

REPORT OF ENVIRONMENTAL SERVICES AND LICENSING COMMITTEE

(Meeting held 5 November 1998)

1. LICENSING OF SEX ESTABLISHMENTS (REPORT A) (MINUTE NO 35)

It will be recalled that the Council at its meeting on 2 November 1998 approved in principle the adoption of powers to license sex establishments in the District.

The Committee has now considered regulations, rules of procedure and policy guidelines for the control and licensing of sex establishments within the District Council's area. Full consultations have taken place both internally and with other authorities as appropriate.

Full details of the proposals are set out in the recommendation below. The proposals, if adopted, will give the Council power to control sex establishments in the District.

It is proposed that the Director of Finance and Administration, or nominated officer, be authorised to grant, renew or transfer a licence made under the Act. Where an objection is received or if the Director of Finance and Administration is minded to refuse an application the Licensing Panel will determine such application. In all cases, extensive consultations involving local members, members in adjoining wards, the Chairman and Vice-Chairman of the Licensing Panel, Parish or Town Councils and the Police will be undertaken.

The Act provides that an applicant shall pay a reasonable fee to be determined by the Council for the grant, renewal or transfer of a licence. In line with current policy, all costs including corporate and democratic costs will be recovered by way of the licence fee with each application being self-financing. The Committee recommends that the application fee for sex establishments be set at £6,000 and £185 in the case of news vendors trading from a stall. Fees will be payable annually and will be subject to review.

Each application will be considered on its merits, having regard to the policy guidelines, which will assist in the determination of applications.

The Chairman and members of the Committee commended the officers concerned for their work in bringing forward these proposals, which they felt would be of immense benefit to the Community.

RECOMMENDED:

- (a) That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) be adopted and come into force in the area of New Forest District Council on 1 March 1999;**
- (b) That the Regulations set out in Annex A prescribing standard conditions applicable to licences for sex establishments subject to which licences under Schedule 3 of the Act will in general be granted, renewed or transferred by the Council be adopted;**

- (c) That power be delegated to the Licensing Panel to determine, from time to time, the regulations prescribing standard conditions applicable to licences for sex establishments subject to which licences under Schedule 3 of the Act will in general be granted, renewed or transferred by the Council;**
- (d) That the Rules of Procedure Governing Applications for sex establishment licensing set out in Annex B be adopted;**
- (e) That power be delegated to the Licensing Panel to determine, from time to time, the Rules of Procedure Governing Applications for sex establishment licensing;**
- (f) That the Policy Guidelines for the determination of applications for sex establishments set out in Annex C be adopted;**
- (g) That power be delegated to the Licensing Panel to determine, from time to time, the Policy Guidelines for the determination of applications for sex establishments;**
- (h) That the fee payable on submission of an application for the grant, renewal, or transfer of a licence under Schedule 3 of the Act shall be £6,000 for such application save that the fee for a licence in respect of a news vendor trading from a stall shall be £185, and the licence fees shall be subject to review annually by the Environmental Services and Licensing Committee from time to time after the date of this recommendation;**
- (i) That the Director of Finance and Administration or an officer nominated by him be authorised to determine either to grant, renew, or transfer a licence upon such applications made under Schedule 3 of the Act;**
- (j) If an objection is made to an application which objection is not withdrawn (whether or not there has been mediation) or if the Director of Finance and Administration is minded to refuse an application there shall be an opportunity of appearing before and of being heard by the Licensing Panel and the Licensing Panel shall determine such application which the Director of Finance and Administration shall refer to it;**
- (k) That power be delegated to the Licensing Panel, nominated from time to time, to determine applications made under Schedule 3 of the Act for sex establishments referred to the Licensing Panel by the Director of Finance and Administration or an officer nominated by him;**
- (l) That the Director of Finance and Administration or an officer nominated by him be authorised pursuant to paragraph 7 of Schedule 3 to the Act to waive the requirement for a licence;**
- (m) That the Director of Finance and Administration be authorised to give a certificate for the purposes of paragraph 13(6) of Schedule 3 to the Act;**
- (n) That any Licensing Officer of Licensing Services be authorised to enter and if necessary to seek a warrant to enter any sex establishment pursuant to and for the purposes of paragraph 25 of Schedule 3 to the Act; and**

- (o) ***That the Director of Finance and Administration be authorised to take all necessary steps to implement the adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.***

2. LAND DRAINAGE CAPITAL WORKS PROGRAMME (REPORT B) (MINUTE NO. 36)

The Committee has received a report on a number of issues relating to four land drainage schemes in the Council's capital programme.

The Fernhill Lane to Ashley Road New Milton and Southern Oaks/Albany Close, New Milton, Flood Relief Schemes (which are being regarded as a joint scheme) have been approved by the Ministry of Agriculture, Fisheries and Food (MAFF) at costs of £84,918 and £115,687 respectively, but the approved amounts do not include all of this Council's staff costs. Grant aid of 25% is payable by MAFF. Supplementary credit approvals (SCA) have been awarded for the remaining estimated balance of £150,450, against the estimated cost to the Council of £176,000. The two schemes have been let under one contract and work commenced on 12 October. The current total budget of £273,000 already takes into consideration net savings of £77,000. As the works involve laying large diameter pipes in existing highway the Committee has agreed that the current total budget should remain at £273,000 to allow for contingencies.

