



West Devon Borough Council

Sex Establishment Licensing Policy

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licensing@westdevon.gov.uk

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Foreword

This Licensing Policy sets out West Devon Borough Council's (the "Licensing Authority") licensing framework for premises which need to be licensed as sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009. This legislation is collectively referred to in this document as 'the Act'.

Section 27 of the Policing and Crime Act 2009 was introduced in order to give licensing authorities greater control over premises such as lap dancing clubs which are currently regulated under the Licensing Act 2003.

This Authority adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in September 1982 in order to regulate sex establishments. On 24 February 2011, the Council approved the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, to also allow the licensing of an additional category of premises known as "Sexual Entertainment Venues". These powers came into effect 1 April 2011.

This Authority does not take a moral stand in publishing this policy. The Authority recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. The Council's role as the Licensing Authority is to regulate licensed premises in accordance with the law and Government guidance.

West Devon Borough Council Equality Vision

We are committed to acknowledging the full diversity of our community and to promoting equality of opportunity for everyone in policy making, service delivery, employment practice, regulation and enforcement.

This Policy was subject to a 360 Assessment on 21 June 2011.

If you have any questions or queries about this document:

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- 2.1 West Devon is one of the largest local authorities in England with a rural area of 458 square miles or 1160 km² but it has a sparse population. The Borough extends from the northern outskirts of Plymouth to within 13 kilometres of Exeter. Its western boundary is the River Tamar, the boundary with Cornwall, from which it stretches eastward and northwards to encompass a major part of the Dartmoor National Park (520 km²)
- 2.2 Urban sites are Primarily Okehampton and Tavistock, although Bere Ferrers, Buckland Monachorum, Hatherleigh, Horrabridge and North Tawton also have high levels of population. The influence of Plymouth and its environs is undeniable on the Tavistock side and in particular Bere Ferrers and Buckland Monachorum where many commuters choose to live.
- 2.3 With a population density of 0.17 person per acre, West Devon is the most sparsely populated district in southern England and one of the most sparsely populated districts in England as a whole. There are 21,800 households in the Borough and 90% of businesses employ fewer than 10 people.
- 2.4 The population is widely distributed and shows a tendency to be of the older age group, with the highest numbers within the 40-59 age groups.

3. The Licensing Framework

- 3.1 This Licensing Policy sets out the policies the Licenisng Authority will generally apply when making decisions on applications. This document explains the application process and provides information on what is expected of applicants. In addition, the processes by which representations may be made about an application are explained.
- 3.2 Whilst this policy stands alone, applicants are advised to also have regard to the Licensing Authority's Statement of Licensing Policy made under the Licensing Act 2003 Policy as this may impact on applicants, particularly those wishing to undertake other licensable activities such as the retail sale of alcohol, provision of regulated entertainment and/or late night refreshment.
- 3.3 In discharging its licensing function, the Licensing Authority will have regard to:
- The Local Government (Miscellaneous Provisions) Act 1982;
 - Crime and Disorder Act 1998 (in particular Section 17);
 - The Human Rights Act 1998;
 - The Policing and Crime Act 2009 (Section 27);
 - The Provision of Services Regulations 2009;
 - The Regulators' Compliance Code;
 - The Safer West Devon Strategy 2008-2011;
 - West Devon Borough Council Licensing Enforcement Policy.

Reference to legislation shall include any amendment, extension, application or re-enactment and includes any subordinate laws for the time being in force made under them and all orders, notices, codes of practice and guidance made under them.

- 3.4 At the time of adopting this policy, this Authority has no licensed sex establishments and no premises likely to fall within the definition of sexual entertainment venue.

4. Consultation

- 4.1 Consultation on the Policy took place between March 2011 and June 2011. Consultation was conducted with statutory authorities, community organisations, local residents, holders of premises licences under the Licensing Act 2003 and other relevant organisations.

The Act is not prescriptive about how the local authority should consult local people. Consultation should be fair and meaningful and local authorities should seek to make any relevant information available to local people in order to inform their understanding. Home Office Guidance, 2.20. In accordance with the HM Government Code of Practice on Consultation (published July 2008), which is available at www.berr.gov.uk/files/file47158.pdf, a twelve week consultation was undertaken.

