



# Sex Establishment Application Form

**THERE ARE SIX SECTIONS TO THIS APPLICATION PACKAGE PLEASE ENSURE THAT YOU READ AND UNDERSTAND ALL SECTIONS BEFORE SUBMITTING YOUR APPLICATION.**

## **SECTION 1**

**Approved and adopted by St.Helens Council 20 August 1999  
Local Government (miscellaneous provisions) Act 1982  
Regulations prescribed standard conditions applicable to Licences for sex shops within the borough of St.Helens.**

- Definition 1.** In these regulations save when the context otherwise requires the following expressions shall have the following meanings
- (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  - (ii) "Premises" means a building or part of a building and forecourt yard or place of storage used in connection with a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
  - (iii) "Approval of the Council" or "Consent of the Council" means the Approval or consent of the Council in writing.
  - (iv) "Approval" means approved by the Council in writing.
  - (v) "The Council" means St.Helens Borough Council.
- General**
- 2 In the event of a conflict between these Regulations and any Special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
  3. The grant of licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by-law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  4. The marginal notes inserted in these Regulations are inserted for the purposes of convenience only and shall not effect in any way the meaning or construction thereof.
- Times of Opening**
5. Except with the previous consent of the Council a Sex Shop shall not be open to the public before 9 a.m. and shall not be kept open after 6.00pm irrespective of the hours of opening of any other retail establishment in the Borough.
  6. Except with the previous approval in writing of the Council a Sex Shop shall not be open on Sundays, on Christmas Day not on Good Friday.
- Conduct and Management of Sex Establishment**
7. 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 (including the person for the time being in charge of or responsible for the day to day conduct of any establishment in respect of which a licence is granted renewed and transferred) is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require

(including a Statutory Declaration as to previous convictions, if any) in respect of any new director, secretary, manager or other persons as described herein are to be furnished within 14 days of a request in writing from the Council.

8. The licensee or some responsible person nominated by him in writing for the purpose of managing a Sex Shop in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Shop whether the licensee or a manager approved by the Council shall be prominently displayed within the Sex Shop throughout the period during a which he is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he shall record the name and private address of any person who is to be responsible for managing the Sex Shop in the licensee's absence and the names and addresses of those employed in the Sex Shop.
11. The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the Premises.
12. The Licensee shall maintain good order in the premises.
13. 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.
14. No person under the age of 18 shall be admitted to the premises or employed by the business of a Sex Shop.
15. No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
16. No film, video film, record or tape shall be exhibited sold or supplied in at or from the licensed premises unless it bears a certificate to the effect that it is a reproduction authorised by the owner of the copyright of the film, video film, record or tape or Board of Film Censors.
17. No charge shall be made to any member of the public or visitor for admission to the premises in respect of which a licence is granted, nor for admission to any part thereof.
18. No advertisement of any kind shall be exhibited within the licensed premises except those which relate solely to the goods for sale hire loan display or demonstrate therein.
19. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Shop by means of personal solicitation outside or in the vicinity of the premises, nor shall any such person or anyone acting on his or her behalf advertise or cause to be advertised the existence of the Sex Shop not the commodities or services available therein newspapers circulating in the area of the shop nor in any other medium to which persons aged under 18 years would normally have access.
20. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
21. The Licensee shall ensure that during the hours the Sex Shop is open for business every Director, Manager, Servant or agent within the licensed premises wears a badge of a type to be approved by the Council indicating his or her name and status within the licensee's organisation.

22. The copy of the licence and these regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be a reproduction to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

**User**

23. The premises hereby licensed shall be used only for the purpose of a Sex Shop as defined by paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this Licence is granted.

24. No refreshments of any kind shall be consumed on the licensed premises other than by bona fide staff in a part of the premises not open to the public.

25. Save as otherwise herein after provided no music or recorded sound of any kind shall be played at any time upon the licensed premises, nor in any other place within the control of the licensee in such manner as to be audible within the licensed premises.

26. No amusement or gaming machines of any kind whether for prizes or otherwise shall be kept or used upon the licensed premises at any time.

27. No moving picture, moving displays nor recorded sound of any description howsoever produced shall be permitted upon the licensed premises except for a period not exceeding 60 seconds for the bona fide purpose of the demonstration only to a prospective purchaser, hirer or borrower if the article in question but not further or otherwise.