The use of compulsory purchase powers to implement the Ashurst Flood Relief Scheme were approved in January 1997. Since then there has been further dialogue with the landowner and the agent but no formal response has been received. The officers will continue to attempt to acquire the land by negotiation but failing that the compulsory purchase procedures will be invoked. These are likely to lead to an enquiry which will affect both the scheme programme and the budget.

The Bartley Flood Relief Scheme is not eligible for MAFF grant aid as it does not meet the benefit/cost requirements. The scheme involves improvements to an open watercourse at the end of back gardens in a rural area with many long established trees and vegetation along the banks. Following further analysis of the scheme it has been concluded that major improvements to the watercourse would be extremely difficult and would cause significant environmental damage. Work on existing banks could leave them vulnerable to erosion unless extensive bank protection works are carried out. Having reviewed these implications, the Committee has agreed that a reduced scheme should be carried out, dealing with only the worst width restrictions. Savings of approximately £15,000 will result.

**Councillor Mrs B Smith
CHAIRMAN**

(ctteemtg/cttee/es051198)report

NEW FOREST DISTRICT COUNCIL

REGULATIONS MADE BY NEW FOREST DISTRICT COUNCIL UNDER PARAGRAPH 13(1) OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PRESCRIBING STANDARD CONDITIONS FOR ANNUAL LICENCES FOR SEX ESTABLISHMENTS EFFECTIVE FROM 1 MARCH 1999

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

Disabled People

It is the policy of the Council that there should be access and facilities for disabled people at sex establishments. Licensees are therefore, encouraged to provide such facilities to enable the admission of disabled people and are reminded of the duties imposed by the Disability Discrimination Act 1995. To this end Council officers will be pleased to discuss and advise on the best ways to achieve this.

**PART 1
GENERAL**

Definitions

1. In these rules, unless the context otherwise requires;

“Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.

“Approved”, “accepted”, or “permitted” means approved, accepted or permitted by the Council in writing.

“Approved arrangements” means the arrangements of the premises, fittings, installations and all other things in connection with them as approved by the Council.

“Council” means New Forest District Council.

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

“File exhibition” has the meaning described in Section 21 of the Cinemas Act 1985.

“Licensee” means the holder of a sex establishment licence.

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

“Officer” means any person authorised in writing by the Council. (This may include officers of the Hampshire Fire and Rescue Service).

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

“Sex Establishment”, “Sex Cinema”, “Sex Shop”, and “Sex Article” shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.

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

GENERAL RULES RELATING TO MANAGEMENT, CONDUCT, ETC.

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| Exhibition of Licence | <p>3. The licence or a clear copy shall be prominently displayed at all times so that it may be readily and easily seen by all persons using the premises.</p> |
| Hours and Days of Opening and Closing | <p>4. Except with the previous written consent of the Council a sex establishment shall not be open to the public:-</p> <p>(a) on any Sunday, bank holiday or public holiday</p> <p>(b) before 0900 hours and shall not be kept open after 1800 hours on any Monday , Tuesday, Wednesday, Thursday, Friday or Saturday.</p> |
| Responsibility of Licensee | <p>5. (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.</p> <p>(b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing them.</p> <p>(c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing them.</p> |

Persons in charge of Licensed Premises

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

Conduct of Premises

7. (a) The licensee shall maintain good order in the premises.
- (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

NOTE: Soliciting includes the distribution of leaflets.

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
- Doorway Opening, windows etc. 8. (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.
- Change of Use 9. No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. This includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema)
- Alterations 10. No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
- Where works necessitate the premises being closed for a period of time, the premises shall not re-open for the purpose of the licence, until the licensee has been notified in writing by the Council that the Council is satisfied that the work has been satisfactorily completed.

PART III - RULES IN RESPECT OF FIRE AND SAFETY CONDITIONS

- Maintenance 11. The approved arrangements shall be maintained at all times in good order, repair and condition.
- Overcrowding 12. (a) Overcrowding shall; not be permitted in any part of the premises.

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

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

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

Maintenance of means of escape

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

Curtains, decorations etc.

- 14. (a) Where approval is given for curtains to be used, the curtains shall at all times be fire resistant. Curtains shall be arranged so that they do not obstruct EXIT notices and fire extinguishers or other fire fighting equipment.

- (b) Curtains where permitted across doors shall be in two halves; on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.
- Fire Alarms 15. Any fire alarm system shall be checked monthly to ensure that it is fully operational. In addition any system shall be serviced yearly by a qualified engineer. All results of such testing must be recorded in a log book to be retained on the premises.
- Fire Fighting Equipment 16. (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.
- Outbreak of Fire 17. The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade may be summoned.
- Cleansing of Ventilation Ductwork 18. (a) Filters within kitchens serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.
- (b) The ventilation system(s) shall be maintained in a clean condition and full working order.

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

- Sanitation 19 The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of staff and for the free use of both staff and members of the public in premises which are used as sex cinemas and in particular shall:
- (a) maintain each sanitary convenience in clean and efficient order;
 - (b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.

		(c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature together with an adequate supply of soap and suitable hand drying facilities.
		(d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.
Lighting	20	All lighting (including escape lighting) shall be maintained in full working order at all times.
Electrical Installation	21	The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers.
Electrical Certificates	22	An inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.
Escape Lighting	23	The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.
Heating	24	(a) The heating system and appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position. (b) Portable heating appliances shall not be used without the Council's written consent. (c) No alterations or additions to the approved heating system shall be made without the written consent of the Council
Electrical, Gas and Mechanical Ventilation System	25	No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council.

