is a partnership, a certified copy of the Partnership Deed;
- the appropriate fee in full;
- a set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.

Public Advertisement:

The applicant is also required to:

- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- The applicant must also display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.

Note: The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

Renewal Application

- An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- Application fee (see fee's list relating to sex establishment premises)
- provide a set of audited accounts of the business for the two complete trading years immediately prior the date of the application.
- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make

the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.

- display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.
- serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

Transfer Application

- An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- Application fee (see fee's list relating to sex establishment premises)
- If the applicant is a limited company, a form provided by the Council which provides details of the company;
- If the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- if the applicant is a partnership, a certified copy of the Partnership Deed;
- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.
- serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

Variation Application

- An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- Application fee (see fee's list relating to sex establishment premises)

The applicant must also provide the following (if the application is to vary the plans):

- scale plans of the premises at a scale of 1:50, showing all means of ingress and egress to and from the premises, any parts used in common with other buildings and details of how the premises lie in relation to the street;

4 Application Procedure

- 4.1 An application for a licence should be made on the statutory form (Appendix 2). This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.
- 4.2 Any person over the age of 18 can apply for a licence provided they:
- (a) are a resident of the UK; and
 - (b) have been a resident of the UK throughout the 6 month period preceding the application; and
 - (c) are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
 - (d) have not been refused a grant or renewal application within the period of 12 months immediately preceding the date of the application.
 - (e) A body corporate can apply for a licence provided it was incorporated in the UK.
- 4.3 The application must be accompanied by a plan (specifications of the plan detailed in 3.1 of these Rules of Procedure).
- 4.4 The applicant must pay a fee to accompany the application, the amount of which will depend on the application type.

SEX LICENCES - Sex Establishments (Sex Shops)	Fee £'s
(A) ANNUAL SEX LICENCES	
Grant or renewal of a licence (18 licences available)	29,102
Variation of a licence	782
Transfer of a licence	1,334

- 4.5 If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit the required documents. If these documents are provided within a reasonable length of time (to be determined by the Licensing Authority), the application will be deemed valid from the day they are received. The applicant will then be required to re-advertise the application at the premises and in the local newspaper, stating the new consultation period.
- 4.6 If the reason for invalidity is not remedied within a reasonable length of time (to be determined by the Licensing Authority), the application will become invalid and will not be progressed any further. The applicant may apply for a refund of the application fee, which will be refunded in full minus the Council's costs. Should the applicant wish to gain a licence at any point in the future, he will have to submit a completely new application along with the relevant fee.
- 4.7 In addition to the notice given by the applicant at the premises and in the local newspaper (see 2.4 above), the Council will:
- (a) send notification of the application to local residents within a 30m radius of the premises; and
 - (b) fix a notice (or notices where appropriate) to the nearest lamp post(s) to the premises to which the application relates.
- 4.8 The **consultees** for this type of application are the professional bodies whose opinion the licensing authority considers in determining the application. These are:
- (a) Environmental Health Service;
 - (b) District Surveyors;
 - (c) Licensing Inspectors;
 - (d) London Fire and Emergency Planning Authority;
 - (e) Planning Department;
 - (f) Metropolitan Police Service.
- 4.9 As part of the application process, one or more of the responsible authorities will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Some responsible authorities may deem it necessary to investigate the applicant or, where the applicant is a company, the company and the directors of that company. Once they have considered the application and/or made any necessary inspections or investigations they will inform the Licensing Authority whether or not they wish to make an objection.
- 4.10 Each authority has individual requirements that they will consider when deciding whether or not a premises is suitable or an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, an indication of what these are is as follows:

Environmental Health Service:

Visits are made with regard to all applications for licenses to ensure that the applicant is compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the licence to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers and adequate sanitary facilities.

District Surveyors:

The District Surveyors will assess each licensing application from a public safety perspective and look to ensure that the appropriate technical standards are in place for the licensable activity being applied for. This may entail advising on issues such as means of escape, primary and secondary lighting, seating layout and design and safe capacities. If works are required to bring the premises up to the relevant standard the District Surveyors will then ensure that these are completed satisfactorily prior to any licence being granted.

Licensing Inspectors:

The Premises Licensing Inspectorate pays particular regard to enforcement matters and will make comment on any premises which has a connection with unlicensed activity (whether or not formal enforcement action has been instigated). In addition, each applicant is assessed to determine their possible involvement or connection with unlicensed activity or other similar offences (such as those contained under the Video Recordings Act 1984).

Observations and/or comments are then made in support of police representations or, in more serious cases, in the form of a formal objection under Schedule 3 paragraph 10(15) to the Local Government (Miscellaneous Provisions) Act 1982.

- 4.11 Any person wishing to object to the application must give notice in writing to the Licensing Authority, stating in general terms the grounds of the objection, not later than 28 days after the date of application.
- 4.12 If an objection is made by a Residents' Association or Local Amenity Society it shall be confirmed at any licensing hearing that the objection has been formally authorised by that Association. This confirmation should be made by the Chairman, Secretary or other duly authorised officer of the Association.
- 4.13 Petitions shall bear the prayer of that petition on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the applicant. Each person signing should also print his name and address. Each page of the petition should be dated.
- 4.14 Copies of the objections shall be forwarded onto the applicant by the Licensing Authority. However, all objections must remain anonymous and the Licensing Authority will not reveal the name or address of the objecting party without their consent.
- 4.15 A Councillor may also object to the application in accordance with Schedule 3 paragraph 10(15) of the Act.
- 4.16 The applicant may respond in writing to any objections received against the application. The Case Officer will provide the objector with a copy of the response.
- 4.17 Unless the objection relates to the character of the applicant, the Case Officer may seek to mediate between the parties to see if agreement can be reached prior to a Licensing Sub-Committee hearing.