5. Location of Licensed Premises

- 5.1 The Licensing Authority recognises that, by virtue of Section 12 of Schedule 3 to the Act, it can limit the number of sex establishments in any locality within its area. That number may be nil. The Licensing Authority has not chosen to do this and will therefore determine each application on its merits having regard to the likely impact on any given locality.
- 5.2 Whilst the Licensing Authority has not imposed a limit on the number of premises that may be licensed in any locality, and whilst treating each application upon its own merits, the Licensing Authority will not license premises in proximity to:
- (a) a residential area;
 - (b) premises, areas or access routes to such premises or areas which are designed for or attract children or families, such as school, play areas, parks, children's centres, youth clubs, nurseries or leisure facilities, or similar establishments;
 - (c) a place of public religious worship;
 - (d) any facilities used for cultural or leisure activities (e.g. museums, art galleries, libraries);
 - (e) educational establishments;
 - (f) any premises which caters for, or is used by vulnerable children or adults;
 - (g) community facilities and public buildings;
 - (h) any area which is a focus for tourist activity;
 - (i) an area with a history of significant crime or social difficulties;
 - (j) a gateway to an identifiable locality.
- 5.3 The Licensing Authority may refuse an application on any of the above grounds (see also 7.23 & 7.24).

6. Exempt Premises

- 6.1 The following are not sexual entertainment venues for the purposes of this Policy:
- Sex cinemas and sex shops³;
 - Premises at which the provision of relevant entertainment⁴ is such that –

³ See Glossary for definition

⁴ See Glossary for definition

- (i) there have been not more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months;
- (ii) no occasion has lasted for more than 24 hours; and
- (iii) no occasion has begun within the period of 1 month beginning with the end of any previous occasion on which relevant entertainment has been so provided.

6.2 For the purpose of this Policy, relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser⁵ before an audience and involved partial or full nudity⁶.

7. The Licensing Process

Making an Application

- 7.1 Whilst not a legal requirement, the Licensing Authority will normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.
- 7.2 The Licensing Authority expects that applicants will consult with local residents, businesses and/or community groups in the vicinity of the premises so far as is reasonably practicable prior to submitting a formal application.
- 7.3 Applicants are advised to have regard to the Licensing Authority's standard licence conditions for sex establishments in order to ascertain the operational standards expected and the types of controls typically required (see **Appendix B**).
- 7.4 Applications must state the full address of the premises to be licensed. Applications in respect of a vehicle, vessel or stall must also state where it is to be used as a sex establishment.
- 7.5 Applications should be made in accordance with the procedures set out at **Appendix C**. Application forms can be downloaded from the Authority's website or are available upon request to the Licensing Section.
- 7.6 An application form and relevant documentation for the new licence, renewal, variation or transfer must be completed and returned with the appropriate fee as prescribed in the Authority's Schedule of Fees and Charges, which can be accessed online at www.westdevon.gov.uk.

Duration of Licences

- 7.7 Licences will generally be issued on an annual basis but can be issued for a shorter term if deemed appropriate.

Commenting on Applications

- 7.8 The Act provides that any person may make an objection to an application for a sex establishment licence. Objectors do not have to live in the vicinity of the premises

⁵ See Glossary for definition

⁶ See Glossary for definition

and may include residents, residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors of this Authority may represent interested parties, provided they do not also sit on the Licensing Sub-Committee determining the application in question. The Police are a statutory consultee for all applications.

- 7.9 Representations must state the grounds on which the objection is made and should:
- be made in writing;
 - be legible;
 - indicate the name and address of the person or organisation making the representation;
 - indicate the premises to which the objection relates; and
 - indicate the proximity of the premises to the residential/business address of the person making the representation.
- 7.10 Representations may only be made within the period of 28 days following the date on which the application was given to the Licensing Authority.
- 7.11 The Licensing Authority will not normally consider any objection or positive representation that does not contain the name and address of the person making it. However, names and addresses of persons will not be disclosed except with their written permission.
- 7.12 Representations that are repetitious, frivolous or vexatious will be disregarded. A frivolous objection is generally taken to be one that is lacking in seriousness. A vexatious objection is generally taken to be one that is repetitive, without foundation or made for some other reason such as malice.
- 7.13 Representation may not be made on moral grounds.
- 7.14 Where representations are made and accepted, the Licensing Authority will provide copies to the applicant.