**External  
Appearance**

28. Except as provided for in sub paragraphs (a) - (c) below no advertising material sign, word, graphic or pictorial or other display or representation whatsoever referring to the licensed premises or to the goods, articles or services provided therein shall be displayed outside near to or within the licensed premises in such a position or manner as to be visible to any person lawfully using any street highway close yard court footpath or place to which the public has access for the time being:

(a) the name or trading name, style or title of the licence provided always that no name style or title other than that of the person or company granted a licence shall be so exhibited unless and until approved by the Council in writing.

(b) any notice required by any statute or any instrument or regulation made thereunder.

(c) any notice required by condition 29 herein

29. (a) There shall be displayed above the main entrance to the licensed premises a notice in a permanent form not less than 2 inches high nor more than 3 inches high stating the name of the licensee of the said premises and that the said premises are licensed under section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

(b) There shall be displayed on the external doorway to the licensed premises in a prominent position so as to be readily visible to and easily read by any person approaching the premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

(c) On the external doorway to the licensed premises in a prominent position so as to be readily visible to any person approaching the doorway a notice stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a sex shop and prohibiting entry to the premises of all persons under the age of 18 years of age.

30. An opaque glass front and door shall be fitted with blinds, and a petition board erected approximately 3 feet behind the front door of said by which the interior of the licensed premises would otherwise be visible to any person lawfully using any Street, highway, close, yard, footpath or place to which the public has access thus preventing the interior of the said premises or any article, material or display of any kind therein from being visible to any such said persons, to the satisfaction of the Council.

**State Condition  
and Layout of  
the Premises**

31. The licensed premises shall be maintained in good repair and condition and all parts thereof shall be kept in a clean and wholesome condition to the satisfaction of the Council.
32. The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements.
  - (i) All such doors or openings approved by the Council shall be clearly indicated on the inside of the word 'exit'.
  - (ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private'.
  - (iii) Save in the cases of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
33. The external doors to the Sex Shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
34. No fastening of any description shall be fitted upon any booth or cubicle in the Sex Shop nor shall more than one person (including any employee) be present in any such booth or cubicle at any time. For the purposes of the condition 'employee' shall be deemed to include all those persons in respect of whom the Council requires written notification in accordance with condition 7 thereof.
35. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the licensed premises shall not be made except with the prior approval of the Council.

**Safety**

36. The Licensee shall take all reasonable precautions for the Safety of the public and employee
37. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council.
38. The licensed premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.
39. The Licensee shall comply with the fire prevention and safety measures that may be required of him by the Council.

## SECTION 2 - NOTES FOR COMPLETION OF APPLICATION

1. In order to comply with this Council's requirements a Statutory Declaration in the prescribed form must be executed by every person named on the application form. An individual applying on his own behalf should complete and execute one Statutory Declaration as required from each and every director, secretary and any other person responsible for the management of that company. Applications submitted on behalf of a partnership should be accompanied by a Statutory Declaration executed by each and every partner.
2. Statutory declarations from part of the Applications submitted and so must be forwarded along with the application to Merseyside Police, College Street Police Station, St.Helens, Merseyside. Applicants should note that to make a false declaration is a serious criminal offence punishable upon conviction by imprisonment for a term not exceeding more than two years or to a fine to be determined by the Court or to both.
3. Attention is drawn to the notes relating to the Rehabilitation of Offenders Act 1974, set out below. These notes are for guidance only.
4. Any person who is in any doubt whether or not to disclose any offence(s) should consult his own solicitor before completing the Statutory Declaration.
5. The Statutory Declaration must be executed before a solicitor or Commissioner for Oaths.
6. The application form **must be accompanied** by:
  - (a) the prescribed fee in respect for application for Grant, Renewal and Transfer. **See fee chart for details.**
  - (b) the Statutory Declaration(s)
  - (c) four sets of a plan to the scale of 1:50 showing the premises proposed to be licensed with the area to be used as a Sex Establishment delineated with a red line. The plan must also show what each room in the premises is to be used for and also identify entrances, exits and emergency means of escape in case of fire.
7. Before the application can be considered the following additional documents must 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 Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982. Photostat copies of the newspaper will not be accepted.
  - (b) Evidence of due services if the Notice of Application upon Merseyside Police as required by paragraph 10(14) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
  - (c) Evidence by written statement that the Notice of Application has been displayed on or near the premises as required by paragraph 10(10) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**Note:** St.Helens Council requires that the site notice must be of least A4 size.

