



SEX ESTABLISHMENT VENUES

STATEMENT OF POLICY

June 2010

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1. INTRODUCTION

1.1 This document is Mid Sussex District Council's policy (The Policy) concerning the regulation of and procedures relating to applications for;

- sexual entertainment venues
- sex cinemas
- sex shops

Hereinafter referred to as Sex Establishments as defined in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.2 On 6th April 2010, Section 27 of the Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982. It reclassified lap-dancing clubs as sexual entertainment venues and gives local authorities the power to regulate them as sex establishments.

Mid Sussex District Council adopted the new powers on 21st April 2010.

1.3 This policy is published in accordance of the provisions of the Policing and Crime Act 2009. The policy will be reviewed every three years and any revisions made to the policy will be considered appropriate to ensure the statutory objectives of the Act are being met.

Attached to the policy, are a number of documents. The documents relating to Standard Conditions from part of the Policy and may not be revised separately from this policy.

The forms relating to Applications and Licensing Hearings are provided to assist applicants and may be amended at any time without revision of the Licensing Policy.

Mid Sussex District Council's (the Council) statement of main purpose is: -

'Working together for a better Mid Sussex'.

The Council's Environmental Health Section has an essential role to play in achieving this aim, as its Licensing services seek to secure healthier and safer places for people to work and live. The Environmental Health Section's key objective is to: -

'Proactively promote and enforce good environmental health, housing and licensing standards, in order to maximise the quality of life for those living in, working in, and visiting Mid Sussex'.

The Licensing service is a key Council service, contributing to the Council's corporate priorities of:

**Better Environment
Better Lives
Better Services**

2. GENERAL POLICY

2.1 Determining Applications

The Council has determined that the following principles will apply.

Applicants must address this policy in order for any grant of an application to be considered.

The Council can set the number of sex establishment licences it grants in a relevant locality.

An application for a licence can be refused if the Council considers that the number of sex establishments they consider appropriate in a relevant locality would be exceeded by the grant.

The term 'relevant locality' is not defined in the Act.

The Council has decided to identify areas in which they do not consider the granting of a Sex Establishment Licence to be appropriate.

Mid Sussex District Council covers an area, which includes urban and rural communities.

2.2 East Grinstead, Haywards Heath, Burgess Hill

The three main towns, East Grinstead, Haywards Heath and Burgess Hill have busy and diverse shopping centres laid out as traditional 'High Streets', incorporating a mixture of national and independent traders. Included in these trading outlets are a large number of pubs, restaurants, and cafes, take away food shops and in East Grinstead a nightclub. There are community facilities in the form of libraries, community centres, schools and places of worship. There are a number of residential units within the town centres themselves, many above and adjoining retail units. Bordering these 'High Streets' are large residential areas. Access is equally viable on foot, public or private transport. Accordingly the footfall covers all age groups.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means they are not suitable for these relevant localities in East Grinstead, Haywards Heath or Burgess Hill.

2.3 Villages and Rural Areas

Throughout the District are a number of smaller towns, villages and rural communities. Many of these have smaller shopping areas. The Council have identified the following areas:

Ansty *
Ardingly
Ashurst Wood

Balcombe
Bolney
Bolnere Village
Cophorne
Crawley Down
Cuckfield
Felbridge
Handcross
Hassocks
Horsted Keynes
Hurstpierpoint
Keymer
Lindfield
Sayers Common *
Scaynes Hill
Sharpthorne
Turners Hill
Warninglid *
West Hoathly
Whitemans Green

These areas are significantly quieter as they are more rural than the three main towns identified previously. These areas all have pubs restaurants and take away outlets. They are not therefore immune to entertainment venues. They too have residential areas bordering the main shopping street together with residential accommodation above and adjoining retail units. The footfall in these quieter areas still covers all age groups.

* The Council recognises that the areas marked * do not have a traditional retail area. They do have significant customer outlets so that they should be included in this category.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for these relevant localities.