Determination of Applications

- 7.15 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee or by a Sub-Committee of the Licensing Committee.
- 7.16 When determining a licence application, the overriding principle adopted by this Licensing Authority will be that each application will be determined on its merits. The Licensing Authority will have regard to the relevant legislation, guidance issued by the Home Office, this Statement of Licensing Policy and any supporting regulations. The Licensing Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Licensing Authority will give reasons for any such departure from policy.
- 7.17 When determining a licence application, the Licensing Authority will take account of any comments made by the Chief Officer of Police and any relevant representations.
- 7.18 Where no objections are received, application will be granted in the terms applied for, subject to any conditions imposed by the Licensing Authority. Where relevant objections are received, the application will be dealt with by a Licensing Sub-Committee at a hearing. The Licensing Authority has established its own hearing procedures as provided for under the Licensing Act 2003.

- 7.19 The grant of a licence does not exempt applicants from obtaining permissions or authorisations required under any legislation, byelaw, order or regulation other than Schedule 3 of the Act.

Licence Conditions

- 7.20 Section 13 of Schedule 3 to the Act gives the Authority the power to make regulations prescribing standard conditions which may be applied to a licence for a sex establishment. The standard conditions which this Licensing Authority will attach to a licence are shown at Appendix B. Where it is reasonable and necessary, the Licensing Authority may modify these conditions or attach additional conditions to a licence.
- 7.21 Conditions will generally relate to matters falling within the control of the licence holder and may include:
- The opening and closing hours of the premises;
 - Displays or advertisements on or in the premises;
 - The visibility of the interior of sex establishments to passers-by;
 - Any change of a sex cinema to a sex shop or a sex shop to a sex cinema together with any other matters which the Licensing Authority considers relevant to the application.

Refusal of Licences

- 7.22 Except where the Licensing Authority is prohibited from granting, renewing, varying or transferring a licence, the Licensing Authority will not refuse a licence without first:
- Notifying the applicant or holder of the licence in writing of the reasons;
 - Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.

Mandatory Grounds for Refusal

- 7.23 The Act requires the Licensing Authority to refuse to grant or transfer a licence to:
- (a) A person under the age of 18;
 - (b) A person who is for the time being disqualified from holding a licence;
 - (c) A person who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - (d) A body corporate which is not incorporated in an EEA state; or
 - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary Grounds for Refusal

- 7.24 An application for grant or renewal of a licence may be refused on one or more of the following grounds:
- (a) That the applicant 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/herself;
- (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Licensing Authority considers is appropriate for that locality (nil may be an appropriate number for these purposes).
 - (d) That the grant or renewal of the licence would be inappropriate having regard to:
 - o The character of the relevant locality;
 - o The use to which any premises in the vicinity are put; or
 - o The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Revocation of licences

- 7.25 The Licensing Authority may revoke a licence:
- o On any of the grounds specified in paragraph under the paragraph entitled mandatory grounds for refusal;
 - o On either of the discretionary grounds specified in paragraph 7.24 (a) and (b).
- 7.26 The Licensing Authority will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.

Cancellation of licences

- 7.27 The licence holder may surrender the licence at any time and may by written request ask the Licensing Authority to cancel the licence.
- 7.28 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his/her personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 7.29 Where the Licensing Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

Appeals

- 7.30 Section 27 of the Act permits appeals against the decisions of the Licensing Authority. Appeals must be made to the local Magistrates' Court within 21 days of the date of the Licensing Authority's decision.
- 7.31 An appeal may be made in the following circumstances:
- o Refusal of an application for the grant, renewal or transfer of a licence.
 - o Refusal of an application to vary terms, conditions, or restrictions on or subject to which any licence is held.
 - o A grievance relating to any term, condition or restriction on or subject to which a licence is held.
 - o Revocation of a licence.
- 7.32 There is no right of appeal for objectors. There is a right of appeal against refusal on mandatory grounds, only where the appellant alleges the ground did not apply to them. There is no right of appeal against refusal on the grounds that there are sufficient sex establishments in the locality or that to grant would be inappropriate

having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

- 7.32 A person wishing to appeal against a decision of the Licensing Authority about a sex establishment is strongly advised to seek legal advice prior to commencing any action in a court of law.