8. The Council reserves the right to require the applicant to furnish additional information at any time prior to the application being determined.
9. The completed application together with supporting documentation and any correspondence regarding the application should be sent to:  
  
Licensing and Land Charges Manager, St.Helens Council, Wesley House Corporation Street, St.Helens WA10 1HF.

10. On completion of the statutory advertising and notification procedures the application will be considered by the Council's Licensing & Environmental Protection Committee.
11. All representation from the public, whether in favour of or objecting to an application, will be put in general terms by the Council and sent to the applicant as soon as possible after the period of 28 days for receipt of public observations has expired.
12. To enable the applicant to consider any public representations the application will not be determined less than 14 days after the date on which the representations are sent to the applicant, unless the applicant requests otherwise.
13. No application for the grant of a licence will be refused by the Licensing and Environmental Protection Committee without the applicant having first been given the opportunity to appear before the Committee and/or make written representations (with or without professional representations as an applicant wishes) and of being heard by them.
14. Any licence granted will be subject to such conditions as are specified at the time of the grant and shall remain in force for such period, not exceeding one year, as specified in the licence or until sooner revoked in accordance with schedule 3 of the Act.

**SECTION 3 -**

**APPLICATION FOR GRANT/RENEWAL TRANSFER OF LICENCE FOR A SEX ESTABLISHMENT**

**If application is made on behalf of an individual please state:**

Full name: .....

Home address: .....

..... Postcode:.....

Date of birth:..... Place of birth: .....

Telephone number: .....

Email address: .....

**If application is made on behalf of a corporate or unincorporated body please state.**

Full name of body: .....

Address of registered of principal office: .....

**Give full name and private addresses of all directors or other persons responsible for management of the establishment:**

Name:.....

Age:..... Date of Birth:..... Place of Birth: .....

Address: .....

Name:.....

Age:..... Date of Birth:..... Place of Birth: .....

Address: .....

Name:.....

Age:..... Date of Birth:..... Place of Birth: .....

Address: .....



**Do any of the above have any convictions recorded against them? Or if a body corporate or incorporated body that body or any of its directors or other persons responsible for its management? If so, please give details of name, date of conviction, court, offence and sentence:**

.....

.....

.....

.....

.....

.....

All convictions must be disclosed. Spent convictions, as detailed below, should not be included.

<b>Sentence</b>	<b>Become spent after</b>
Imprisonment of between 6 months and 2½ years	10 years
Imprisonment of up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is the longer)
Detention Centre Order	3 Years
Remand Home, attendance centre or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace the Armed Forces	10 years
Dismissal from Armed Forces	7 years
Detention	5 Years

- Note: (i) A sentence of more than 2½ years' imprisonment can never be spent  
(ii) Suspended prison sentences are treated the same as actual imprisonment  
(iii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column

**Have you been resident in the united kingdom throughout a period of six months immediately preceding the date of this application?** **Yes/no**

**If the application od made on behalf of a body corporate, is that body incorporated in the united kingdom?** **Yes/no**



Full address of premises desired to be used as a sex establishment:

.....  
..... Postcode: .....

If this application relates to a vehicle/vessel/stall give description and state where it is to be used as a sex establishment:

.....  
.....  
.....  
.....

During which hours do you wish to trade?:

.....

On which days do you wish to trade?:

.....

Are the premises to be used as a sex shop? **Yes/no**

Are the premises to be used as a sex cinema? **Yes/no**

Are the premises to be used as sex encounter establishment? **Yes/no**

Are you (or a corporate or incorporated body, that body) disqualified from holding a licence for a sex establishment? **Yes/no**

Have you ever been refused a licence for a sex establishment? **Yes/no**

If yes please give details:

.....  
.....  
.....  
.....

Do you currently hold a sex establishment licence elsewhere? **Yes/no**

If 'yes' give name of Local Authority, licence number and current issue/expiry date

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

Signed:..... Date: .....

**SECTION 4 - STATUTORY DECLARATION**

(see over for Explanatory Notes)

I,(name):.....

