



Main Offices
CHELTENHAM BOROUGH COUNCIL
MUNICIPAL OFFICES
PROMENADE
CHELTENHAM
GLOUCESTERSHIRE
GL50 1PP
Tel: 01242 775 200
Fax: 01242 227 131
www.cheltenham.gov.uk

LICENCE APPLICATION
Explanatory Notes
Sex Establishment

NOTE* Please read these Explanatory Notes and General Conditions enclosed before completing the application form

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)
SCHEDULE 3
SEX ESTABLISHMENT LICENCE

A Sex Establishment Licence is required for a sex cinema or sex shop.

Sex cinema means:

"...any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures, however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal etc of the genital organs or urinary or excretory functions."

There is an exemption for:

- premises licensed under the Cinemas Act 1985 and used for a purpose for which a licence is required under that Act;
- premises used for non-commercial exhibitions under s6 of that Act; and
- private dwelling-houses to which the public are not admitted.

Sex shop means:

"...any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity".

Sex articles means:

"...anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity. A licence is not required for the sale, supply or demonstration of birth control items."

A licence cannot be granted to;

- a person under the age of 18,
- a person who has held a licence but it has been revoked within the 12 months preceding the date of application,
- a persons other than a body corporate, who is not a resident in the United Kingdom or was not so resident in the six months before making the application,
- a body corporate which is not incorporated in the United Kingdom, or
- a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.

These Explanatory Notes tell you how to make an application for a Sex Establishment Licence. **THIS PACK CAN BE USED FOR NEW APPLICATIONS, TRANSFERS of, VARIATIONS to, and RENEWALS of an Existing Annual Licence.**

These notes also indicate what service standards you can expect from the Council in considering and determining your application. Please keep these Explanatory Notes for reference, and to help you

progress your application (ensuring that when contacting the Licensing Team you quote the Licence Application Reference found on your acknowledgement letter).

Please note that a transfer application licence has to be transferred on its existing terms and conditions.

HOW MUCH WILL A SEX ESTABLISHMENT LICENCE COST?

The fee for a Sex Establishment Licence requires a non-refundable deposit on all applications of £918.00. The licence fee is currently £9389.00 and for transfer or variation applications £590.00. These fees are current for financial year 2010/2011.

With your application, you will have to pay the full licence fee. If the Licence application is refused then the fee is refunded less the non returnable deposit which is retained to cover administration consultation and inspection costs incurred.

Licence Fees are reviewed annually in December and any increase are effective the following April; this is to coincide with the annual Sex Establishment Licences which run for a period of twelve months from 01 April to 31 March. If you require clarification please contact our Licensing Section.

PERIOD OF LICENCES

Annual Sex Establishment Licences are renewable annually on 1st April.
A reminder notice will be given to licensees in good time before this date.

PAYMENT OF LICENCE FEES

We are able to accept payments by cash, debit card or cheques made payable to Cheltenham Borough Council.

Payments by Personal Visit to the Municipal Offices, Promenade, Cheltenham

Cash Hall Opening Hours - (Bank Holidays - closed)

Monday	09:00 - 17:00
Tuesday	09:00 - 17:00
Wednesday	09:30 - 17:00
Thursday	09:00 - 17:00
Friday	09:00 - 16:30
Saturday	Closed
Sunday	Closed

Payments by Post - (cheques only) should be addressed to the Licensing Team at the address shown at the top of the blue Licence Fee form. Cheques must be made payable to Cheltenham Borough Council.

CONSIDERATION/DETERMINATION OF YOUR APPLICATION AND SERVICE STANDARDS

General Notes

All new Sex Establishment Licence applications are considered by the Licensing Committee. However any application for renewal, transfer or variation to an existing licence(s) can be referred to the Committee if it is considered appropriate.

Application forms must be received fully complete together with accurate supporting documentation at least 28 days before the meeting of the Licensing Committee at which the application is due to be considered.

It would however, assist your application if a longer period of notice was given to us, in case of query and where further supporting documentation is required.

Crime and Disorder Act 1998

Regardless of any other relevant consideration, the Licensing Committee will consider each application in the context of Section 17 of The Crime and Disorder Act 1998 which says; "Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area."