4.18 Applications for renewal, transfer and variation applications may be granted under delegated authority without the need for a hearing provided no objections have been received against the application.

5 Hearings

5.1 Following the end of the consultation period, applications for new licences will be referred to the Licensing Sub-Committee to be determined. Written notice of the hearing will be given to the applicant and all interested parties or responsible authorities who have made objections.

5.2 The Sub-Committee shall normally consist of three Members. However no business shall be transacted unless at least two members are present. The Councillor for the Ward in which the applicant's premises are situated or where either the applicant or the objectors live shall not normally sit on the Sub-Committee when that application is to be considered.

5.3 Under no circumstances shall applicants or objectors lobby members of the Sub-Committee determining the application although it is perfectly proper for the support of the Ward Councillor concerned to be sought.

5.4 At any time during the hearing, the Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal and/or Policy Advisor or other relevant officer.

5.5 A report will be put before the Licensing Sub-Committee Members by the Case Officer. This report will contain any objections made by interested parties or responsible authorities, any response to the objections by the applicant and any relevant supporting evidence from either side. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing. A copy of the report will be sent to the applicant and any objectors in advance of the meeting.

5.6 The report may or may not include the Case Officer's recommendation but if it does details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.

5.7 Each party will be given the opportunity to present their arguments before the Licensing Sub-Committee. A party to the application may also call witnesses and will be given the opportunity to cross-examine any other party to the application. An objector may not raise any ground of objection not referred to in the written objection.

5.8 The applicant and the objector shall attend the hearing in person.

5.9 If the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate

5.10 In the case of the applicant, the representative must be empowered to supply any undertaking requested by the Sub-Committee or demonstrate that any conditions attached to the licence will be complied with.

5.11 All objectors and applicants are reminded that they can, if they wish, be legally represented, at their own expense, at the hearing. Alternatively they may if they wish ask a Councillor to represent them.

5.12 Where objection has been lodged in accordance with paragraph 10(15) of the Schedule but the objector fails to attend, the Sub-Committee is required by paragraph 10(18) of the Schedule to have regard to it. In these circumstances the Sub-Committee will be prepared to hear and consider any evidence and arguments put forward by or on behalf of the applicant not only on general matters but also in relation to the objection(s) which have been received. In reaching its decision, the Sub-Committee will take into account the fact that any statements made by an objector(s) who is not present will not have been tested by questioning.

5.13 In addition to making an objection, a Councillor may either:

- (a) make a submission to the Sub-Committee in accordance with rule 6.14 below; or
- (b) give evidence as a witness on behalf of any party at the hearing.

5.14 If a Councillor, who has not made an objection under the schedule, wishes to make a submission to the Sub-Committee, he may either address the Sub-Committee or may submit a written statement regardless of whether or not he is a witness called by any party as follows:

- (a) If the Councillor wishes to address the Sub-Committee this will normally be done after the Case Officer has introduced the report and called any evidence.
- (b) Alternatively the Councillor may, with the agreement of the Sub-Committee, address the Sub-Committee at a later stage in the proceedings. Where this happens an opportunity will be given to the other parties to comment on that submission and if necessary call fresh evidence.
- (c) Before a Councillor addresses the Sub-Committee he must first make a declaration that he has not previously discussed the application with the Members of the Sub-Committee and will take no part in the determination of the application.
- (d) Any evidence given by the Councillor in addressing the Sub-Committee will be subject to questioning by any party or by members of the Sub-Committee.
- (e) Any evidence given by the Councillor in addressing the Sub-Committee shall only relate to those matters already known to the applicant by way of the report or by reason of the notice required under sub-paragraph (f) below.
- (f) Notice in writing of any evidence to be given by the Councillor in addressing the Sub-Committee shall be provided to the Case Officer at least 14 days before the date of the hearing, setting out in general terms the nature of the evidence.
- (g) If the submission is by way of written statement the Sub-Committee will take into account the fact that the Councillor was not available to be cross-examined in considering the weight to be attached to the submission.
- (h) A submission by way of written statement shall be provided to the Case Officer at least 14 days before the date of the hearing.
- (i) The Case Officer shall, on receipt of any notice under sub-paragraph (f) above or a written submission under sub-paragraph (h) above, send a copy to the applicant as soon as possible.
- (j) If a Councillor fails to comply with the time limits in sub-paragraphs (f) or (h) above and there is an objection to the Councillor's submission being heard or

admitted, the Sub-Committee may hear argument and may hear or admit the submission if it feels in all the circumstances it would be reasonable to do so.

- (k) Involvement by the Councillor under this rule is limited to making a submission. There is no right to question the parties or witnesses, to call witnesses or to make a closing address.

Note: For the avoidance of doubt this rule does not preclude a Councillor from representing and presenting the case on behalf of his constituents if they are persons who have objected in accordance with Schedule 3 paragraph 10(15) of the Act.

Order of Proceedings

5.15 At the start of the hearing the Chairman will introduce himself and other members of the Sub-Committee.

5.16 There will be a list provided indicating the names of the persons appearing at the hearing and the Chairman will establish whether there are any additions or alterations to be made to it. The Chairman will then outline the procedure to be followed for the remainder of the hearing. The procedure shall be as follows and normally in the following order:

- (a) The Case Officer will introduce the report referred to in Rule 6.5 and will outline the matter before the Sub-Committee, giving any relevant background information. This will, where appropriate, include a summary of the activities proposed by the applicant under any licence granted.
- (b) Any Council Officer may be legally represented.
- (c) The Responsible Authorities may make observations unless the authority concerned is objecting under the schedule.
- (d) The applicant(s) and objector(s) shall present their respective cases. The applicant or applicants will normally present their case first. Any party may be represented.

NOTE: There is no automatic right for an objector to give evidence although normally the Sub-Committee permits this. If there is a challenge to an objector giving such evidence the Sub-Committee should consider representations from the applicant and objector on this point before deciding whether or not oral evidence will be permitted.