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| Gas and Electricity Meters | 26 | <p>(a) Gas and electricity and any other mains intake enclosures shall not be used for any other purpose (e.g. storage).</p> <p>(b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.</p> |
| Paraffin and Mineral Oil | 27 | Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises. |
| Noise and Vibration | 28 | <p>(a) The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.</p> <p>(b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.</p> |

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

PART V SEX SHOPS

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

**PART VI
SEX CINEMAS**

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| Display of
Tariff of
Charges | 32 | There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position which will cause the notice to be obscured. |
| Seating | 33 | <p>(a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council.</p> <p>(b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.</p> <p>(c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.</p> |
| Standing and
Sitting in
Gangways | 34 | <p>(a) No person shall be permitted to:-</p> <p style="margin-left: 40px;">(i) Sit in any gangway; or</p> <p style="margin-left: 40px;">(ii) Stand in any gangway which intersects the seating; or</p> <p style="margin-left: 40px;">(iii) Stand or sit in front of any exits</p> <p>(b) Waiting and standing shall not be permitted except in areas approved in writing by the Council; and subject to the conditions specified in such approval.</p> |
| Wheelchairs | 35 | Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued in writing by the Council. |

NOTE: In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant the consent required under rule 35 whenever it may do so without risk to persons using the premises.

Special Risks and Special Effects 36 Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

Minimum lighting 37 The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

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

Film categories 38 The categories U, PG, 12, 15 and 18 have the following effect:-

U Universal - suitable for all

PG Parental Guidance. Some scenes may be unsuitable for young children.

12 Passed only for persons of 12 years and over

15 Passed only for persons of 15 years and over

18 Passed only for persons of 18 years and over

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

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

Exhibition of films	39	<p>No film shall be exhibited at the premises unless:</p> <p>(a) it is a current news-reel; or</p> <p>(b) It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or</p> <p>(c) it has been passed by the Council as a U, PG, 12, 15, 18 (New Forest) or RESTRICTED (18) (New Forest) film.</p>
RESTRICTED (18) films - Council's consent	40	Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.
Unclassified films	41	Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.
Age Restriction Notice	42	When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.
		NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.
Category notices	43	<p>Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-</p> <p>(a) For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.</p>

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

NEW FOREST DISTRICT COUNCIL

(Here insert title of film)

has been passed by the New Forest District Council (here insert the definition of category and the category assigned).

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

NEW FOREST DISTRICT COUNCIL

*.....(.....) trailer advertising + film

(*Here insert the category of the trailer)

(+Here insert the category of the film)

Objection to
Exhibition of a
film

44 No film shall be exhibited at the premises:-

(1) which is likely:-

(a) to encourage or to incite to crime; or

(b) to lead to disorder, or

(c) to stir up hatred against any section of the public in Great Britain on grounds of religion, colour, race or ethnic or national origins, sexual orientation or sex, or

(d) to promote sexual humiliation or degradation or violence

(2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or

(3) which contains a grossly indecent performance thereby outraging the standards of public decency

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

Posters,
Advertisements,
etc.

45 Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

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| Flammable Films | 46 | No flammable films may be upon the premises without the prior consent of the Council in writing. |
| Entertainments Unsuitable for some Audiences Rule relating to television exhibitions | 47 | When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises. |
| Additional Conditions for "Club" Cinemas (Showing Films in the Restricted 18 Classification) | 48 | <p>(i) No club showing films in the "restricted 18" category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.</p> <p>(ii) When the programme includes a film in "restricted 18" category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms.</p> <p style="text-align: center;">CINEMA CLUB - MEMBERS AND GUESTS ONLY.
PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME</p> <p>(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the "restricted "18" category are being exhibited).</p> <p>(iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.</p> <p>(iv) Tickets shall in no circumstances be sold to persons other than members.</p> <p>(v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.</p> <p>(vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.</p> |

- (vii) Membership rules for club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

**PART VII
LARGER SEX CINEMAS, WHERE THERE ARE SPECIAL CIRCUMSTANCES**

*Larger premises will usually be taken to mean premises having a maximum limit in excess of 250 persons

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

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be in accordance with the following scale:

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

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

NOTE: For the purpose of this rule:

- (i) "Floor" means a level on which the entrance to one or more auditoria, or a separate level of an auditorium, are situated.
- (ii) "Zone" means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.

- (iii) "Staff alerting system" means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises.
- (iv) A member of staff is not "on call" if:
 - (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
 - (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation.
 - (c) they are more than 75 metres from
 - (i) the position to which they are required to go on alerting signals being activated;
 - (ii) a doorway normally affording a means of egress for the public from a floor or zone

Attendants -
Numbers in
Other Premises

50

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

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

NOTE: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and in the case of an auditorium which has only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.

APPENDIX A

MEMBERSHIP RULES FOR CLUB CINEMAS

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

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

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

DISTRICT COUNCIL OF NEW FOREST

**RULES OF PROCEDURE
GOVERNING APPLICATIONS FOR**

**LICENCE
FOR
SEX ESTABLISHMENT**

SEX ESTABLISHMENT LICENSING PROCEDURES

RULES GOVERNING APPLICATIONS FOR ANNUAL SEX ESTABLISHMENT LICENCES

Effective from 1 March 1999

INTERPRETATION

1. In these rules:-

The masculine includes the feminine and the singular includes the plural.