There are a number of rural localities within the district that have small residential communities and businesses. These include agricultural businesses, businesses run from rented accommodation in farms and in some cases small, low-key, industrial units. These communities have chosen to live and or work from these locations because of its tranquillity. Many of these areas are designated as Areas of Outstanding Natural Beauty. The Council wishes to maintain these standards both for residents and businesses in the area and for visitors to enjoy the countryside.

The areas are too numerous to list due to the size of the District.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for these relevant localities.

2.4 Business Parks and Industrial Estates

There are 17 Business Parks/Industrial Estates within the District.

1. Borers Arms Yard, Copthorne
2. Barns Court, Copthorne
3. Felbridge Centre, East Grinstead
4. Birches Industrial Estate, East Grinstead
5. Independent Business Park, East Grinstead
6. Imberhome Industrial Estate, East Grinstead
7. Wellington Town Road, East Grinstead
8. Charlwoods Road Industrial Estate, East Grinstead
9. Ivy Dene Lane, Ashurstwood
10. Rowfant Business Centre, Rowfant
11. Horsted Keynes Industrial Park, Cinder Hill, Horsted Keynes
12. Burrell Road Industrial Estate, Haywards Heath
13. Bridge Road Industrial Estate, Haywards Heath
14. Western Road Industrial Park, Haywards Heath
15. Lindfield Enterprise Park, Lewes Road, Lindfield
16. Sheddingdean Industrial Estate, Burgess Hill
17. Victoria Industrial Estate, Burgess Hill
18. Bolney Grange Industrial Estate, Stairbridge Lane, Bolney
19. King Business Centre, Sayers Common.

The size of these business parks varies, but they consist of anything from warehouses, retail outlets and distribution centres to car repair units.

The hours of operation are generally early morning to early evening.

The nature of this District is such that these are not sprawling areas. They are all bounded by residential streets. Whilst it is accepted that the business park themselves have no residences, consideration must be given to the business communities therein.

The siting of a sex establishment within the confines of such an area may give rise to concerns.

The issue of late night opening is a factor that must be taken into account. The area is likely to be ordinarily quiet after business hours in the retail area. Customers frequenting Sex Establishments may be vulnerable in these areas, particularly after dark. There is also the question of increased footfall during hitherto quiet times and the inherent risk of opportunist and organised crime against the business units.

The Council acknowledges that a Sex Establishment Venue in a business/industrial area does not carry the same risk to vulnerable groups as a residential or retail area. However it does conclude a different type of crime risk, due to the loneliness of the operation and the subsequent risk to established business reputations and physical loss through crime.

The Council considers the association that sex establishments have with the 'sex industry' and adult entertainment means that they are not suitable for the relevant localities of the Business Parks and Industrial Estates.

2.5 Consultations, Representations and Decision making

The Council, in determining applications, will

- Consider each application on its merits.
- Consider all relevant representations.
- Make enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant.
- Notify the following bodies about the application and invite representations:

Mid Sussex District Council Environmental Protection Team.

Mid Sussex District Council Planning Department.

Mid Sussex District Council Elected Ward Members.

Haywards Heath, Burgess Hill and East Grinstead Town Councils, Parish Councils within the District.

Any other person or body deemed appropriate to the application by the Council.

- Have regard for the Statement of Policy objectives.

Sussex Police is a Statutory Consultee within the terms of the Act. The applicant must supply a copy of the application to them within 7 days of the original submission to the Council.

2.6 Representations

Any person in the relevant location may make a representation about an application.

Representations, including the name and full postal address of the person concerned, must be submitted in writing to the Licensing Officer before the expiry of the 28 day consultation period.

The Council will weigh up and balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Representations made before the application is submitted can be taken into account.

The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.

The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant.

The grounds for any objection made on the application must be provided to the applicant prior to the determination of the application.
The report to the Licensing Sub-Committee may have full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.