- (e) The party presenting its case first may call witnesses and may address the Sub-Committee either before or after doing so.
- (f) The other party or parties may then call witnesses and may address the Sub-Committee before doing so.

(g) Closing addresses may then be made to the Sub-Committee in this order:

- (i) Officers
- (ii) Objector(s)
- (iii) Applicant(s)

- (h) New evidence must not be introduced in any closing address. In exceptional circumstances, the Sub-Committee may, with the agreement of the other parties, allow the introduction of further evidence by any party at any time prior to the closing addresses.

5.17 Where a person gives evidence as a witness:

- (a) He is first asked to state his full name and address. A witness may withhold his address but to do so may result in no weight being given to his evidence if his address is relevant to any issue in the case.
- (b) He may either make a statement or give evidence in answer to questions from his representative.
- (c) He may then be questioned by the opposing party or parties. Members of the Sub-Committee and its legal and policy advisors may ask questions at any stage but will usually ask them at this stage. An opposing party may ask questions arising out of a new matter raised by a question from the Sub-Committee or its legal and policy advisors. A witness may decline to answer questions but less, if any, weight will then be attached to his evidence.

NOTE: An objector is entitled to remain anonymous, where however this puts the applicant at a disadvantage, this fact will be taken into account by the Sub-Committee.

- (d) If represented, he may then be re-questioned by his representative but only on matters arising out of the questions from others.

Documentary Evidence

5.18 Documentary evidence upon which any party intends to rely shall be submitted to the Case Officer prior to the publication date of the report in order that it may be included with the report to be submitted to the Sub-Committee. A copy of this report will be supplied to both applicants and objectors prior to the hearing.

5.19 Any document submitted to the Case Officer after the report has been published and on which one party wishes to rely shall be the subject of the following procedure before it may be taken into account by the Sub-Committee in reaching its decision:

- (a) The document must be shown to all the other parties to the hearing wherever possible before the hearing commences.
- (b) The party wishing to rely on the document shall be asked to explain why the document was not submitted in advance and may make any representations as to why it should be taken into account by the Sub-Committee in reaching its decision.
- (c) The other party or parties to the hearing shall indicate whether, because of its late submission, they have any objection to the Sub-Committee taking the document into account in reaching its decision.
- (d) The Sub-Committee may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
- (e) Taking into account its power to grant an adjournment (including the possible

delay and cost caused thereby) and any representations or objections made by the parties, the Sub-Committee shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

Note: At least 8 copies should be provided of any document that is to be submitted at the meeting.

Video Evidence

- 5.20 If one of the parties wishes to show video evidence at the hearing the Case Officer should be advised prior to the publication of the report. At least one copy of the video evidence shall be supplied to the Case Officer so that the opposing party or parties may have the opportunity to view the evidence in advance of the hearing. Provided the appropriate notice has been given the Council will normally provide the necessary viewing equipment.
- 5.21 At the hearing the Chairman will establish whether any party objects to the video being shown. If an objection is raised then the parties concerned should give their reasons for and against the proposed showing of the video. The Legal Advisor to the Sub-Committee may also give advice before the Sub-Committee decides whether or not to see the video evidence.

Waiver of Rules

- 5.22 In any particular case, any of these rules under Rule 6 may be waived, altered or modified by the Sub-Committee or by an officer of the Council acting under delegated powers.

6 Decision

- 6.1 At the end of a hearing the Chairman may invite the Committee to pass a resolution under Section 12A of the Local Government Act 1972 to exclude the press and public so as to enable the Sub-Committee to deliberate in private. If the resolution is passed the Chairman will announce that the Sub-Committee will retire to another room and will return as soon as possible to announce its decision (which can be reached by majority decision). The Sub-Committee will normally be accompanied by the Committee Officer and the Legal and Policy advisers but the decision shall be arrived at by Members of the Sub-Committee only.
- 6.2 The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to revoke a licence and if granting or varying a licence, may attach any conditions they consider appropriate.
- 6.3 Where the Sub-Committee decide to refuse the application, they may do so on any of the following grounds:
- (a) that the applicant for a new, renewal or transfer application is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

- (c) for new or renewal applications, that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) for new or renewal applications, that the grant of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Notification of the decision

- 6.4 The Chairman will announce the Sub-Committee's decision together with reasons in public at the end of the hearing. This decision will then be communicated in writing to the parties as soon as possible after the hearing. Where the application was granted, the Case Officer will issue the appropriate sex establishment licence.
- 6.5 The applicant will also receive a copy of the standard conditions relating to sex establishments (appendix 6). These conditions apply to all issued licences.

7 List of Appendices

- Appendix 1 - Definitions of sex establishment types under the Local Government (Miscellaneous Provisions) Act 1982
- Appendix 2 - New Sex Establishment Application Form
- Appendix 3 - Renewal Sex Establishment Application Form
- Appendix 4 - Transfer Sex Establishment Application Form
- Appendix 5 - Variation Sex Establishment Application Form
- Appendix 6 - Standard Conditions for Annual Licences for Sex Establishments

Appendix 1 – Statutory definitions of sex establishment categories

Sex cinema:

Paragraph 3 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a sex cinema as:

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—

7.1.1 sexual activity; or

7.1.2 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.

Sex encounter establishment:

Paragraph 3A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a sex encounter establishment as:

(a) a premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise of sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or

(b) a premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or

(c) a premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or

(d) a premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity.

Hostess bar:

Paragraph 3B of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a hostess bar as follows:

(a) any premises used for a business which consists, whether in whole or in part, of the offering, expressly or by implication, whether on payment of a fee or not, of the provision of companions for customers on the premises; or

- (b) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that a performance, entertainment, service, exhibition or other experience of a sexual nature is available on the premises; or
- (c) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that alcoholic refreshments are available on the premises despite the premises not being the subject of a premises licence or a club certificate under the 2003 Act.

