

FORM A

Application for the grant/renewal/ variation/transfer of a sex establishment licence

**Pursuant to Schedule 3, Local Government
(Miscellaneous Provisions) Act 1982**

IMPORTANT NOTES

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

Note: If more space is required to answer a question please continue on a separate sheet.

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

3. Please return –
By Post or in person to – Licensing, Professional Support Unit, Colchester Borough Council, 33 Sheepen Road, Colchester CO3 3WG
By email- EPS.Support@colchester.gov.uk
By Fax – 01206 282598
Online (when facility available)

Part A – The Applicant

Question 1:

Is the applicant:

- a. An individual?
- b. A company or other corporate body?
- c. A partnership or other unincorporated body?

If the applicant is an individual, answer question 2.

If the applicant is a company or other corporate body, answer questions 3 & 4.

If the applicant is a partnership or other unincorporated body, answer question 5.

Question 2: Answer only where the applicant is an individual.

- 1. What is the full name of the Applicant?
- 2. Has the Applicant ever been know by a different name? If so, state the Applicant's former name.

Go to Question 5

Question 3: Answer only where the Applicant is a company or other corporate body.

- 1. What is the name of the Applicant?
- 2. Where is the Applicant registered?
- 3. What is the registered number of the Applicant?

4. Has the Applicant been known by any and if so what name?

5. Has the Applicant:

- Ever been convicted of a criminal offence?
- Ever had a grant or renewal of a sex establishment licence refused or a sex establishment revoked?
- Ever been served with a winding up petition?

If the answer to any of these questions is Yes, please provide full details.

6. What are the names of the Applicant's Directors and Company Secretary?

7. Are there persons responsible for the management of the Applicant other than the Directors and the Company Secretary? If so, state their names.

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

9. Is the Applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary.

Go to Question 5

Question 4: Answer only where the Applicant is a partnership or other unincorporated body

1. What is the name of the Applicant?
2. What are the names of the Applicant's partners?
3. Are there persons responsible of the management of the Applicant other than the partners? If so, state their names.
4. Has the Applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked?

If the answer is YES, provide full details.

Go to Question 5

Question 5:

Does the Applicant have a trading name different from that given in answer to questions 2,3 or 4 above? If so, state the trading name.

Question 6:

What is the applicant's trading address?

Question 7:

Will the business for which the licence is sought be carried on for the benefit of a person other than the Applicant?

If the answer is Yes, state the name of such person(s). If such person(s) are a company or other corporate body state their place of registration and registered number, and the identity of all Directors, the Company Secretary, and those with a greater than 10% shareholding.

Question 8:

Does the Applicant operate any other sex establishments, whether licensed or not? If so state the name, address and type of sex establishment (e.g. sex cinema, sex shop, sexual entertainment venue) of each.

Name:

Address:

Type:

Question 9:

For each of the individuals named in the answers to Questions 2,3,4,7 and 8, please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

Part B – The Premises, Vehicle, Vessel or Stall

Question 10:
Is this application in respect of: a. Premises b. Vehicle c. Vessel d. Stall
Question 11: Answer only where the application is for a vehicle vessel or stall
Where is it proposed to use the vehicle vessel or stall?
Question 12: Answer only where the application is for a premises.
What is the full address of the premises for which a licence is sought?
Question 13:
a. Is the whole of the premises to be used as a sex establishment? b. If not, state the use of the remainder of the premises.

c. State the names of those responsible for managing the remainder of the premises.

Question14:

a. State the nature of the Applicant's interest in the premises, vehicle, vessel or stall e.g. owner, lessee, sub-lessee.

b. If the Applicant is a lessee or sub-lessee, state:

- The name and address of the landlord

- The name and address of the superior landlord, if any

- The length of the unexpired term

- The length of notice required to terminate the tenancy

Question 15:

- a. State the current use of the premises.
- b. Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?
- c. If so, state the date of the planning permission.
- d. If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details.

Question 16:

- a. Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?

Provide full details including the name of any Designated Premises Supervisor.

- b. Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?

c. Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details.

Question 17:

a. Is each customer access to the premises, vehicle, vessel or stall:

- Directly from the street or a public thoroughfare?
- From other premises?

If from other premises please provide full details.

b. Is each customer access from the street to be supervised at all time the premises are open to the public?

If the answer is No give full details of proposed door control and supervision.

c. State whether all door supervisors are to be licensed with the Security Industry Authority.

Question 18:

Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled?

If the answer is No state the Applicant's proposals for affording such access.

Question 19:

a. Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application?

b. If the answer is Yes, state the name and address of the person or body now operating the business.

Part C – The Business

Question 20:
Under what name will the business be known?
Question 21:
Is the application in respect of: a. A sex shop? b. A sex cinema? c. A sexual entertainment venue?
Question 22:
Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share arrangement? If so, provide full details together with a copy of any such agreement.