The Council, in determining applications, will also consider the following factors:

- a) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons
- b) the proximity of educational establishments to the premises
- c) the proximity of places of worship to the premises
- d) access routes to and from schools, play areas, nurseries, children's centres or similar premises
- e) the proximity to shopping centres
- f) the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- g) the potential impact of the licensed activity on crime and disorder and public nuisance
- h) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated
- i) the nature and concerns of any objections received from residents/establishments objecting to the licence application.
- j) any evidence of complaints about noise and/or disturbance caused by the premises.
- k) current planning permission/planning requirements on the premises
- l) any current planning policy considerations
- m) proximity of other sex establishments
- n) whether there is planned regeneration of the area
- o) any current licensing permissions related to the premises in relation to activities, uses and hours
- p) comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- q) The suitability and fitness of an applicant to hold a licence

2.7 Suitability and Fitness of applicant

In determining suitability for a licence, the Council shall normally take into account:

1. The operator is honest
2. The operator is qualified by experience to run the type of sex establishment in question
3. The operator understands the general conditions
4. The operator is proposing a management structure which will deliver compliance with operating conditions eg through :
 - a) Managerial competence
 - b) Presence
 - c) A credible management structure

- d) Enforcement of rules internally eg through training and monitoring
 - e) A viable business plan eg sufficient to employ door staff and install CCTV
 - f) Policies for welfare of performers
5. That the operator can be relied upon to act in the best interests of the performers, eg in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.
 6. That the operator can be relied upon to protect the public eg transparent charging, freedom from solicitation.
 7. That the operator can show a track record of management of compliant premises or that he/she will employ individuals who have such a track record.

The above factors are not an exhaustive list of considerations but are indicative of the types of factors which may be considered in dealing with an application.

The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licensed premises is such that granting a licence is considered inappropriate.

A Licensing Sub-Committee, shall determine all applications for new licences for sex establishments.

2.8 Refusal of a Licence

Specific mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- a) to anyone under 18 years of age
- b) to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) to someone who has been refused a new or renewal of licence within the last 12 months (from the date of making the application)
- d) to an individual who is not resident in the United Kingdom or has not been resident for six months prior to the making of an application
- e) to a company not incorporated in the United Kingdom

The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (see Sections 2.1- 2.4)

- d) the grant or renewal of licence would be inappropriate having regard to:
 - i) the character of the relevant locality
 - ii) the use to which any premises in the vicinity are put; or
 - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

2.9 Renewal Applications

Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

When considering a renewal application the Council may take into account the criteria set out at Section 2.6 paragraphs (a) – (q) and Section 2.8 above.

- a) the type of activity to which the application relates
- b) the duration of the proposed licence
- c) the days and hours of operation of the activity
- d) the layout and condition of the premises
- e) the use to which other premises in the vicinity are put
- f) the character of the locality in which the proposed premises are situated
- g) the levels of crime and disorder in the area
- h) past demonstrable adverse impact from the activity
- i) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts

It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.

A Licensing Sub-Committee, shall determine all applications for renewal of licences for sex establishments.

2.10 Variation Applications

Where an application is made to vary any of the terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in Section 2.6 paragraphs (a) – (q) and Sections 2.7 and 2.8 above.

A Licensing Sub-Committee, shall determine all applications to vary existing licences for sex establishments.

2.11 Transfers

Applications to transfer a licence will be determined by a Licensing Sub Committee.

The Council will make such enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant.

3. THE APPLICATION PROCESS

3.1 Making an application

Applications should be made in writing on the Council approved form to the Licensing Officer, Mid Sussex District Council.

The form, must be accompanied by the following :

- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- five sets of plans showing the existing and front elevation of the premises depicting all signage;
- five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
- five sets of plans (scale 1:50) showing the layout of the sex establishment;
- the correct fee as set by the Council's Licensing Committee

A copy of the application and supporting documents, must also be sent to the Chief Officer, Sussex Police within 7 days of submission to the Council.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

Applicants are also required to place a public notice in a newspaper that is ordinarily available in the area in which the premises is situated. A specimen advertisement is available from the Licensing Officer. The newspaper notice should appear in the publication within 7 days of the application being lodged.

Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.

Any licence approved by the Council does not constitute any approval under other Acts (eg the Town and Country Planning Act 1990) or Byelaws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.

The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

3.2 Renewal of Licences

Licences are issued for any period of time subject to a maximum of 12 months.

Applications to renew licences must be submitted together with the appropriate fee at least 28 working days before expiry. Applications for renewal of licences are subject to the site and newspaper notice requirements set out above.

A copy of the renewal application and supporting documents, must also be sent to the Chief Officer, Sussex Police at the same time of submission to the Council.

The Council will consult those it deems appropriate before determining the renewal. (See Section 2.5)

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

A Licensing Sub-Committee shall determine all renewal applications.

A Licensing Hearing to determine renewals can be held beyond the expiry date of a Licence. Under no circumstances will this be later than 35 working days after the scheduled expiry date. Licences will be valid until such determination.

3.3 Variation of Licence

The application form, with relevant plans and fee should be sent to the Licensing Officer. Applications for variations of licence are subject to the site and newspaper notice requirements set out above.

The Council will consult those it deems appropriate before determining the variation (See Section 2.5)

Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

Applicants are required to post an A3 notice at the proposed site for 21 days from the date the application is lodged with the Council, setting out the application details. Guidance on these Notices is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

There will be a consultation period for 28 days starting the day after the Licensing Authority receives the application.

All variation applications for sex establishment licences will be referred to a Licensing Sub-Committee for determination. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

3.4 Transfer of Licence

Applications to transfer a licence will be determined by a Licensing Sub Committee.

The Council will make such enquiries as it deems appropriate, including an interview with the prospective licensee, to ascertain the suitability of the style of operation and the applicant. (See Section 2.7)

3.5 Hearings to determine applications

Any application requiring a determination by a Licensing Sub Committee will be heard in public on a date to be published by the Council.

A hearing to determine applications for new, renewal of existing, variation to an existing or transfer of an existing licence will take place within 30 working days from the day after the consultation period ends.

The Council will publish a determination before the end of 5 working days starting the day after the last day of the hearing.

The applicant and any persons who made relevant representations will have the opportunity to attend the hearing and address the Committee.

The Licensing Sub Committee, having heard all relevant evidence will determine the application. This decision does not have to be made at the hearing.

If a decision is delayed as above, the Licensing Sub Committee will inform all parties present at the hearing of the decision date.

On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with this.

The procedure for a Licensing Committee to determine all applications relevant to this policy is appended at Appendix H.

3.6 Licence Conditions

The Council will impose standard conditions with the grant of a Sex Establishment Licence.

The Council may also impose further conditions depending upon the individual circumstances of each premises.

The Standard Conditions are attached at Appendices B,C ,D.

Fees will be reviewed annually.

APPENDICES

- A Definitions of terms used**
- B Standard Conditions Sex Entertainment Venue**
- C Standard Conditions Sex Shop**
- D Standard Conditions Sex Cinema**
- E Application Form Sex Establishment Licence**
- F Disclosure of Convictions**
- G Photo Endorsement Form**
- H Committee Hearings – Procedure**

DEFINITIONS

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

Display of nudity

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus;
and
- in the case of a man: exposure of his pubic area, genitals or anus

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide.

Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory functions.

Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

Sex Shop

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

The Act

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

The Council

This means Mid Sussex District Council.

The licensed premises

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required to operate.

The Organiser

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

The Policy

This refers to the draft sex establishment licensing policy.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
CONTROL OF SEX ESTABLISHMENTS as amended by
POLICING AND CRIME ACT 2009

SEXUAL ENTERTAINMENT VENUE STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises.
A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 21 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.