Sex shop:

Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a sex shop as follows:

any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

7.2 sex articles; or

7.3 other things intended for use in connection with, or for the purpose of stimulating or encouraging—

7.3.1 sexual activity; or

7.3.2 acts of force or restraint which are associated with sexual activity.

Sex articles are further defined as:

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity; and

(b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies—

(a) 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

(b) to any recording of vision or sound, which—

(i) 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

(ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.



City of Westminster

APPLICATION FOR A SEX

ESTABLISHMENT LICENCE

Full Name of Applicant:

Address of Premises (or details of where a vehicle, vessel or stall is to be operated from).

CITY OF WESTMINSTER
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED
BY THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1986
APPLICATION FOR A LICENCE TO USE ANY PREMISES, VEHICLE, VESSEL OR
STALL AS A SEX ESTABLISHMENT

APPLICANT DETAILS:

1.	Is the application being made by:-	Tick or enter where appropriate:
	(a) An individual	
	(b) A Partnership or other unincorporated body	
	(c) A Body Corporate	
2.	Give the full name of the applicant (i.e. the individual, Body Corporate or Unincorporated Body to whom the licence is to be issued). If the applicant is an individual any former names must also be given	
3.	Give the following information on behalf of the applicant:-	
	(a) Telephone Number (during normal office hours)	
	(b) Address to which communications are to be sent	
4.	Give the applicant's permanent address (if an individual) or registered or principal office (if a body corporate or an unincorporated body)	
5.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	
	(b) Place of Birth	
	(c) Height	

6. If the applicant is a body corporate or an unincorporated body complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership details of all the partners must be given.

Forename	Surname	Former name (if any)	Address	Capacity	Date of Birth	Place of Birth	Height

7. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 6 above.

Name	Date on which became a UK resident	Address of permanent residence throughout six months immediately preceding this application

8.	This question need only be answered where the applicant is a Company:-		
	(a) Is the applicant a wholly or partly owned subsidiary of another company?		
	(b) What type of Company is the applicant (e.g. public, private, limited by share or guarantee etc)?		
	(c) In which Country is the Company incorporated?		
	(d) What is the date of incorporation of the Company?		
	(e) Give a full list of names, Shareholding addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders:-	Name	Address
	(f) If the applicant is a subsidiary of another company supply a copy of the Memorandum and Articles of Association of the parent company and of any ultimate holding Company and on a separate sheet give the same particulars as are sought in questions 4, 6, 7 and 8 (a) to (e)		
9.	Is the applicant or any person whose name is given in response to questions 6 or 8 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?		

10.	If the answer to Question 9 is "yes" I've the names of the person's concerned, full details of the other business and the nature and extent of the connection:-	
11.	What is the nature of the applicant's interest in the premises? Please state whether it is:-	
	(a) Freehold or	
	(b) Leasehold	
12.	If the applicant's interest in the premises is a leasehold one please state:-	
	(a) Whether a head lease or an underlease	
	(b) i) The name and address of the landlord	Name:- Address:-
	ii) The name and address of the superior landlord (where applicable)	Name:- Address:-
	(c) The amount of the annual rental or where this is not a certain figure describe the method of calculating the rental	
	(d) The length of the unexpired term	
	(e) The length of notice required to terminate the tenancy	
13.	Has the applicant a financial interest in the business which is the subject of this application? If "yes" to what extent?	
14.	Is the whole of the business owned by the applicant?	

THE PREMISES, VEHICLE VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE

15.	Is the application in respect of:-	
	(a) A sex shop; or	
	(b) A sex cinema	
	(c) A sex encounter establishment	
16.	State whether the application is in respect of:-	
	(a) Premises	
	(b) Vehicle	
	(c) Vessel	
	(d) Stall	
17.	Where the licence is sought in respect of a vehicle, vessel or stall state where it is to be used as a sex establishment.	
18	Where the Licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought?	
19.	Are the whole of the premises described in response to Question 18 above to be used under the Licence?	
20.	If the answer to question 19 above is "no" please state:-	
	(a) Which part of the premises is to be used for the purposes of the Licence	
	(b) The use to which the remainder of the premises are put	
	(c) The names of those who are responsible for the management of the remainder of the premises	
21.	Are the premises which are to be used for the purposes of the Licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?	
22.	If the answer to question 21 above is "no" please state (on separate sheet) the applicant's proposals for affording such access.	

23.	Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.	Yes/No Name:- Address:-
24.	Where the premises, vehicle, vessel or stall in use as a sex establishment on 22 December 1981? If "yes" give the name of the person carrying on the business at that date.	

THE BUSINESS:

25.	Under what name is or will the business be known?			
26.	Has the applicant in connection with the business entered into any agreement or Deed other than the Tenancy Agreement or lease? If "yes" please supply full details and a copy of the Agreement.			
27.	If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.	Name	Address	Share

28.	(a) State the total turnover of the business during the 12 months immediately prior to this application.		
	(b) What proportion of the turnover derived from		
	i) The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982.		
	ii) The use of premises as a sex cinema.		
	iii) The use of premises as a sex encounter establishment.		
29.	(a) State the anticipated turnover of the business for the next 12 months.		
	(b) The proportion of the turnover expected to be derived from		
	i) The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982; and		
	ii) The use of premises as a sex cinema.		
	iii) The use of premises as a sex encounter establishment.		
30.	Give the names and addresses of any lenders, mortgagees or others providing	Name	Address
			Loan description

	finance with the full terms of such loans.			
31.	Is the business required to purchase merchandise from a particular company, person or body? If "yes" supply a copy 7 of any Agreement and state what is to be purchased and from whom.			