8. Enforcement and Complaints

- 8.1 The Licensing Authority is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The Licensing Authority will carry out its regulatory functions in a fair, open and consistent manner.
- 8.2 Enforcement will be carried out in accordance with the Licensing Authority's Licensing Enforcement Policy which sets out clear standards and procedures. Enforcement will be:
- Proportionate;
 - Accountable;
 - Consistent;
 - Transparent; and
 - Targeted.
- 8.3 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.
- 8.4 Complaints about licensed premises should be made in writing and addressed to: The Licensing Manager, West Devon Borough Council, Kilworthy Park, Tavistock, Devon, PL19 0BZ or emailed to: licensing@westdevon.gov.uk.

9. Exchange of Information

- 9.1 The Licensing Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.
- 9.2 Details of applications and objections which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 9.3 The names and addresses of objectors will not be disclosed to applicants or published in public reports in accordance with the Act. Such details will be made available to Councillors on the Licensing Sub-Committee.

Appendix A - Glossary of Definitions

- **‘Display of nudity’** - in the case of a woman, exposure of her nipples, pubic area, genitals or anus; in the case of a man, exposure of his pubic area, genitals or anus;
- **‘Relevant entertainment’** - (a) Any live performance; or (b) Any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience includes an audience of one.
- **‘Organiser’** - Any person who is responsible for the organisation or management of: (a) The relevant entertainment; or (b) The premises.
- **‘Vessel’** - includes any ship, boat, raft, or other apparatus constructed or adapted for floating on the water.
- **‘Sex Establishment’** - is defined under the Act as a ‘Sex Shop’, a ‘Sex Cinema’ or a ‘Sexual Entertainment Venue’. It includes any premises, vehicle, vessel or stall used as a sex establishment but does not include a private dwelling to which the public are not admitted.
- **‘Sex Cinema’** - any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:
 - (a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity
 - (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 Shop’** - any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:
 - (a) Sex articles; or
 - (b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.
- **‘Sex Article’** - 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 activityor any of the following:
 - (a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (b) any recording of vision or sound, which:

- (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;
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs or urinary or excretory functions.
- **Sex Articles and Significant Degree** - licences for sex shops are required where 18R films are being sold, or where there is a “significant degree” of “sex articles”.

The phrase ‘sex articles’ is defined in the 1982 Act, (as above) but the phrase ‘a significant degree’ is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (a) the ratio of sex articles to other aspects of the business;
 - (b) the absolute quantity of sales;
 - (c) the character of the remainder of the business;
 - (d) the nature of the displays in the business;
 - (e) turnover;
 - (f) other factors which appear to be materially relevant.
- **‘Sexual Entertainment Venue’** - any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. For the purposes of the Act it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

Appendix B - Licence Conditions

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

General – applicable to all licence types

In these conditions (**A, B & C** – as set out below), except where the context otherwise requires, the following expressions will have the following meanings:

- (i) 'Sex Establishment', 'Sex Cinema', 'Sex Shop', 'Sexual Entertainment Venue' and 'Sex Article' will have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') as amended by s.27 of the Policing and Crime Act 2009.
- (ii) 'Premises' means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by s.27 of the Policing and Crime Act 2009.
- (iii) 'Relevant entertainment' means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- (iv) 'Approval of the Authority' or 'Consent of the Authority' means the approval or consent of the Licensing Authority in writing.
- (v) 'Approved' means approved by the Licensing Authority in writing.
- (vi) 'Authorised Officer' means any officer of the Licensing Authority or other statutory agency authorised in writing to undertake duties in accordance with the Local Government (Miscellaneous Provisions) Act 1982.
- (vii) 'The Licensing Authority' means West Devon Borough Council Licensing Authority.
- (viii) 'Act' means the Local Government (Miscellaneous Provisions) Act 1982.
- (ix) 'Film' has the meaning ascribed to it in the Cinematograph Acts 1909-1982.

A. SEX ESTABLISHMENT LICENCE CONDITIONS: APPLICABLE TO SEX SHOPS AND CINEMAS

Introduction

1. These conditions are only applicable to “Sex Shop and Sex Cinema” premises.
2. These conditions may be imposed by the Licensing Authority pursuant to its powers under Paragraph 13(1) of Schedule 3 to the Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, varied, renewed or transferred by the Licensing Authority, save and insofar as they do not conflict with the provisions of the Act itself.