8. Neither the licensee nor any employee or agent shall solicit custom for the sex establishment outside or in the vicinity of the sex establishment.
9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	ZZZZam to XXXpm
Saturday	XXXXam to XXXXpm
Sunday	XXXXam to XXXXpm

11. The premises shall not, be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, or Good Friday.

C. CONDUCT OF THE PREMISES

12. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
13. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.
14. A code of conduct for dancers will be operated subject to approval by the Licensing Authority and Sussex Police.
15. A code of conduct for customers will be operated subject to approval by the Licensing Authority and Sussex Police.
16. Dancers will perform on a stage area only.

There will be a defined segregation area between the audience and performers.

No dancer will perform a 'private dance' to customer(s) who are standing up.

No photography is allowed in the premises during the hours the premises is open to the public.

There will be no audience participation in dancers performances.

Sex articles will not be used as props during performances by dancers.

There will be no contact between performers and the audience. This also applies when the 'performance' has taken place and the dancers are 'off duty' in the premises.

There will be a 1 metre gap between the performer and any member of the audience.

Access to dressing rooms must be directly off the stage. Performers must not pass through the audience to access dressing rooms.

Performers must re dress immediately and not enter the audience area in a state of undress.

There will be no 'private' booths in the venues.

D. EXTERNAL APPEARANCE

18. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sexual Entertainment Venue.'

19. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 21 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXXXXX' No other words are permitted on the shop fascia.
The notices mentioned above, with conditions 18 and 19 shall be affixed to the door of the premises and shall not be displayed in or on the shop window.

20. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 18 and 19.

Sex aids, toys, magazines, bondage or fetish equipment or clothing shall not be displayed in the shop window.

21. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers - by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

22. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

23. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.

24. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.
25. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.

F. SAFETY

26. The licensee shall take all reasonable precautions for the safety of the public and employees.
27. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (A) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 28 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 CONTROL OF SEX ESTABLISHMENTS

SEX SHOP STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises.
A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 18 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the sex establishment.

9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	10.00am to 8.00pm
Saturday	9.00am to 8.00pm
Sunday	11am to 5pm

11. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, or Good Friday.

C. CONDUCT OF THE PREMISES

12. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold hired, exchanged, loaned or demonstrated in a sex cinema.
13. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
14. All sex articles and other things displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show the price being charged.
15. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
16. No film or video recording or other form of recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
No such recording will be shown in its entirety and will not be shown at customers request.
'Preview clips' shall not individually be shown for longer than one minute.
Any screen for such use shall not be visible to persons outside of the premises.
Such items, including R.18 videos, shall only be offered for sale and previewed on the First Floor of the premises.

D. EXTERNAL APPEARANCE

17. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sex Shop.'
18. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 18 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXX XXXX' and the words (in letters not exceeding two (2) inches in height) 'LINGERIE', 'FANTASY WEAR', 'UNIFORM', 'SEX TOYS', 'DVD'S'. No other words are to be permitted on the shop fascia.
The notices mentioned above, with conditions 18 and 19 shall be affixed to the door of the premises and shall not be displayed in or on the shop window.
19. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 18 and 19.
Any window display must consist of items of clothing or lingerie only.
Such items must not be made of leather, rubber, vinyl or other similar plastics.
Sex aids, toys, magazines, bondage or fetish equipment or clothing shall not be displayed.
20. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers - by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

21. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
22. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.
23. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.
24. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.
25. Any facilities in sex shops for previewing films, video recordings, dvd's or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

F. SAFETY

26. The licensee shall take all reasonable precautions for the safety of the public and employees.
27. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (B) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 14 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
CONTROL OF SEX ESTABLISHMENTS as amended by
POLICING AND CRIME ACT 2009

SEX CINEMA STANDARD LICENCE CONDITIONS

A. MANAGEMENT OF THE PREMISES

1. The licensee, or some responsible person nominated by him and approved in writing by the licensing authority for the purpose of managing the sex establishment ('the manager') shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the licensing authority within 14 days of such change and such details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the licensing authority.
3. A copy of the licence and any conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority and authorised officers of the licensing authority.
4. The name of the person responsible for the management of the sex establishment, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period he/she is responsible for conduct of the premises.
A register shall be maintained by the licensee recording the name and address of any person who is responsible for managing the establishment in his/her absence and the respective dates.
5. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part.
6. The licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
7. No person under the age of 18/21 years shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the sex establishment.