SEPERATION OF BUSINESS:

32.	If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If "yes" state whether cubicles are to be used for viewing and if so how many.	
33.	What articles are to be offered for sale?	
34.	If the application is for a licence for a sex encounter establishment state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.	
35.	What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.	

--	--	--	--	--	--	--	--

39. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38 give details of their previous convictions and of any previous convictions of any of their spouses:-

Forename	Surname	Former name (if any)	Permanent Address during period of relevant employment	Employers name and address	Description or nature of work	Period of employment from/to

--	--	--	--	--	--	--

DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATIONS ETC

40. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38 give details of their previous convictions and of any previous convictions of any of their spouses:-

Forename	Surname	Former name (if any)	Date of conviction	Place of conviction	Nature of conviction	Sentence

--	--	--	--	--	--	--

41.	Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38? If “yes” give details.	Yes/No Details:-
42.	Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the City of Westminster or elsewhere? If “yes” give full details (including the address of the premises and the Council’s reference).	Yes/No Details:-
43.	Is there in force against the applicant or any of the persons whose names appear in answer to Questions 6, 8, 38 and 40, a disqualification from holding a licence for a sex establishment under the Local Government. (Miscellaneous Provisions) Act 1982.	Yes/No
44.	Is there any further information which the applicant would wish the Council to take into account when considering this application? This space may be used to amplify any replies to other questions.	Yes/No Details:-

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

DECLARATION

I declare that the information given above is true and complete in every respect.

Dated this.....day of.....20.....

Signature

Designation of Signatory

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.



PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-

In respect of individual applicant and each of those named in response to Questions 6, 8 and 38, a birth certificate.

A copy of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 6 and 38. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.

A site plan scale 1:1250.

Scale plans of the premises (1:50) in respect of which the licence is sought showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in relation to the street.

Drawings showing the front elevation as existing and as proposed (1:50).

Duly certified copies of the documents of title (i.e. land certificate, lease, rental agreements) and of any other agreements referred to in response to questions in this application.

Where the business is conducted by or on behalf of a body corporate or unincorporated body, a certified copy of the Resolution authorising the application.

Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.

If the applicant is a company, copies of the Memorandum and Articles of Association of the company, the parent company and any ultimate holding company.

If the application is being made on behalf of a partnership, a certified copy of the Partnership Deed.

11. The fee of £ . A refund less Council costs will be made where an application is refused. In the case of news vendors trading from a pitch or stall, who as part of their business sell sex magazines the application is £185, but no refund will be made where an application is refused.

Further to Question 28 on the first form the applicant must supply one set of audited accounts of the business for the two complete trading years immediately preceding the date of the application.

PLEASE NOTE THAT BEFORE THE APPLICATION CAN BE CONSIDERED THE FOLLOWING ADDITIONAL DOCUMENTS WILL HAVE TO BE SUPPLIED.

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule of the local Government (Miscellaneous Provisions) Act 1982 as amended. Photostat copies of the newspaper will not be accepted. copies of the forms of notice to be used in the newspaper advertisement and for display upon premises have been prescribed by the City Council and may be obtained from the Westminster City Hall, Victoria Street, London, SW1E 6QP.
- B. Evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended. A copy of the application including a copy of all the enclosures and an additional two photographs as described in note 2 above must be sent to the Metropolitan Police Service, CO14 Clubs & Vice Unit, Charing Cross Police Station, Agar Street, London, WC2N 4JP not later than 7 days after the date of the application.
- C. Evidence of Affidavit that the Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.



City of Westminster

APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the **Licensing Service, 4th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP** (Telephone: 020 7641 8549) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

CASH SHOULD NOT BE SUBMITTED.

Fee Paid:	
Date Received:	
Initials:	
Cheque/Receipt No:	
App. No.	

I/We apply for renewal of a licence for the premises in item 2.

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- Address:-
	(b) Tel No: (during normal office hours)	
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	
	(b) Place of Birth	
3.	(a) Name and address of premises.	Name:- Address:-
	(b) Tel No:	
4.	Give details of the total turnover of the business during the 12 months immediately prior to this application.	
5.	Give details of the anticipated turnover of the premises for the next 12 months.	
6.	Give details of the articles which are to be offered for sale at the premises.	

IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

7.	Has the management of the premises in the absence of the licence holder changed?	Yes/No (If yes, the following details need to be supplied on a separate sheet). (a) Full Name (b) Private Address (c) Date of Birth (d) Place of Birth (e) Four photos of them
8.	(a) Name of newspaper in which application was advertised.	
	(b) Date of newspaper: (See Note B)	
9.	Date poster exhibited at the premises: (See Note C)	
10.	Have you sent a copy of the application to the Metropolitan Police Service as required by the Act. (See Note D)	Yes/No
11.	Address to which licence and correspondence should be sent.	

WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR 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.

I/We (please print full name) declare that the information given above is true and complete in every respect.

Signature..... Date.....

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.



NOTES

- A. The applicant must supply one set of audited accounts of the business for the two complete trading years immediately prior the date of the application.
- B. A **complete** copy of the newspaper in which notice of the application has been advertised in accordance with paragraph 10(8) of the third schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). Photocopies of the newspaper will NOT be accepted.
- C. Evidence of Affidavit that the notice of application has been displayed at the premises as required by paragraph 10(10) of the third schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- D. Evidence of the due service of the notice of application upon the Metropolitan Police Service as required by paragraph 10(14) of the third schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).



City of Westminster

SEX ESTABLISHMENT LICENSING

APPLICATION FOR THE TRANSFER OF LICENCE

This form should be completed and forwarded to the Licensing Service, 4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP (Telephone 020 7641 8549), with a cheque or postal order for the fee of £..... made payable to the City of Westminster and crossed.

I/We apply for the transfer of the licence at present in force for the premises named at item 2 below on the same terms and conditions that are currently in force.