Management of the Premises

3. The Licence Holder or some responsible person, over the age of 18, nominated by him and approved in writing by the Licensing Authority for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the premises at all times when the premises is open to the public. A form will be provided for this purpose.
4. Where the Licence Holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Licensing Authority within 14 days of such change, and such written details as the Licensing Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Licensing Authority.
5. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Licensing Authority.
6. The name of the person responsible for the management of the premises, whether the Licence Holder or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which s/he is responsible for the conduct of the premises.
7. The Licence Holder shall retain control over all parts of the premises and shall not let, license or part with possession of any part. The Licensing Authority must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licence Holder’s control of the premises.
8. The Licence Holder shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.
9. Neither the Licence Holder nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the premises.
10. The Licence Holder shall ensure that during the hours that the premises is open for business every employee wears a badge of a type approved by the Licensing Authority indicating her/his name and that s/he is an employee.

11. The Licence Holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licence Holder's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Licensing Authority.
12. The Licence Holder shall take all reasonable precautions for the safety of the public and employees.
13. No person under the age of 18 shall be admitted to the premises.
14. The Licence Holder shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25, in order to ensure that they are not under the age of 18.
15. All persons working in the premises, including performers, shall be aged not less than 18 years. The Licence Holder must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
16. The Licence Holder shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Licensing Authority and the Police. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition, the Licence Holder must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
17. The Licence Holder shall provide upon request copies of any documents reasonably required by an authorised officer of the Licensing Authority in relation to compliance with this Licence.

Times of Opening

18. Except with the prior consent of the Licensing Authority, a Sex Cinema or Sex Shop will not be open to the public except on the days and hours specified by the Licensing Authority.
19. The premises will not open on Sundays or any Bank Holidays or any Public Holidays unless permitted by the Licensing Authority.

Operation of the Premises

20. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Licensing Authority. This will require consideration of an appropriate application.
21. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.
22. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

External Appearance

23. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises. The notice must also include a statement that proof of age may be requested.
24. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
25. The windows and openings of the premises shall be of a material or covered with a material, which will render the interior of the premises invisible to passers-by.
26. No items should be stored on the premises so that they can be viewed from any external window or door.
27. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (i) The licensed name of the premises may be displayed, unless the Licensing Authority determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
 - (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
28. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned or otherwise approved by the Licensing Authority in writing.
29. No external loudspeakers may be installed.

State, Condition and Layout of the Premises

30. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and her/his obligations under any lease or other agreement for the use of the premises, s/he shall maintain the premises in good repair and condition.
31. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
32. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
33. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.

34. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
35. Alterations or additions, either internal or external, shall not be made to the premises without prior written consent from the Licensing Authority. A variation application will be required in order for consent to be considered.
36. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
37. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Goods Available in Sex Establishments

38. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
39. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
40. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

Information for Customers

41. The Licence Holder shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

Licensed Name

42. (a) The Licensing Authority at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.

(b) An application in respect of a change of licence name shall be made to the Licensing Authority in writing not less than 28 days prior to the proposed change and the Licensing Authority shall have an absolute and unfettered discretion to allow or refuse such change.

B. SEX ESTABLISHMENT LICENCE CONDITIONS: APPLICABLE TO MAIL-ORDER SEX SHOP PREMISES

Introduction

1. These conditions are only applicable to a “Mail-Order Sex Shop” premises.
2. These conditions may be imposed by the Licensing Authority pursuant to its powers under Paragraph 13(1) of Schedule 3 to the Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, varied, renewed or transferred by the Licensing Authority, save and insofar as they do not conflict with the provisions of the Act itself.

Management of the Premises

3. The Licence Holder or some responsible person, over the age of 18, nominated by him and approved in writing by the Licensing Authority for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the premises at all times when the premises is open to the public. A form will be provided for this purpose.
4. Where the Licence Holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Licensing Authority within 14 days of such change, and such written details as the Licensing Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Licensing Authority.
5. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Licensing Authority.
6. The name of the person responsible for the management of the premises, whether the Licence Holder or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which s/he is responsible for the conduct of the premises.
7. The Licence Holder shall retain control over all parts of the premises and shall not let, license or part with possession of any part. The Licensing Authority must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licence Holder’s control of the premises.
8. The Licence Holder shall ensure that the public is not admitted to any part of the premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.
9. All persons working in the premises, including performers, shall be aged not less than 18 years. The Licence Holder must maintain adequate records of the names, addresses and dates of birth of performers, including identity checks.
10. Neither the Licence Holder nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the premises.