“Act” means the Local Government (Miscellaneous Provisions) Act 1982

“The Schedule” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

“Licence” means any licence for a sex establishment which the Council may grant under the Act.

“Licensee” means the holder of a licence for a sex establishment or licensee as appropriate

“Applicant” means the applicant for a licence for a sex establishment or licensee as appropriate

“Application” means an application for one or more of the following, as the case may be:

- (a) grant of a licence;
- (b) transfer of a licence;
- (c) renewal of a licence;
- (d) variation of a licence (including waiver or modification of a licence condition).
- (e) an amendment to a licence which would extend the licensed area, increase the accommodation capacity or extend the licensed hours.

“The date on which the application is made” means the date which appears on the application form signed by the Applicant

“Objector” means any person who has given Notice in accordance with Paragraph 10(15) to the Schedule. This does not include officers or members of the District Council acting in their capacity as members.

“Parties” means the applicant(s) any objector(s) to the grant of the application, and any Council officer in circumstances where he is making formal representations.

“Premises” means the premises for which a licence is sought or for which a licence is in force including the place where any vehicle vessel or stall is to be used as a sex establishment.

“Revocation” means the revocation of a licence under paragraph 17 of the Schedule or a proposal to revoke the licence under this statutory provision.

“The Director” means the Director of Finance and Administration or other representative

“Council” means the District Council of New Forest

“Committee” means the Environment Services and Licensing Committee

“Licensing Panel” means the Licensing Panel to whom powers have been delegated by the Environmental Services and Licensing Committee to determine an application or order a revocation referred to it by the Director.

COMPOSITION OF LICENSING PANEL

2. The Licensing Panel shall consist of five members from the Environmental Services and Licensing Committee. No business shall be transacted unless at least two members are present. The Councillor for the Ward in which the applicant’s or objector’s premises are situated shall not normally sit on the Licensing Panel when that application is to be considered.

APPLICATION FORMS

3. An application for a licence shall be made on the form provided by the Council. The application form will be substantially as shown in Appendix 1 and the application shall be advertised in accordance with the requirements of the Schedule.

- Note:** (i) A copy of these rules will be supplied to any potential applicant with the application form.
- (ii) In appropriate cases the Council will advertise the application by means of a notice affixed to the nearest lamp-post to the premises to which the application relates.

PLANNING USE

4. The applicant shall submit with the application documentary evidence that planning permission has been obtained for the use and hours sought under the licence or a certificate of lawful use in respect of the planning position. The application will not be considered unless the Council is satisfied that the proposed activity would constitute a lawful planning use.

NOTE: (a) This rule shall not apply to applicants for transfer or renewal of a licence.

(b) It is open to the applicant to ask the Licensing Panel to waive the rule where it is considered there are exceptional circumstances.

PLANS AND SPECIFICATIONS

5. An applicant shall submit a site plan scale 1:1250 and a plan of the premises scale 1:50 in respect of which the licence is sought showing among other things all accesses to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street, and drawings scale 1:50 showing the front elevation as existing and as proposed and such plans and specifications of the premises concerned as may be required by the Council within two months of being advised of the Council's requirements unless an extension of time is granted by the Council.

Note: When the licence application forms are submitted to the Council, a survey will be arranged to determine the suitability of the premises concerned with a view to ensuring public safety. Four copies of plans and specifications will subsequently have to be submitted by the applicant for formal approval and record purposes.

DISPLAY OF A NOTICE AT THE PREMISES

PARAGRAPH 10(10), (11) AND (13) OF THE SCHEDULE

6. (a) On the date on which the application is made the applicant for a licence shall arrange for a notice to be put up at the premises using a form provided by the Council which will be substantially as shown in Appendix 2.
- (b) The notice must be put up at the premises on the date of the application. It shall then be continuously exhibited for not less than 21 days on a part of the premises where it can easily be seen and read by persons in the street or any adjoining public place. With the written consent of the Council the notice may, if necessary, be exhibited near the premises.
- (c) If this Rule is not strictly complied with the Council will require the notice to be redated and kept exhibited at the premises for 21 days from the date of the display of the notice made at the request of the Council.

NEWSPAPER ADVERTISEMENTS

PARAGRAPH 10(8) AND (9) OF THE SCHEDULE

7. (a) Not later than 7 days after the date on which the application for a licence is made, notice of the application in the form required by the Council shall be arranged by and published at the expense of the applicant in a local newspaper which circulates in the locality in which the premises are situated. The form will be substantially as shown in Appendix 3.

- (b) The newspaper containing the advertisement must be sent by the applicant to the Director of Finance and Administration, Appletree Court, Lyndhurst, Hampshire, SO43 7PA. The application for a licence renewal or transfer of licence will not be valid if you fail to comply with this requirement.
- (c) Objection may be made to an application not later than 28 days after the date of the application

NOTIFICATION OF THE POLICE

- 8. A copy of the application shall be sent by the applicant to the Chief Officer of Police not later than 7 days after the date on which the application is made.

HOW TO OBJECT

- 9. A person who wishes to object to an application shall not later than 28 days after the date of the application, write to the Director of Finance & Administration giving in general terms the reasons for objection.

Note: The Council will not without the consent of the objector reveal his name and address to the applicant.