<p><u>THE APPLICANT</u></p> <p>1. Full names and private address of applicant. If the application is made by a limited company, please give the address of the registered office. (See note 1) and complete the Director's form.</p> <p>(Use separate sheet if necessary).</p>	<p>(a) Name</p> <p>(b) Address</p> <p>(c) Date of birth</p> <p>(d) Place of birth</p> <p>(e) Height</p> <p>(f) Date became resident in United Kingdom.</p> <p>(g) Address of permanent residence throughout six months immediately preceding this application.</p> <p>Telephone No: (during normal office hours).</p>
--	---

IMPORTANT NOTE: THIS APPLICATION FORM IS OPEN TO INSPECTION BY THE PRESS, PUBLIC AND COMMUNITY CHARGE REGISTRATION OFFICER.

<p>2. Name and full postal address of the premises.</p>	<p>Name Address</p> <p>Telephone No.</p>
<p>3. This question need only be answered where the applicant is a company.</p> <p>(i) Is the applicant a wholly or partly-owned subsidiary of another company?</p> <p>(ii) What type of Company is the applicant (e.g. public or private limited by</p> <p>(iii) In which Country is the Company incorporated?</p> <p>(iv) What is the date of incorporation of the Company?</p> <p>(v) Give a full list of names, addresses and holdings of shareholders holding 5% or more of the issued share capital and the</p> <p>(vi) If the applicant is a subsidiary of another company supply a copy of the memorandum and Articles of Association of the parent company and of any ultimate holding Company and on a separate sheet give the same particulars as are sought in question 1 and 3. (i to v) above.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> <p>(v) Names Addresses Share-Holding</p>

<p>4. Is the applicant, any director or any person whose name is given in response to questions 1 or 3 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?</p>	
--	--

<p>5. If the answer to Question 4 is "yes" give the full names of the persons concerned, full details of the other business and the nature and extent of the connection.</p>	
<p>6. (a) What is the legal title to occupy the premises (e.g. leasehold, freehold etc.)?</p> <p>If leasehold</p> <p>(b) Please give the name and address of freeholder (or head lessee).</p> <p>© What is the amount of the annual rental or, where this is not a certain figure, describe the method of calculating the rental?</p> <p>(d) What is the length of the unexpired term?</p> <p>(e) What length of notice is required to terminate the tenancy?</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p>
<p><u>THE BUSINESS</u></p> <p>7. Is the whole of the business owned by the applicant?</p>	

<p>8. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.</p>	
<p>9. Has the applicant a financial interest in the application? If “yes”, to what extent?</p>	
<p>10. Has the applicant in connection with the business entered into any Agreement or Deed other than the Tenancy Agreement or lease? If “yes” please supply full details and a copy of the Agreement.</p>	
<p>11 Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.</p>	
<p>12. Is the business required to purchase merchandise from a particular company, person or body? If “yes”, supply a copy of any Agreement and state what is to be purchased and from whom.</p>	

<p>13. If the application is for a licence for a sex shop state whether any part of the premises is to be used for displaying films, video recordings or other moving pictures. If “yes”, state whether cubicles are to be used for viewing and if so how many.</p>	
<p>14. If the application is for a licence for a sex encounter establishment state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.</p>	
<p>15. What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.</p>	
<p>16. What means are to be taken to prevent the interior of the premises being visible to passers-by?</p>	
<p>17. Give details of the times during which it is proposed to open the premises:-</p> <p>(i) Days of the week</p> <p>(ii) Hours of the day</p>	<p>(i)</p> <p>(ii)</p>

<p>18. Has any person at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the City of Westminster or elsewhere? If “yes” give full details (including the address of the premises and the Council’s reference)?</p>	<p>Yes/No</p>
<p>19. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 1, 3, 18, and 20 a fictio disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions)</p>	<p>Yes/No</p>
<p>20. Is there any further information which the applicant would wish the Council to take into account when considering this application? This space may also be used to amplify any replies to other questions.</p>	

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION OR THE TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A HEAVY PENALTY

DECLARATION

I/We.....declare that the information given above is true and complete in every respect.

Where application is made on behalf of a limited company the secretary or a director should sign. In the case of a partnership each partner should sign. If signing on behalf of applicant, please state in what capacity you are acting.

Signature of applicant(s) or applicants
Solicitor or other duly authorised agent.

Date.....
.....

Telephone.....
.....

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, 4TH FLOOR, CITY HALL 64 VICTORIA STREET, LONDON, SW1E 6QP. PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-

1. In the case of a limited company, please complete the separate form which seeks details of the Company.
2. In respect of individual applicants and each of those persons named in response to Questions 1, 3 and 18, a birth certificate.
3. One copy of a passport-size photograph in respect of the applicant (if an individual) and each of those persons whose names appear in response to Questions 1 and 18. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears and be signed by the person making the above Declaration.
4. Duly certified copies of the documents of title (i.e. land certificate, lease, rental agreements) and of any other agreement referred to in response to questions in this application.
5. Where the business is conducted by or on behalf of a body corporate or unincorporated body, a certified copy of the Resolution authorising the application.
6. Where the business is carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants.
7. If the applicant is a company, copies of the memoranda and Articles of Association of the company, the parent company and any ultimate holding company.
8. If the application is being made on behalf of a partnership, a certified copy of the Partnership Deed.

GENERAL NOTES

1. If it is desired to vary the terms and conditions of the current licence, a separate full application will need to be made.
2. The Council's officers will be visiting the premises to ensure that standards relating to safety, lighting, heating and sanitation etc. have been properly maintained.
3. If the premises are not already constructed or adapted so as to permit access to and from the premises by disabled people, the Council will expect proposals to be submitted to the Department of Planning and Transportation indicating how such access will be afforded.