Question 23:

Give the name and address of any lenders mortgages or others providing finance with the full terms of such agreements.

Question 24:

Is the business required to purchase merchandise from a particular person or body? If so provide full details.

Part D – Management of the Business

Question 25:

- a. State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager')
- b. Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business will be his/her sole and exclusive occupation.
- c. Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ('the relief Manager').
- d. Confirm that the Relief Manager(s) or one of them will be based at the premises full-time in the absence of the Manager.
- e. For each of the Manager and Relief Manager(s) confirm that the form at Annexe A to this application has been completed and submitted as part of this application.

Question 26: This question need not be answered in the case of renewals

Give details of the times during which it is proposed to open the business.

Days of the week:

Hours of the day:

Question 27:

State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used.

Please note that a plan of the exterior showing such signage and advertising is required to be submitted with this application.

Question 28:

1. What means are to be taken to prevent the interior of the premises being visible to passers-by?

2. What if any window displays are to be exhibited? Please indicate the size and nature of any intended display.

Question 29:

State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.

Question 30:

State what age restrictions are to be applied in respect of admissions, and how they are to be enforced?

In answering state what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For sex shops provide details of arrangements for preventing proxy sales.

Question 31:

State the arrangements for CCTV and for retention of recordings.

In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded.

Question 32: Answer only where the application is for a sexual entertainment venue.

1. State whether the proposal is for full nudity.
2. Give full details of the nature of the entertainment, e.g. lap dancing pole dancing, stage strip-tease.

3. State what if any separation between performers and audience is proposed e.g. performers on stage, 1 metre, no contact or full contact.

4. State whether arrangements are proposed for private booths or areas. If so provide full details, including proposals for the supervision of such areas.

Question 33: This question need not be answered in the case of renewals.

1. State proposals for preventing nuisance to residents and businesses in the vicinity.

2. State proposal for promoting public safety.

3. State proposals for preventing crime and disorder.
4. State proposals for protecting children from harm.
5. Set out the Applicant's system for checking the age and right to work in the UK for all employees
6. For sexual entertainment venues, set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance.

Note, the Code of Practice must be attached to this form

7. For sexual entertainment venues, set out the system for notifying all customers of the Rules for Customers and for monitoring and enforcing compliance.

Note: the Rules for Customers must be attached to this form.

8. For sexual entertainment venues set out the system for monitoring compliance with the venue's Policy for Welfare of Performers.

Note the Policy for Welfare of Performers must be attached to this form.

Question 34:

Set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sex Establishment Licensing Policy.

Question 35:

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

Part E – Applicant Contact Details

Please give the contact details which you would like to be used for the purposes of this application.

Name:

Organisation:

Address:

Telephone number:

Mobile Number:

Fax number:

E-mail address:

Part F – Signature and Declaration

The following declaration must be signed in all cases:

- a. If the Applicant is an individual, by that individual.
- b. If the Applicant is a partnership, by all individuals who are partners.
- c. If the Applicant is a company, by a director or the company secretary.
- d. In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/We certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/We agree to notify the Licensing Authority should any information given in this application change.

Name:

Position in Organisation:

Date:

Signature:

ANNEX A

Information on individuals	
1.	Name
2.	Former name (if any)
3.	Position in relation to Applicant (e.g. Director, Partner, Manager)
4.	Date of Birth
5.	Gender male/female
6.	Permanent Residential Address
7.	If resident at this address for less than 3 years, state previous address
8.	Have you been resident in an EEA state for more than six months prior to the date of the application?
9.	Have you ever been disqualified from hold a sex establishment licence under Schedule 3 paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982?

If so give full details.

10. Have you ever been involved in the management of a business, whether as a proprietor, director, company secretary partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?

- Sex establishment licence
- Licence for the sale or supply of alcohol
- Licence for the provision of entertainment, whether sexual or otherwise
- Personal licence under the Licensing Act 2003

If so provide full details.

11. Have you ever been convicted of a criminal offence whether in the United Kingdom or elsewhere?

If so, provide details of the date, convicting court, offence and penalty imposed.

12. To your knowledge are you currently the subject of any criminal investigation?

If so, provide full details.

13. Have you ever had any civil legal action taken against you?

If so, provide full details.

14. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?

If so, provide full details.

15. Have you ever been disqualified from acting as a company director?

If so provide full details.

16. Is there any other information which you believe the licensing authority would reasonably expect notice of or would you like the licensing authority to take into account when considering the information you have supplied?

If so, provide full details

17. Is there any information in this annex which you do not wish to be seen by members of the public?

If so, state which information and the reasons why you do not wish it to be seen.

I declare that the information on this form is true and complete.

Signed

Dated

NOTES:

All applicants are required to send with this application: - (a) two plans showing the area to be licensed; (b) statutory declarations (Annex A to the application form) in respect of (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises; (c) A copy of the newspaper showing the public notice.