- 10. Within 14 days of the last day for lodging an objection the Director of Finance & Administration will give to the applicant notice in writing of the general terms of the objection.
- 11. Unless the objection relates to the character of the applicant Council officers may seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.
- 12. An opposed application shall be decided at a hearing in public where evidence (oral and written) is given.
- 13. At any oral hearing in public of an application an objector shall not be allowed to raise any matter not referred to in the written objection, lodged by the objector concerned.
- 14. At any oral hearing in public of an application the applicant shall attend in person or, if the application is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate and who is empowered to supply any undertaking requested by the Licensing Panel or demonstrate that any conditions attached to the licence will be complied with.

Note: All objectors and applicants are reminded of the opportunity to avail themselves of a legal representative at the Hearing if they wish.

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

15. The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
16. A report will be put before the Licensing Panel, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a detailed plan of the premises and, where appropriate, an Ordnance Survey map indicating within a suitable radius the locations of the objectors, other premises which are licensed either as sex establishments, night cafes or for public entertainment and other relevant premises. The report to the Licensing Panel will include the salient features of the applicant's representations. A copy of the report will be sent to the applicant in advance of the meeting.
17. The report may or may not include an officer's recommendation but if it does, details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.
18. Adjournments will generally be granted to applicants where to refuse one would effectively deny the applicant a fair hearing.

COUNCILLOR'S SUBMISSION

19. A Councillor may either:
 - (a) Object to an application (i.e. other than in their capacity as a member of the Council) in accordance with Rule 9 of these rules or
 - (b) Appear as a witness on behalf of an applicant or objector or
 - (c) Give evidence by way of Councillor's submission as detailed in rule 20 below.
20. If a Councillor, who has not made a formal objection, wishes to give evidence he may either address the Licensing Panel or may submit written representations in respect of the application regardless of whether or not he is a witness called by any party as follows:
 - (a) If a Councillor wishes to give oral testimony this will normally be given after the Director has introduced the report and called any evidence.
 - (b) Before a Councillor addresses the Licensing Panel he must first make a declaration that he has not previously discussed the application with the members of the Licensing Panel and will take no part in the determination of the application.
 - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Licensing Panel.

- (d) If representation is given by way of written submission the Chairman will indicate that the Licensing Panel will take into account the fact that the submission of the Councillor cannot be tested by questioning.
- (e) Any evidence presented by a Councillor by way of a Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to the Licensing Panel or otherwise.
- (f)
 - (i) Evidence given by way of written submission under this rule shall be provided to the Director at least 9 days in advance of the Hearing.
 - (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Director at least 9 days in advance of the hearing.
 - (iii) The Director shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Councillor's submission, the Councillor and both parties may give their reasons for or against the submission to the Licensing Panel. The Legal Adviser to the Licensing Panel may also give advice before the Licensing Panel decides whether to allow the submission in as evidence. If the Licensing Panel decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made to allow the party objecting to it time to consider the submission in detail.

Note: It should be noted that a Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

ORDER OF PROCEEDINGS

- 21. At the start of the hearing the Chairman will introduce himself and other members of the Licensing Panel.
- 22. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
 - (a) The Director will introduce the report and will outline the matter before the Licensing Panel giving any relevant background information. He will then call any necessary officer(s) to give factual information (e.g. as to the technical arrangements of the premises). These officers can be questioned by any of the parties present or questioned by members of the Licensing Panel on matters relating to their evidence and are subject to further questioning by the Director.

NOTE: 1. In cases where the Director is making a recommendation to refuse an application or to revoke a licence the Director will where appropriate call any impartial witnesses.

2. In cases where no conciliation has taken place it may be helpful at this point for the applicant to make a brief statement so that all the parties may be aware of the applicants intentions.

- (b) The Licensing Panel will receive the observations of the Chief Officer of Police regarding the application. The representative of the Chief Officer of Police and/or any other person (if any) whose evidence is relied upon by the Chief Officer of Police's representative may be questioned by the Applicant (or his representative) and/or members of the Licensing Panel.
- (c) Any Council Officer(s) who are making representations will then be required to present their respective cases and call evidence in support. Such officers may be legally represented.
- (d) Any Councillors who are making representations will then be heard.
- (e) The Licensing Panel will then formally hear any objection. Normally the Licensing Panel will allow the objector to give oral evidence. Any objector and any person called to speak in support of a particular objection may be questioned by the applicant (or his representative) and/or members of the Licensing Panel.

NOTE: 1. There is no automatic right for an objector to give evidence although normally the Licensing Panel permits this. If there is a challenge to an objector giving such evidence the Licensing Panel should consider representations from the applicant and objector on this point before deciding whether or not oral evidence will be permitted.

2. Where oral evidence is given the Licensing Panel may in certain cases during or at the conclusion of the objector's case wish to establish whether the objector is opposed to the application in its entirety or, for example, is seeking a reduction in the hours sought.

3. The objector must confine his evidence to the ground on which written notice of objection was given.

- (f) When all objectors have been heard the applicant may present his case. The applicant and any person called to speak in support of his application may be questioned by members of the Licensing Panel.

23. When a person is called to give evidence:

- (a) He is first asked to state his full name and address;

NOTE: An objector is entitled to remain anonymous. Where, however, this puts the applicant at a disadvantage, this fact will be taken into account by the Licensing Panel.

- (b) He is questioned by the person calling him.
- (c) He may be questioned by the applicant (or his representative) and/or members of the Licensing Panel.