PLEASE NOTE THAT BEFORE THE APPLICATION CAN BE CONSIDERED THE FOLLOWING ADDITIONAL DOCUMENTS WILL HAVE TO BE SUPPLIED:-

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended. Photostat copies of the newspaper will **NOT** be accepted.
- B. If required, evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(4) of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended. A copy of the application including a copy of all the enclosures not later than 7 days after the date of the application.
- C. Evidence of Affidavit that the Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.



CITY OF WESTMINSTER

REGULATIONS MADE BY THE WESTMINSTER CITY COUNCIL UNDER PARAGRAPH 13(1) OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1986 PRESCRIBING STANDARD CONDITIONS FOR ANNUAL LICENCES FOR SEX ESTABLISHMENTS EFFECTIVE FROM 27 JUNE 1997 (as amended on 25 October 1999)

- NOTES:**
- (i) Except where the context demands otherwise the singular includes the plural and masculine includes the feminine.
 - (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
 - (iii) These rules are divided into four Parts as follows:
 - Part I - General
 - Part II - General Rules relating to management conduct etc.
 - Part III - Rules in respect of fire and safety conditions.
 - Part IV - Other Safety Rules and Rules relating to sanitation and noise.
 - Part V - Rules which apply to sex shops.
 - Part VI - Rules which apply to sex encounter establishments and Sex Cinemas.
 - Part VII - Rules which apply to Sex Cinemas.
 - Part VIII - Rules which apply to Sex Cinemas, larger sex encounter premises or where there are special circumstances.
 - (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Disabled People

It is the policy of the Council that there should be access and facilities for disabled people at sex establishments. Licensees are therefore, encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people and are reminded of the duties imposed by the Disability

Discrimination Act 1995. To this end Council officers will be pleased to discuss and advise on the best ways to achieve this.

PART I - GENERAL

Definitions

1 In these rules, unless the context otherwise requires:

‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council in writing.

‘Approved’, ‘accepted’, or ‘permitted’ means approved, accepted or permitted by the Council in writing.

‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

‘Council’ means Westminster City Council.

‘Escape lighting’ (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.

‘Film exhibition’ has the meaning described in Section 21 of the Cinemas Act 1985.

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

‘Non-combustible’ material means material which is deemed to be non-combustible when tested in accordance with the provisions of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.

‘Officer’ means any person authorised in writing by the Council. (This may include officers of the London Fire and Civil Defence Authority).

‘Premises’ means any premises within the Council’s area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

‘Sex Establishment’, ‘Sex Cinema’, ‘Sex Shop’, ‘Sex Encounter Establishment’ and ‘Sex Article’ shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986.

**Dispensation
or
modification
of rules**

2. (a) These rules may be dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

PART II

GENERAL RULES RELATING TO MANAGEMENT, CONDUCT ETC

**Exhibition
of Licence**

- 3 The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

**Hours of Opening
and Closing**

- 4 The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

**Responsibility
of Licensee**

- 5 (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Persons in charge of Licensed

- 6 (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the **Premises** licensed premises du are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Conduct of

- 7 (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
- (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity

of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

**Doorway Opening,
windows etc**

8

- (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

**Change of
Use**

9

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Alterations **10** No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

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

PART III - RULES IN RESPECT OF FIRE AND SAFETY CONDITIONS

Maintenance **11** The approved arrangements shall be maintained at all times in good order, repair and condition.

Overcrowding **12** (a) Overcrowding shall not be permitted in any part of the premises.

 (b) The licensee shall maintain a register in a form approved by the Council indicating which staff are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.

NOTE: The register will be used by police officers or authorised officers of the Council to assist in deciding how many members of the public are present on the premises at any given time. It is essential, therefore, that the register is properly maintained at all times and that it is readily available for inspection. Compliance with this condition is of the utmost importance and any breach would be regarded as extremely serious.

(c) The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons currently on the premises. This information shall immediately be divulged on request by a police officer or an authorised officer of the Council.

Maintenance of means of **13** (a) All exit routes shall be maintained with nonslip and even floor/step surfaces and be free of trip

escape

hazards at all times. Such exit routes shall be unobstructed and available for immediate use at all times.

- (b) All exit doors shall be available for immediate use, without use of a key or similar fastening, the whole time the public are in the premises. Only fastenings that have been approved by the Council in writing may be provided on such doors.
- (c) All fire doors shall be maintained effectively self-closing, and not wedged open.
- (d) Any removable security fastenings approved by the Council shall be removed from the doors prior to opening to the public. All such fastenings shall be kept in a position approved by the Council during the whole time the premises are in use.

Curtains, decorations etc

14

- (a) Where approval is given for curtains to be used, the curtains shall where necessary be periodically resprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.
- (b) Curtains where permitted across doors shall be in two halves, on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

Fire Alarms

15

Any fire alarm system shall be checked monthly to ensure it is fully operational. In addition any system shall be serviced yearly by a qualified engineer and all results recorded in a log book to be retained on the premises.

Fire Fighting Equipment

16

- (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.

Outbreaks of Fire

17

The Fire Brigade shall be called to any outbreak

of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

- | | | |
|--|-----------|---|
| Cleansing of Ventilation Ductwork | 18 | <p>(a) Filters within kitchens, serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.</p> <p>(b) The ventilation system(s) shall be maintained in a clean condition and full working order.</p> |
|--|-----------|---|