9. The licensee shall ensure that during the hours that the premises are open for business every employee wears a badge of a type approved by the licensing authority indicating their name and that they are employed by the establishment.

B. OPENING OF THE PREMISES

10. The premises shall not, without the written consent of the licensing authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Friday inclusive	xxxxam to xxxxpm
Saturday	xxxxam to xxxxpm
Sunday	xxxxam to xxxxpm

11. The premises shall not, be opened and used for the purposes for which the licence is granted on Christmas Day, Boxing Day, or Good Friday.

C. CONDUCT OF THE PREMISES

12. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold hired, exchanged, loaned or demonstrated in a sex cinema.
13. A sex cinema shall be conducted primarily for the viewing of films.
14. No film or video recording or other form of recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

D. EXTERNAL APPEARANCE

15. The holder of a sex establishment licence may exhibit on the outside of the premise the name of the business and a notice, capable of being enclosed by a rectangle less than one square metre in area, consisting of the words 'Licensed Sex Cinema.'
16. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle less than one square metre in area, the times of opening and the words 'No person under the age of 18 years shall be admitted to the premises'.
The shop fascia may bear the trading name 'XXXX XXXX ' and the words (in letters not exceeding two (2) inches in height) LICENSED SEX CINEMA. No other words are to be permitted on the shop fascia.
The notices mentioned above, with conditions 18 and 19 shall be affixed to the door of the premises and shall not be displayed in or on the shop window.
17. No other signs or words, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in Conditions 18 and 19.

18. The backdrop to the windows and openings of the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers - by.

E. STATE, CONDITION AND LAYOUT OF THE PREMISES

19. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
20. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises shall be visible when persons are entering or leaving the premises.
21. No access shall be permitted through the premises to any other premises adjoining or adjacent, except in the case of emergency.
22. Alterations or additions, either internal or external, shall not be made to the licensed premises without written consent from the licensing authority.

F. SAFETY

23. The licensee shall take all reasonable precautions for the safety of the public and employees.
24. The licensee shall comply with any fire prevention and safety measures which may be required by the licensing authority.

ADDITIONAL CONDITIONS

- (C) A closed circuit television and video recording system shall be installed within the premises and cover all areas to which the public have access, both upstairs and down. The equipment must be of such a quality as to ensure facial recognition of subjects and must operate throughout all times when the premises are open. Video recordings so produced shall be consecutively numbered and shall be securely maintained for a period of 14 days after recording. All such recordings shall be made available to Police, Fire or Local Authority personnel on demand.



**Application for a Sex Establishment Licence to be
Granted /Renewed/Varied
(Local Government Miscellaneous Provisions Act 1982, Sec 2 and Sch 3
as amended by Policing and Crime Act 2009, Sec 27, Sch 3 and Sch 7 para 3.)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We apply for a Sex Establishment Licence for the premises described in Part 1 below.

Part 1 – Premises details including its name.

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code

Telephone number at premises:

Daytime	
Evening	
Mobile	

Nature of Licence:

- Sex Shop
- Sex Cinema
- Sexual Entertainment Venue

Part 2 - Applicant details

Please state whether you are applying for a licence as

- a) an individual or individuals* please complete section (A)

b) a person other than an individual*

- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

(A) INDIVIDUAL APPLICANTS

1. Your personal details				
TITLE (delete as appropriate): Mr / Mrs / Miss / Ms / Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT (Please provide full details of all addresses where ordinarily resident during the past 5 years)				
1.				
Post town			Post code	
2.				
Post town			Post code	
3.				
Post town			Post code	
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				
EMAIL ADDRESS				

SECOND INDIVIDUAL APPLICANT (if applicable)

1. Your personal details				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT				
(Please provide full details of all addresses where ordinarily resident during the past 5 years)				
1.				
Post town			Post code	
2.				
Post town			Post code	
3.				
Post town			Post code	
Post town			Post code	
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				

EMAIL ADDRESS

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned. Full details of all directors/partners must be given.