11. The Licence Holder shall ensure that during the hours that the premises is open for business every employee wears a badge of a type approved by the Licensing Authority indicating her/his name and that s/he is an employee.
12. The Licence Holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licence Holder's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Licensing Authority.
13. The Licence Holder shall take all reasonable precautions for the safety of employees.
14. The Licence Holder shall provide upon request copies of any documents reasonably required by an authorised officer of the Licensing Authority in relation to compliance with this Licence.

Operation of the Premises

15. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Licensing Authority. This will require consideration of an appropriate application.
16. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.
17. The sex establishment shall be used exclusively for 'mail-order' purposes only, selling sex articles and other articles that do not fall within the definition of sex articles Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.
18. All advertisements, catalogues, sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state "MAIL ORDER ONLY". All deliveries/despaches of parcels shall be in plain wrapping not identifying what is inside.

External Appearance

19. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building, or from other units within the building or from the common parts of the building.
20. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
21. The windows and opening of the premises shall be of a material or covered with a material, which will render the interior of the premises invisible to passers-by.
22. No items should be stored on the premises so that they can be viewed from any external window or door.

State, Condition and Layout of the Premises

23. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and her/his obligations under any lease or other agreement for the use of the premises, s/he shall maintain the premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
26. Alterations or additions, either internal or external, shall not be made to the premises without prior written consent from the Licensing Authority. A variation application will be required in order for consent to be considered.

Goods Available in Sex Establishments

27. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

Licensed Name

28. (a) The Licensing Authority at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.

(b) An application in respect of a change of licence name shall be made to the Licensing Authority in writing not less than 28 days prior to the proposed change and the Licensing Authority shall have an absolute and unfettered discretion to allow or refuse such change.

C. SEX ESTABLISHMENT LICENCE CONDITIONS: APPLICABLE TO SEXUAL ENTERTAINMENT VENUE PREMISES

Introduction

1. These conditions are only applicable to a “Sexual Entertainment Venue” premises.
2. These conditions may be imposed by the Licensing Authority pursuant to its powers under Paragraph 13(1) of Schedule 3 to the Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, varied, renewed or transferred by the Licensing Authority, save and insofar as they do not conflict with the provisions of the Act itself.

Management of the Premises

3. The Licence Holder or some responsible person, over the age of 18, nominated by him and approved in writing by the Licensing Authority for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the premises at all times when the premises is open to the public. A form will be provided for this purpose.
4. Where the Licence Holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Licensing Authority within 14 days of such change, and such written details as the Licensing Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Licensing Authority.
5. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Licensing Authority.
6. The name of the person responsible for the management of the premises, whether the Licence Holder or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which s/he is responsible for the conduct of the premises.
7. The Licence Holder shall retain control over all parts of the premises and shall not let, license or part with possession of any part. The Licensing Authority must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licence Holder’s control of the premises.
8. The Licence Holder shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.
9. Neither the Licence Holder nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the premises.
10. The Licence Holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licence Holder’s absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of

the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Licensing Authority.

11. The Licence Holder shall take all reasonable precautions for the safety of the public and employees.
12. The Licence Holder must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the premises ("floor supervisors") to ensure that conditions of the licence are complied with, in particular the "no touching" conditions, and to ensure the safety of performers.
13. No person under the age of 18 shall be admitted to the premises.
14. The Licence Holder shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25, in order to ensure that they are not under the age of 18.
15. All persons working in the premises, including performers, shall be aged not less than 18 years. The Licence Holder must maintain adequate records of the names, addresses and dates of birth of performers, including adequate identity checks.
16. The Licence Holder must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore, they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.
17. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licence Holder shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Licensing Authority and Police. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition, the Licence Holder must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
18. CCTV recordings will be made available for viewing by authorised officers of the Licensing Authority or the Police. Copies of such recordings must be provided upon request.
19. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises is in operation.
20. The Licence Holder shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the premises in any unlawful manner.
21. Where the Licensing Authority has given notice in writing to the Licence Holder objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
22. The Licence Holder shall ensure that no more members of the public shall be present on the premises at any time whilst relevant entertainment takes place to which this Licence

relates where the Licensing Authority has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.