PART IV - OTHER SAFETY RULES AND RULES RELATING TO SANITATION AND NOISE

- | | | |
|--------------------------------|-----------|---|
| Sanitation | 19 | <p>The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:</p> <p>(a) maintain each sanitary convenience in clean and efficient order;</p> <p>(b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.</p> <p>(c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature: together with an adequate supply of soap and suitable hand drying facilities.</p> <p>(d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.</p> |
| Lighting | 20 | <p>All lighting (including escape lighting) shall be maintained in full working order.</p> |
| Electrical Installation | 21 | <p>The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.</p> |
| Electrical Certificates | 22 | <p>Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical</p> |

installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Escape Lighting	23	The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.
Heating	24	<p>(a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.</p> <p>(b) Portable heating appliances shall not be used without the Council's written consent.</p> <p>(c) No alterations/additions to the approved heating system shall be made without the written consent of the Council.</p>
Electrical, Gas and Mechanical Ventilation Systems	25	No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council.
Gas and Electricity Meters	26	<p>(a) Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).</p> <p>(b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.</p>
Paraffin and Mineral Oil	27	Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior written consent of the Council.
Noise and Vibration	28	<p>(a) The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.</p> <p>(b) Without prejudice to the generality of this condition the licensee shall ensure that no form</p>

of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

NOTE: The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

PART V

CONDITIONS APPLYING TO SEX SHOPS

- | | | |
|--|-----------|---|
| Goods available in Sex Establishments | 29 | All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged. |
| | 30 | All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment. |
| | 31 | No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified. |

PART VI

CONDITIONS APPLYING TO SEX ENCOUNTER ESTABLISHMENTS AND SEX CINEMAS

- | | | |
|-------------------------------------|-----------|--|
| Display of Tariff of Charges | 32 | (a) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice. |
| | | (b) Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council. |

(c) No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

(d) No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

Seating

33

- (a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council.
- (b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

Standing and Sitting in Gangways

34

- (a) In no circumstances shall persons be permitted to:-
- (i) Sit in any gangway; or
- (ii) Stand in any gangway which intersects the seating; or
- (iii) Stand or sit in front of any exits.
- (b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

Wheelchairs

35

Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued by the Council.

NOTE: In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people

including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

Special Risks and Special Effects

36

Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

PART VII

CONDITIONS APPLYING TO SEX CINEMAS

Minimum lighting

37

The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

NOTE: At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for Cinemas published by the British Standards Institution.

Film categories

38

The categories U, PG, 12, 15 and 18 have the following effect:-

- | | |
|----|--|
| U | Universal - suitable for all |
| PG | Parental Guidance. Some scenes may be unsuitable for young children. |
| 12 | Passed only for persons of 12 years and over. |
| 15 | Passed only for persons of 15 years and over. |
| 18 | Passed only for persons of 18 |

years and over.

Restricted (18) Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

The addition of (Westminster) after the category means that the film has been passed by the Council for exhibition in Westminster in the category shown.

Exhibition of films **39** No film shall be exhibited at the premises unless:

(a) it is a current news-reel; or

(b) It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

(c) it has been passed by the Council as a U, PG, 12, 15, 18 (Westminster) or RESTRICTED (18) (Westminster) film.

RESTRICTED (18) films - Council's consent **40** Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Unclassified films **41** Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

Age Restriction Notice **42** When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:
PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

Category notices **43** Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-

(a) For a film passed by the British Board of

Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board;

- (b) For a film passed by the Council - a notice in the following form without the addition of any other words:-

WESTMINSTER CITY COUNCIL
(Here insert title of film)
has been passed by the Westminster City Council
(+here insert the definition of category and the category assigned).

Provided that as regards a trailer advertising a film the notice shall be in the following terms:-

WESTMINSTER COUNCIL
*.....(.....) trailer advertising + film
(*Here insert the category of the trailer)
(Here insert the category of the film)

**Objection to
Exhibition
of a film**

44

No film shall be exhibited at the premises:-

- (1) which is likely:-
- (a) to encourage or to incite to crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation or degradation of or violence towards women.
- (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- (3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

Posters, Advertisements, etc.	45	Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.
Flammable Films	46	No flammable films may be upon the premises without the prior consent of the Council in writing.

Section C - Rule relating to television exhibitions

Entertainments Unsuitable for some Audiences	47	When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.
---	-----------	---

Section D - Restricted 18 Category

Additional Conditions for 'Club' Cinemas (Showing Films in the Restricted 18 Classification)	48	<p>(i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.</p> <p>(ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-</p>
---	-----------	---

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

- (iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any

performance, or at any other reasonable time.

- (iv) Tickets shall in no circumstances be sold to persons other than members
- (v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

- (vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.
- (vii) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

PART VIII

RULES WHICH APPLY TO SEX CINEMAS, LARGER* SEX ENCOUNTER PREMISES WHERE THERE ARE SPECIAL CIRCUMSTANCES

* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons

**Attendants -
Numbers in
Cinemas**

- 49 (a) In the case of cinemas which are **not equipped** with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone **provided** that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons.
- (b) In the case of a cinema **equipped** with staff alerting and communication systems the number of attendants shall be the following scale:

PERSONS PRESENT	ATTENDANTS ON DUTY	STAFF ON CALL IN AN EMERGENCY
Up to 250	1	0
251 to 500	1	1
501 to 750	1	2
751 to 1000	2	3
1001 to 1500	3	3
1501 to 2000	3	4

- (c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

NOTE: For the purpose of this rule:

- (i) “Floor” means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.
- (ii) “Zone” means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.
- (iii) “Staff alerting system” means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises.
- (iv) A member of staff is not “on call” if:
 - (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
 - (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation.
 - (c) They are more than 75 metres from
 - (i) the position to which they are required to go on alerting signals being activated;
 - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

**Attendants -
Numbers in
Other Premises**

50

Unless the Council otherwise requires or agrees in writing in any case:

- (a) there shall be a minimum of two attendants on duty on each floor or tier of the auditorium where the public, up to a number not exceeding 500, are present on that floor or tier and thereafter one additional attendant shall be on duty for each additional 250 persons or part thereof present on that floor or tier;
- (b) if an auditorium has only one floor or tier and seats 250 persons or less the number of attendants on duty in that auditorium shall be not less than one.

NOTE: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and for the avoidance of doubt in the case of an auditorium which has

only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.

MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.

- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.