1.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
Email address (optional)

2.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Passport Details
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
Email address (optional)

3.

Name
Address
Date of Birth
Place of Birth
National Insurance No
Passport Details
Company Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
Email address (optional)

Part 3 Management of premises and style of operation

1. Who will be responsible for the day to day management of the premises. Please provide details of all managerial and supervisory staff involved in the running of the premises. Further sheets are available.

1. Personal details				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname				
Forenames				
I am 18 years old or over. Please tick ✓	Yes	No	Date of Birth	Place of Birth
National Insurance No				
Passport Details (issued by, validity dates).				
ADDRESS WHERE ORDINARILY RESIDENT				
(Please provide full details of all addresses where ordinarily resident during the past 5 years)				
1.				
Post town			Post code	
2.				
Post town			Post code	
3.				
Post town			Post code	
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
FAX NUMBER				

EMAIL ADDRESS

Part 4 Operating Schedule

When do you want the licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?

Hours Premises are open to the Public		
	Start	Finish
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Please give a general description of the premises, including the following information.

Style of Operation

Management Structure

Experience of running similar establishments (full details to be provided)

Details of welfare provisions for performers

How you intend to address the conditions in Mid Sussex District Council's Policy for Sex Establishment Venues

--

6. CHECKLIST:	
I have	
Please tick ✓	
1. Enclosed two photographs of myself (and for every person who's details have been included in this application) one of which is endorsed as a true likeness by a solicitor or notary, a person of standing in the community or any individual with a professional qualification.	
2. Enclosed an enhanced criminal conviction certificate from Criminal Records Bureau for every person whose details have been included in this application.	
3. Enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) for every person whose details have been included in this application.	
4. I will send a copy of this application to The Chief Officer, Sussex Police within 7 days of today's date.	
5. Made or enclosed payment of the fee for the application	

7. Declaration	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant, renewal or variation of Sex Establishment Licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding [£20000].</p>	
SIGNATURE	DATE



The information you have given on this form will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. The information will not be given to any other organisation or individual except to the extent permitted by the Data Protection Act.
 For further information, see under Data Protection Act on Mid Sussex District Council's web site
www.midsussex.gov.uk

Please return the form to :-
 Licensing Team
 Mid Sussex District Council
 Oaklands
 Oaklands Road
 Haywards Heath
 West Sussex
 RH16 1SS

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant.
2. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. The policy for Licensing Sex Establishments in Mid Sussex District Council Area must be read in conjunction with this application.



Disclosure of convictions and declaration – Sex Establishment Licence application

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	
PREVIOUS NAMES (if criminal) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	

2. Criminal or foreign offences		
Read Note 1		Please tick
Have you been convicted of any criminal offence or foreign offence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any criminal offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

--

3. Declaration

I declare that I have not been convicted of any criminal offence or any foreign offence


SIGNATURE		DATE	
------------------	--	-------------	--

4. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

SIGNATURE		DATE	
------------------	--	-------------	--

 The information you have given on this form will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. The information will not be given to any other organisation or individual except to the extent permitted by the Data Protection Act. For further information, see under Data Protection Act on Mid Sussex District Council's web site www.midsussex.gov.uk

Please return the form to :-
 Licensing Team
 Mid Sussex District Council
 Oaklands
 Oaklands Road
 Haywards Heath
 West Sussex
 RH16 1SS



Photograph Declaration for a Sex Establishment Licence Application

Mid Sussex District Council Licensing Policy requires that you submit two photographs with your Sex Establishment Licence application, one of which must be endorsed on the reverse with a statement verifying the likeness of the photograph to you by a *'person of a specified description'*. Those who are identified as a *'person of a specified description'* are :-

- (a) Solicitor.
- (b) Notary.
- (c) A person of standing in the community (Bank or Building Society official, a Police Officer, a Civil Servant or a Minister of Religion).
- (d) An individual with a professional qualification.