- (d) He may be questioned further (if appropriate) by the person who called him. These questions must be limited to matters which have already arisen in previous examination or members' questions. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

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

DOCUMENTARY EVIDENCE

- 25. Documentary evidence on which it is intended to rely shall be submitted to the Director not less than 9 days before the date of the Hearing so that it may be included with the report to be submitted to the Licensing Panel. If documents are not easy to photocopy on an A4 machine, (e.g. photographs) then normally 10 copies must be supplied.
- 26. Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:
 - (a) The party concerned should explain why the document concerned was not submitted in advance.
 - (b) If the Licensing Panel accepts the explanation it shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submission.
 - (c) If the other parties have not previously seen the document the Chairman will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Licensing Panel and if so the grounds of their objection.

NOTE: (i) For this purpose it may be necessary to allow time to study the document.

(ii) In some cases it may be appropriate to adjourn the proceedings to allow the party objecting to the submission time to consider the submission in detail.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Licensing Panel. The Legal Adviser to the Licensing Panel may also give advice before the Licensing Panel decide whether to allow the document to be submitted.

NOTE: (i) In some cases it may be necessary for the Licensing Panel to see the document before making a decision.

- (ii) Rules 25 and 26 will be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc should give notice in advance to the Director.

27. If there has been no objection to the submission of a document or if the Licensing Panel has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Licensing Panel have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Licensing Panel will attach to the document will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned.

NOTE: At least 10 copies should be provided of any document which is to be submitted at the meeting.

DECISION

28. At the end of a hearing the Chairman will announce that the hearing is adjourned to enable the Licensing Panel to deliberate in private and will return as soon as possible to announce its decision (which may be reached by majority decision). The Licensing Panel will normally be accompanied by the Legal Adviser and by the Committee Clerk. Sometimes the Licensing Panel will go to a private room or they may ask the parties concerned and their witnesses and the public to leave.

NOTE: Any officer retiring with the Licensing Panel will do so for the purpose of providing legal advice and will not participate in the decision making process.

29. The Licensing Panel may decide to grant the application in whole or in part, to refuse the application, or to make a revocation and if granting or varying a licence, may attach any condition they consider appropriate.

NOTIFICATION OF A DECISION

30. The Chairman will normally announce the Licensing Panel's decision in public at the end of the hearing. If the decision is other than to grant the application in full, reasons for the decision will be announced. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

WAIVER OF RULES

31. In any particular case, any of these rules may be waived, altered or modified by the Licensing Panel or by an officer of the Council acting under delegated powers.

THE DISTRICT COUNCIL OF NEW FOREST

**APPLICATION
FOR

LICENCE
RENEWAL
TRANSFER
VARIATION
FOR
A SEX ESTABLISHMENT**

Full Name of Applicant:

Address of Sex Establishment:

**NEW FOREST DISTRICT COUNCIL
APPLICATION FOR A LICENCE TO USE ANY PREMISES,
VEHICLE, VESSEL OR STALL AS A SEX ESTABLISHMENT**

THE APPLICANT

1. Is the application being made by*:-

- | | |
|--|------------|
| (a) An individual | (a) Yes/No |
| (b) A Partnership or other incorporated body | (b) Yes/No |
| (c) A Body Corporate | (c) Yes/No |
-

2. Give the full name of the applicant (i.e. the individual, Body Corporate or Unincorporated Body to whom the licence is to be issued). If the applicant is an individual any former names must also be given.

3. Give the following information on behalf of the applicant:-

- | | |
|--|-----|
| (a) Telephone Number (during normal office hours) | (a) |
| (b) Address to which communications are to be sent | (b) |

4. Give the applicant's permanent address (if an individual) or registered or principal office (if a body corporate or an unincorporated body).

5. If the applicant is an individual the following information is to be supplied:-

- | | |
|---------------------|-------|
| (i) Date of Birth | (i) |
| (ii) Place of Birth | (ii) |
| (iii) Height | (iii) |

6. State whether the application is in respect of*:-

- | | |
|--------------|------------|
| (a) Premises | (a) Yes/No |
| (b) Vehicle | (b) Yes/No |
| (c) Vessel | (c) Yes/No |
| (d) Stall | (d) Yes/No |
-

* Delete as appropriate

7. Where the licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought.
8. Where the licence is sought in respect of a vehicle vessel or stall state where it is to be used as a sex establishment.
9. Are the whole of the premises described in response to Questions 7 and 8 above to be used under the Licence?
10. If the answer to question 9 above is 'no' please state
- (i) which part of the premises is to be used for the purposes of the Licence (i)
 - (ii) The use to which the remainder of the premises are put (ii)
 - (iii) The names of those who are responsible for the management of the remainder of the premises (iii)
11. Where the licence is sought in respect of premises what is the nature of the applicants interest in the premises? Please state whether it is:-
- (i) freehold or (i)
 - (ii) leasehold (ii)
-

12. If the applicant's interest in the premises is a leasehold one please state
- | | | |
|-------|---|----------|
| (i) | whether a head lease or an underlease | (i) |
| (ii) | (a) The name and address of the landlord | (ii) (a) |
| | (b) The name and address of the superior landlord (where applicable) | (b) |
| (iii) | the amount of the annual rental or where this is not a certain figure describe the method of calculating the rental | (iii) |
| (iv) | The length of the unexpired term | (iv) |
| (v) | The length of notice required to terminate the tenancy | (v) |
13. Has the applicant a financial interest in the business which is the subject of this application? If "yes" to what extent?
14. Is the whole of the business owned by the applicant?
15. Are the premises which are to be used for the purposes of the Licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?
16. If the answer to question 15 above is no please state (on separate sheet) the applicant's proposals or affording such access
17. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.
- | |
|---------|
| YES/NO |
| Name |
| Address |
| Date |
18. Were the premises, vehicle, vessel or stall in use as a sex establishment on 22 December 1981? If "yes" give the name of the person carrying on the business at that date.
- | |
|---------|
| YES/NO |
| Name |
| Address |