Late information or evidence supporting your application or renewal which is not received at least 7 days before the meeting of the relevant Licensing Committee (at which your application is due to be considered) will not be accepted unless there is a valid and significant reason for the delay, and, the Licensing Committee agree to accept this is the case. Please also note the Licensing Committee in consultation with their Officers and interested parties may require an adjournment, or take other reasonable steps to ensure that the application is heard properly and fairly.

The Applicant and/or their representative will be invited to attend the meeting of the Licensing Committee at which their application is due to be considered to speak in support of their application, and be prepared to answer any questions which the Licensing Committee may wish to ask. Please be aware of the above relating to late information or evidence.

The Process

The process of consideration and determination of your fully completed application will normally take approximately four weeks. If the application or renewal is referred to the Licensing Committee the process is likely to be longer. Any application for a new or renewal of an existing sex establishment licence must be received at least 28 days prior to the meeting of the Licensing Committee when the application is due to be considered as stated above.

When your application form and all appropriate fees are received by the Licensing Team your application will be checked. Provided there are no queries arising from the application; your application will be acknowledged in writing within five working days of receipt.

If there is a query or missing documentation then you will be contacted in writing and/or by telephone and given the opportunity to respond. Please note that we cannot proceed with your application or refer it to the Licensing Committee until it is complete.

Consultation

The application will be referred to the relevant Officers for their comments (usually the local Police, local Fire Officer, the Council's Building Control and Environmental Health Officers and Community Safety Manager), who may contact you to arrange for an inspection to be carried out of the premises to ascertain its suitability. In addition the Council may consult Local Residents Associations/Parish Councils whose names are listed for planning consultation and Local Ward Councillors.

This process will usually take around ten working days depending upon the complexity of the application.

If queries are raised by the Officers at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them. Neighbouring properties/residents will also be consulted if considered appropriate to see if they have any comments or wish to raise any objections.

Advertisement of Application and Exhibition of Notice at the Premises

During the consultation period, a public notice must be put on display outside the proposed premises for a period of no less than 21 consecutive days (from the date of the application). The applicant must ensure that the Public Notice is prominently displayed on a part of the premises where it can easily be

seen and read by persons in the street or any adjoining public place. Large premises or buildings which are set back from the main thoroughfare, may require more than one notice at the discretion of the Council.

In addition, a public notice must be published in the Gloucestershire Echo no later than 7 days after the date of the application. A copy of the notice, as was displayed in the newspaper, must be sent to the licensing section at the council.

A template of the public notice is included with this application form.

Having received all Officers' comments/recommendations and public representations and taking into account the standard conditions, the Assistant Director Public Protection will then usually decide at which Licensing Committee meeting your application will be scheduled for consideration, or, for a renewal whether or not to permit your application. However, in a complex case and/or where a determination is recommended contrary to the general conditions your application will be referred to Licensing Committee for consideration and determination. Therefore, you will be informed in writing of either the decision (to grant or refuse) or the date of the Licensing Committee at which you will be requested to attend. All new licences are, in any case, referred to the Licensing Committee for determination.

If your application is granted you will be informed in writing and issued with a Licence to display inside the Main Entrance of the premises, with any special conditions attached (which are additional to our General Conditions) that are deemed necessary by the Officers or Members of the Licensing Committee.

The Licensee must sign and date the form attached to the Licence, to confirm receipt of the Licence and acceptance of our General Conditions and any special conditions that apply; and return it to the Licensing Section.

Applications and appropriate supporting documentation for a Sex Establishment Licence should be forwarded to -

Licensing Team
Public Protection
Social and Community Group
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP
Telephone: 01242 775200 Fax: 01242 264210 email:licensing@cheltenham.gov.uk

**Supporting documentation
(please tick ✓ as appropriate as a checklist of what you have sent with the application)**

- Licence Fee.
- Copy(s) of a scaled plan delineating the specific rooms or premises to which this application relates with escape routes (in case of emergency) indicated.
- Copy of a scaled location plan in relation to this application.
- Additional Information in support of the application (where applicable).

If you have any queries or require assistance in completing the application form please contact our Licensing Team at the above address or telephone 01242 775200.