We would suggest that the text which is written by the individual who endorses one of your photographs is as follows :-

'I certify that this is a true likeness of Mr, Mrs, Miss, Ms or other (full name), followed by their signature, full name and details of their 'specified description' e.g. 'Solicitor'.

In order for the Licensing Authority to be satisfied that the person who has endorsed your photograph meets with these statutory requirements, and to deter fraudulent applications, it is necessary for the following declaration statements to be completed.



The information you have given on this form will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. The information will not be given to any other organisation or individual except to the extent permitted by the Data Protection Act.

For further information, see under Data Protection Act on Mid Sussex District Council's web site www.midsussex.gov.uk

Please return the form to :-
Licensing Team
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS



Statement by Endorser

Title: Mr/Mrs/Miss/Ms or Other (please specify):

Surname:

Forename(s):

**Occupation and/or
Professional qualification:**

Business Address (if applicable):

Home Address:

Daytime Telephone:

Mobile:

Email:

Name (please print):

Signature:

Date:

Statement by Applicant

I confirm that the person named above certified a photograph in support of my application for a Sex Establishment Licence.

Name (please print):

Signature:

Date:

MID SUSSEX DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,as
amended by THE POLICING AND CRIME ACT 2009.

SEX ESTABLISHMENTS

PROCEDURE AT THE HEARING BEFORE THE LICENSING SUB-COMMITTEE

1. The hearing shall take place in public unless the Sub-Committee determines that the public should be excluded.
2. The Sub-Committee shall consist of three Elected Members.
3. The Chairman of the Sub-Committee shall at the beginning of the hearing introduce the members of the Sub-Committee.
4. The Chairman shall invite the parties to identify themselves.
5. The Chairman shall then explain the procedure which will be followed at the hearing, that is, this procedure.
6. The Chairman shall ask the Sub-Committee to consider any request made by a party for permission for another named person to appear at the hearing.
7. The Chairman shall ask all parties if they agree that any documentation which has not been produced before the hearing, but which is now produced at the hearing, may be taken into account by the Sub-Committee.
8. The Chairman shall then start the discussion.
9. The Chairman shall invite each party, in turn, to address the Sub-Committee to present their case. Parties will be allowed an equal maximum period of time to do this.
10.
 - i) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.
 - ii) Parties may only question another party if given permission to do so by the Sub-Committee. If permission is given parties will be given an equal maximum period of time to do this.
11. The Chairman shall invite the parties to respond to a point or points of clarification and give further information in support of their application. Parties will be allowed an equal maximum period of time to do this.
12. The Sub-Committee is entitled to disregard irrelevant information given by a party or by any person who has been given permission to appear at the hearing, irrelevant means not relevant to the application, representations or notice.

13.
 - i) Any person attending the hearing who is behaving in a disruptive manner may be required to leave.
 - ii) permission to come back in may be refused.
 - iii) permission to come back in may be given but only on such conditions as the authority may specify.
 - iv) any person required to leave may put in writing to the authority before the end of the hearing any information which they would have been entitled to give orally.
 - v) Only parties, the parties' representatives (which legally qualified or not), other named persons who have been given permission to appear at the hearing, Members of the Sub-Committee, and the Authority's Legal Adviser should speak at the hearing. There is no provision for Members of the public to address the Sub-Committee.
14. After hearing the representations of the parties, the Chairman will invite the Sub-Committee to withdraw from the room in order to make its determination.
15. The Sub-Committee will return to the hearing to give its determination, unless otherwise specified (see paragraph 14).
16. The Chairman shall inform the parties that the determination, with reasons, will be notified to parties in writing forthwith. The notification will also include information about the parties' right of appeal against the determination.
17. The Sub - Committee may defer determination. If such a course of action is taken the Chairman will inform all parties of the date on which determination is to be made and how it is to be published.