23. The Licence Holder shall provide upon request copies of any documents reasonably required by an authorised officer of the Licensing Authority in relation to compliance with this Licence.

Times of Opening

24. Relevant entertainment shall only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

Operation of the Premises

25. No change from a sex entertainment venue to either a sex cinema or sex shop (including a mail-order shop), or a sex shop to either a sex cinema or sex entertainment venue, or from a sex cinema to either a sex shop or sex entertainment venue, shall be made without the approval of the Licensing Authority. This will require consideration of an appropriate application.
26. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or sex cinema.

External Appearance

27. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises. The notice must also include a statement that proof of age may be requested.
28. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
29. The windows and openings of the premises shall be of a material or covered with a material, which will render the interior of the premises invisible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the premises, with the exclusion of Door Supervisors.
30. The Licence Holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the premises.
31. External advertising of relevant entertainment shall not include any of the following:
- a) Any depiction of full nudity
 - b) Any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
 - c) Any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

32. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
- (i) The licensed name of the premises may be displayed, unless the Licensing Authority determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
33. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned or otherwise approved by the Licensing Authority in writing.
34. No external loudspeakers may be installed.

State, Condition and Layout of the Premises

35. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and her/his obligations under any lease or other agreement for the use of the premises, s/he shall maintain the premises in good repair and condition.
36. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
37. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
38. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
39. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
40. Alterations or additions, either internal or external, shall not be made to the premises without prior written consent from the Licensing Authority. A variation application will be required in order for consent to be considered.
41. No fastenings or any description shall be fitted to any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Provision of Relevant Entertainment

42. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed premises as may be agreed in writing with the Licensing Authority.

43. The Licence Holder is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
44. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Licensing Authority as where relevant entertainment may be provided.
45. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.
46. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licence Holder or their representative before leaving the premises.
47. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
48. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
49. Performers are never to be in the company of a customer except in an area open to the public within the premises (excluding the toilets).
50. The Licence Holder must ensure that during the performance of a table or lap dance:
 - (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) Customers must remain seated during the entire performance of the dance;
 - (3) For the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
 - (4) Performers must not sit or straddle the customer;
 - (5) Performers must not place their feet on the seats.
51. The Licence Holder must ensure that during performances of relevant entertainment:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
 - (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (6) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (7) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Licensing Authority.
52. The Licence Holder must ensure that during performances of relevant entertainment:
 - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.
53. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:
 - (1) The payment of an entry fee by customers to authorised members of staff.

- (2) The payment of a fee for relevant entertainment.
 - (3) The purchasing of drinks by customers from authorised members of staff.
 - (4) The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
 - (5) SIA door staff in the execution of their duties.
54. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.
55. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
56. Notices outlining condition will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.
57. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

Licensed Name

58. (a) The Licensing Authority at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Licensing Authority in writing not less than 28 days prior to the proposed change and the Licensing Authority shall have an absolute and unfettered discretion to allow or refuse

Appendix C – Application Procedure for Grant, Variation, Transfer or Renewal for a Sex Establishment

Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must provide the following:
 - o a completed application form;
 - o a scale plan of the premises to which the application relates of 1:100 scale (unless previously agreed in writing by the Licensing Authority);
 - o pay the relevant non-refundable application fee;
 - o pay the relevant 'hearings' fee (returnable if a committee hearing is not required);
 - o display a notice on or near the premises;
 - o advertise the application in a local newspaper;
 - o send a copy of the application and plan to the Chief Officer of Police, Alcohol Crime Reduction Office, Police Station, Ashburton Road, Totnes, TQ9 5JY within 7 days of making the application to the Licensing Authority.

Plan requirements

- 2) The plan shall show: -
 - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) the location of escape routes from the premises;
 - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
 - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
 - j) the location of a kitchen, if any, on the premises.
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state:

- a) details of the application and activities that it is proposed will be carried on or from the premises;
 - b) the full name of the applicant;
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;
 - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing; and
 - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.

Variation of a licence

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

Renewal of a licence

- 11) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
- 12) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Transfer of a licence

- 13) A person may apply for transfer of a licence at any time.
- 14) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.