THE BUSINESS

19. Under what name is or will the business be known?
20. Has the applicant in connection with the business entered into any Agreement or Deed other than the Tenancy Agreement or lease. If "yes" please supply full details and a copy of the Agreement. Yes/No
21. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.
22. (a) State the total turnover of the business during the 12 months immediately prior to this application. (a)
- (b) What proportion of the turnover derived from (b)
- (i) the sale, hire, exchange, loan, display or demonstration of sex articles as defined in para 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982 (i)
- (ii) The use of premises as a sex cinema (ii)
23. State:
- (a) the anticipated turnover of the business for the next 12 months. (a)
- (b) the proportion of the turnover expected to be derived from (b)
- (i) the sale, hire, exchange, loan, display or demonstration of sex articles as defined in para 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982; and (i)
- (ii) the use of premises as a sex cinema (ii)
-

24. Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.
25. Is the business required to purchase merchandise from a particular company, person or body? If "yes" supply a copy of any Agreement and state what is to be purchased and from whom.
26. Are the premises, vehicle, vessel or stall to be used as:
- | | |
|-------------------|--------|
| (a) a sex shop; | YES/NO |
| (b) a sex cinema; | YES/NO |

27. **SEPARATION OF THE BUSINESS**

If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If "yes" state whether cubicles are to be used for viewing and if so how many.

28. What articles are to be offered for sale?
29. What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.
30. What means are to be taken to prevent the interior of the premises being visible to passers-by?
31. During which hours do you wish to trade?
32. On which days do you wish to trade?

33. This question need only be answered where the applicant is a Company.

- | | | | | | |
|-------|---|-------|-------|-----------|---------------|
| (i) | Is the applicant a wholly or partly owned subsidiary of another company? | (i) | | | |
| (ii) | What type of Company is the applicant (e.g. public private limited by share or guarantee etc?) | (ii) | | | |
| (iii) | In which Country is the Company incorporated? | (iii) | | | |
| (iv) | What is the date of incorporation of the Company? | (iv) | | | |
| (v) | Give a full list of names, addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders; | (v) | Names | Addresses | Share-holding |
| (vi) | If the applicant is a subsidiary of another company supply a copy of the memorandum and Articles of Association of the parent company and of any ultimate holding Company and on a separate sheet give the same particulars as are sought in questions 4, 33(i) to (v), 41 and 44 | (vi) | | | |

34. Is the applicant or any person whose name is given in response to questions 33 or 44 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?

35. If the answer to Question 34 is "yes" give the names of the persons concerned, full details of the other business and the nature and extent of the connection.

36. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 33, 42 and 44 If "yes" give details. YES/NO

37. Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the district of New Forest or elsewhere? If "yes" give full details (including the address of the premises and the Council's reference). YES/NO
38. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 33, 42, 44 and 45 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982. YES/NO
39. Have you ever been refused a licence for a sex establishment? YES/NO
If yes please give details:-

40. Is there any further information which the applicant would wish the Council to take into account when considering this application? This space may also be used to amplify any replies to other questions.
-

41. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 44 above.

NAME	DATE BECAME RESIDENT IN UNITED KINGDOM	ADDRESS OF PERMANENT RESIDENCE THROUGHOUT SIX MONTHS IMMEDIATELY PRECEDING THIS APPLICATION

42. In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder please supply the following details:-

FORENAME	SURNAME	FORMER NAME (IF ANY)	PERMANENT ADDRESS	DATE ON WHICH BECAME RESIDENT IN UK	DATE OF BIRTH	PLACE OF BIRTH	HEIGHT

43. In respect of each of the persons whose names are given in response to Questions 2, 33, 42 and 44 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

FORENAME	SURNAME	FORMER NAME (IF ANY)	PERMANENT ADDRESS DURING PERIOD OF RELEVANT EMPLOYMENT	EMPLOYERS NAME AND ADDRESS	DESCRIPTION OR NATURE OF WORK	PERIOD OF EMPLOYMENT FROM/TO

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

FORENAME	SURNAME	FORMER NAME (IF ANY)	PRIVATE ADDRESS	POSITION IN THE ORGANISATION	DATE OF BIRTH	PLACE OF BIRTH	HEIGHT

DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATIONS ETC.

45. In respect of each of the persons or bodies whose names are given in response to Questions 2, 33, 42 and 44 give details of any previous convictions and of any previous convictions of any of their spouses. All convictions must be disclosed. Spent convictions as defined below, should not be included.