Date of birth: .....

of (address): .....

Do solemnly and sincerely declare as follows:

- 1. I have never been convicted and imprisoned or fined or placed on probation or conditionally discharged for **any** offence.
- 2. I have been convicted and imprisoned or fined or placed on probation or conditionally discharged for an offence and I list below within the terms of the rehabilitation of offence or offences including the date, the offence, the place the offence was committed and the sentence by the Court.

**(Delete either Paragraph 1 or 2 and initial same)**

<b>Date</b>	<b>Offence</b>	<b>Description and Place of Court</b>	<b>Sentence or order of Court</b>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(If no convictions, enter 'None' in this space)

And I make this solemn declaration conscientiously believing the same along with the answers given in the attached application form to be true and by virtue of the provisions of the Statutory Declarations Act 1835 and Section 5 of the Perjury Act 1911.

Declared at: \_\_\_\_\_

Signed (applicant):.....Date: .....

Before me: .....

A Solicitor authorised to administer oaths

Address or stamp of Solicitor

1. Every applicant for the renewal of certain licences is required to submit to the Council a Statutory Declaration indicating whether or not he has been convicted of any offences.
2. The Declaration must be sworn in the presence of a Solicitor who is qualified to administer oaths. Any Solicitor's fees must be borne by the applicant.
3. The applicant's attention is drawn to the provisions of the Rehabilitation of Offenders Act, 1974 (which relieves a person from any duty to disclose convictions after a period (known as the rehabilitation period) has elapsed. The length of the rehabilitation period depends upon the sentence imposed for the offence, as follows:

<b>Sentence</b>	<b>Rehabilitation Period</b>
Imprisonment for not more than 6 months	7 years
Dismissal from Her Majesty's Service	7 years
Imprisonment or corrective training for more than 6 months but less than 30 months	10 years
Cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	10 years
Detention for convictions in Service Disciplinary proceedings )	5 years
Fine	5 years
Absolute discharge	6 months
Conditional discharge or probation or bound over to keep the peace good behaviour	1 year or, if later when the order for probation or discharge or bond ceases to have effect

- Note:**
- (a) This Act does not apply where a sentence of imprisonment for life or for more than 30 months is imposed, and for such convictions must always be disclosed.
  - (b) When a person commits further offences during rehabilitation period (other than those which can only be tried in the Magistrates' Court) all the convictions must be disclosed until the end of the rehabilitation period for the last conviction.
4. The applicant is not required to disclose any convictions he may have matrimonial offence (e.g. failure to pay maintenance). Judgements of the County Courts for non-payment of debts are not offences and should not, be included on the declarations.
  5. The applicant should state, wherever possible the date of any conviction. If, however, he cannot remember this, he should give an approximation rather than omit to declare it.

**Note:** By Section 5 of the Perjury Act 1911 it is offence punishable by up to 2 years imprisonment of a fine, or both, knowingly and wilfully to make a statutory declaration a statement false in any material particular.

**SECTION 5 - PRESS ADVERTISEMENT**

Notice of application for sex establishment licence

Notice is hereby given that I: .....

Have applied on:.....to St.Helens Council in respect of premises known as:

.....

and situated at:

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 encounter establishment.\*

(\*Delete as appropriate)

Any objection to this application must be submitted in writing within 28 days of the date the application was made to St.Helens Council. Such notice must state the grounds of objection and be sent to the Licensing and Land Charges Manager, Wesley House, Corporation Street, St.Helens WA10 1HF.

**SECTION 6 - PUBLIC NOTICE OF APPLICATION FOR A LICENCE**

**St.Helens Council**

**Public Notice of application for a licence**

**Licensing for Sex Establishment**

Address of premises: .....

Name of proposed licensee: .....

I,.....

hereby certify that: .....

(1) on the.....day of.....20.....I affixed a copy of the notice upon the\* .....

being a place where the notice could conveniently be read by the public and that the said notice was kept displayed as aforesaid for 21 days thereafter;

(1) on the.....day of.....20.....I caused a copy of the attached notice be published in the: .....

being a local newspaper circulating in the St.Helens area, the relevant extract from which is attached hereto.

Signed:.....Date: .....

\*Described the part of the premises or other nearby location upon which the notice was affixed.