FORENAME	SURNAME	FORMER NAME (IF ANY)	DATE OF CONVICTION	PLACE OF CONVICTION	OFFENCE	SENTENCE (INCLUDING SUSPENDED SENTENCE)

Sentence:

- Imprisonment of between 6 months and 2½ years:
- Imprisonment of up to 6 months:
- Borstal training:
- A fine or other sentence not otherwise covered in this table:
- Absolute discharge:
- Probation Order, conditional discharge or bind over
- Detention Centre Order:
- Remand home, attendance centre or approved school order:
- Hospital order under the Metal Health Act:
- Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces:
- Dismissal from Armed Forces:
- Detention:

NOTE (i) A sentence of more than 2½ years' imprisonment can never become spent:
(ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

Becomes spent after:

- 10 years
- 7 years
- 7 years
- 5 years
- 6 months
- 1 year (or until order expires, whichever is the longer)
- 3 years
- The period of the order and a further year after the order expires
- The period of the order and a further 2 years after it expires
- 10 years
- 7 years
- 5 years

Dated this _____ day of _____ 199_____

Signature: _____
Designation of Signatory

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

DECLARATION

I, _____ declare that I have checked this information given on this application form and to the best of my knowledge and belief it is correct

Dated this _____ day of _____ 199_____

Signature

Designation of Signatory

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE DIRECTOR OF FINANCE AND ADMINISTRATION, APPLE TREE COURT, LYNDHURST, HAMPSHIRE, S043 7PA.

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

1. In respect of individual applicant and each of those named in response to Questions 33, 42 and 44 a birth certificate.
2. 5 copies of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 42 and 44. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. An Ordnance Survey Map showing the whole of the general area, including all buildings, for a minimum of 600 metres radius of the premises.
4. A site plan scale 1:1250.
5. Scale (1:50) plans of the premises in respect of which the licence is sought showing among other things all accesses to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
6. Drawings showing the front elevation as existing and as proposed (Scale 1:50).
7. Duly certified copies of the documents of title (i.e. land certificate, lease, rental agreements) and of any other agreements referred to in response to questions in this application.
8. Copy planning permission for the use and hours sought under the licence.
9. Copy certificate of lawful use in respect of the planning position.
10. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the Resolution authorising the application.
11. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.
12. If the applicant is a company copies of the Memoranda and Articles of Association of the company, the parent company and any ultimate holding company.
13. If the application is being made on behalf of a partnership a certified copy of the Partnership Deed.
14. Further to Question 21 on the application form the applicant must supply one set of audited accounts of the business for the two complete trading years immediately preceding the date of the application.
15. The fee of £6,000. A refund less Council costs will be made where an application is refused. In the case of news vendors trading from a or stall, who as part of their business sell sex magazines the application is £185 but no refund will be made where an application is refused.

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

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. Photostat copies of the newspaper will not be accepted. Copies of the forms of notice to be used in the newspaper advertisement and for display upon premises have been prescribed by the District Council and may be obtained from the Director of Finance and Administration, Appletree Court, Lyndhurst, Hampshire, S043 7PA.
- B. Evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. A copy of the application including a copy of all the enclosures and an additional two photographs as described in note 2 above must be sent to the Chief Officer of Police , Police HQ, Romsey Road, WINCHESTER, Hampshire, S022 5DB not later than 7 days after the date of the application.
- C. Evidence by Affidavit in the form shown in the Appendix that the Notice of Application has been displayed and published as required by paragraph 10(7) - (10) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

District Council of New Forest

LICENSING OF SEX ESTABLISHMENT

Address of premises

.....

I/We

of

hereby give notice that I/we have applied to the District Council of New Forest under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence/renewal of licence/transfer of licence to use the premises referred to above as a sex shop/sex cinema.

Any person wishing to object to the application must do so in writing to the Director of Finance and Administration at Appletree Court Lyndhurst Hampshire SO43 7PA within 28 days of the date of this notice stating in general terms the grounds of the objection. The District Council will not reveal the name or address of the objector without his consent.

Dated the day of 19..

Notes:

This notice must be completed with the name and address of the premises, the name and address of the applicant, deletion of information which does not apply and insertion of the date of the notice.

The notice must be displayed on the same day on which the application for a licence, renewal of licence or transfer of licence is made.

It must be displayed on the premises and in a place where it can conveniently be read by the public and must be exhibited continuously for not less than 21 days.

It may be displayed near the premises if written consent for this has been given by the Council.

APPENDIX 3

**NEW FOREST DISTRICT COUNCIL
LICENSING OF SEX ESTABLISHMENT**

Address of premises⁽¹⁾

I/We⁽²⁾

of⁽³⁾

hereby given notice that I/we have applied to the District Council of New Forest under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises referred to above as a sex shop/sex cinema⁽⁴⁾.

Any person wishing to object to the application must do so in writing to the Director of Finance and Administration at Appletree Court Lyndhurst Hampshire SO43 7PA within 28 days of the date of this notice stating in general terms the grounds of the objection. The District Council will not reveal the name or address of the objector without his consent.

Signed Date⁽⁵⁾

⁽⁴⁾On behalf of

- (1) Insert full name and address of the premises
- (2) Insert full name of applicant in block capitals
- (3) Insert full address of applicant
- (4) Delete where appropriate
- (5) The date to be inserted is the date on which application is made to the Council

New Forest District Council

Policy guidelines when considering possible sites for sex establishments.

1. Each application for the grant, renewal or transfer of a licence for a sex establishment will be considered on an individual basis.
2. Without prejudice to the Council's right to amend, reduce or extend the areas referred to below, applicants are advised that, generally, the Council would consider under the provisions of paragraph 12(d)(i) and (ii) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, that it would be inappropriate to approve licences for sex establishments in the following localities:
 - (a) Prime shopping areas of a town or village.
 - (b) Areas with a high residential content.
 - (c) Abutting main access routes to areas normally frequented by children under eighteen years of age, e. g. schools, sports centres, community centres, village halls, playing fields and public recreation grounds, and
 - (d) Within 500 metres of the main or principal entrances or exits to churches, chapels or other premises used for religious purposes.