## SOUTH LAKELAND DISTRICT COUNCIL

Public Protection Group Licensing Team, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4UD Tel: 01539 733333 Fax: 01539 737659

# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

## APPLICATION FOR A SEX ESTABLISHMENT LICENCE

ADDRESS OF PREMISES (or details of where a vehicle, vessel or staff are to be operated from):-

#### THE APPLICANT

- 1. Is the application being made by:
  - a) An individual

FULL NAME OF APPLICANT:-

- b) A partnership or other unincorporated body
- c) A body corporate
- 2. Give the full name of the applicant (i.e. the individual, body corporate or unincorporated body to whom the licence is to be issued). If the applicant is an individual any former names must also be given.
- 3. Give the following information on behalf of the applicant:
  - a) Telephone number:
  - b) Address to which communications are to be sent:
- 4. Give the applicant's permanent address (if an individual) or registered or principal office (if a body corporate or an unincorporated body).
- 5. If the applicant is an individual the following information is to be supplied:-
  - (i) Date of Birth:
  - (ii) Place of Birth:

of the body. In the case of a partnership, details of all the partners must be given.

6.

If the applicant is a body corporate or an unincorporated body complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management

Forename			
Surname			
Former Name (if any)			
Address			
Capacity			
Date of Birth			
Place of Birth			

7. Complete the table below in respect of each of the individuals whose names are given in response to Question 2 and 6 above.

Name

Date became resident in United Kingdom

Address of permanent residence throughout six months immediately preceding this application

- 8. This question need only be answered where the application is a Company
  - i) Is the applicant a wholly or partly owned subsidiary of another Company?
  - ii) What type of Company is the applicant (e.g. public or private, limited by share or guarantee etc?)
  - iii) In which country is the Company incorporated?
  - iv) What is the date of incorporation of the Company?
  - v) Give a full list of names, address and of shareholders holding 5% or more of the issued share capital and the number of shareholders

Names Addresses Shareholding

- vi) If the applicant is a subsidiary of another Company, supply a copy of the Memorandum and Articles of Association of the Parent Company and of any ultimate Holding Company and on a separate sheet give the same particulars as are sought in Questions 4, 6, 7 and 8 (i v).
- 9. Is the applicant or any person whose name is given in response to Questions 6 or 8 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?
- 10. If the answer to Question 9 is "yes", give the names of the persons concerned, full details of the other business and the nature and extent of the connection.

- 11. What is the nature of the applicant's interest in the premises? Please state whether it is:
  - i) Freehold; or
  - ii) Leasehold:
  - iii)

12.	If the a i) ii)	applicant's interest in the premises is a leasehold one please state:- Whether a head lease or an under lease a) the name and address of the Landlord (ii)(a)
	c)	the name and address of the superior Landlord (where applicable)
	iii)	the amount of the annual rental or where this is not certain figure, describe the method of calculating the rental.
	iv)	the length of the unexpired term
	v)	the length of notice required to terminate the tenancy
13.		ne applicant a financial interest in the business which is the subject of this application? If to what extent?
14.	Is the	whole of the business owned by the applicant?
THE F	PREMIS	SES, VEHICLE, VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE
15.	Is the	application in respect of:-
	a) b)	A sex shop; or A sex cinema
16.	State	whether the application is in respect of:-
	a) b) c) d)	Premises Vehicle Vessel Stall
17.	Where	e the licence is sought in respect of a vehicle, vessel or stall where it is to be used as a

sex establishment.

18.		e the licence is sought in respect of premises give the full address of the premises in ct of which the licence is sought.
19.	Are th Licend	e whole of the premises described in response to Question 18 above to be used under the ce?
20.	If the	answer to Question 19 above is 'no', please state:-
	(i)	Which part of the premises is to be used for the purposes of the licence.
	(ii)	The use to which the remainder of the premises are put.
	(iii)	The names of those who are responsible for the management of the remainder of the premises.
21.		e premises which are to be used for the purposes of the Licence so constructed or ed as to permit access to and from the premises for members of the public who are ed?
22.		answer to Question 21 above is 'no', please state (on a separate sheet) the applicant's sals for affording such access.
23.	applic	e premises, vehicle, vessel or stall in use as a sex establishment at the date of this ation? If 'yes' give the name and address of the persons or body who now operate the ess and (where it is known) the date upon which the premises were first used as such.
24.		the premises, vehicle, vessel or stall in use as a sex establishment on 22 <sup>nd</sup> December, If 'yes' give the name of the person carrying on the business at that date.

# **THE BUSINESS**

25. Under what name is or will the business be known?

26.	6 Has the applicant in connection with the business entered into any Agreement or Lease? If 'yes please supply full details and a copy of the Agreement.
27.	If the whole business is now owned by the applicant, state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.
28.(a)	State the total turnover of the business (a) during the 12 months immediately prior to this application.
(b)	What proportion of the turnover derived (b) from:-
	(i) the sale, hire, exchange, loan display or demonstration of sex articles as defined in para 4 of Schedule 3 of the Local government (Miscellaneous Provisions) Act 1982.
	(ii) the use of premises as a sex cinema.
29.	State:- (a) the anticipated turnover of the business for the next 12 months:-
	(b) the proportion of the turnover expected to be derived from:-
	<ul> <li>the sale, hire, exchange, loan display or demonstration of sex articles as defined in para 4 of Schedule 3 of the Local government (Miscellaneous Provisions) Act 1982; and</li> </ul>
	(ii) the use of the premises as a sex cinema.
30.	Give names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.

31.		ousiness required to purchase merchandise from a particula supply a copy of any Agreement and state what is to be pu	
<u>OPER</u>	<u>ATION</u>	OF THE BUSINESS	
32.	used fo	application is for a licence for a sex shop state whether any por the purposes of displaying films, video recordings or othe whether cubicles are to be used for viewing and if so how many	r moving pictures. If 'yes'
33.	What a	articles are to be offered for sale?	
34.		advertisements or displays are to be exhibited? Please indic s or advertisements.	rate size(s) or proposed
35.	What r	neans are to be taken to prevent the interior of the premises	s being visible to passersby?
36.	What r premis	neans are to be taken to prevent the emission of any noise es?	from the interior of the
37.	Give d	etails of the times during which it is proposed to open the pr	remises:-
	(i)	Days of the week	(i)
	(ii)	Hours of the day	(ii)

38.	In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder please supply the following:-
Forer	ame
Surna	ame
Form Name (if any	
Perm Addre	anent
Date which reside in UK	became ent
Date Birth	of
Place Birth	of

employment.		
Forename		
Surname		
Former Name (if any)		
Permanent Address		
Date on which became resident in UK		
Date of Birth		
Place of Birth		

#### 10

In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 37 give details of their previous convictions and of any previous convictions of any of

## **DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATION ETC**

their spouses:-	
Forename	
Surname	
Former name (if any)	
Date of conviction	
Place of Nature of conviction	
Sentence offence	

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TEN THOUSANDS POUNDS (£10,000)

### **DECLARATION**

Ideclare that the information given above is true and complete in every respect.
Date this
Signature
Designation of Signatory
THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE PUBLIC PROTECTION GROUP, LICENSING TEAM, SOUTH LAKELAND HOUSE, LOWTHER

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

- 1. In respect of individual applicants and each of these names in response to Questions 6, 8 and 38, a birth certificate.
- 5 copies of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 6 and 38. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears and be signed by the person making the above Declaration.
- 3. A site plan scale 1: 1250.

STREET, KENDAL, CUMBRIA, LA9 4UD.

- 4. Scale plans of the premises (1:50) in respect of which the licence is sought showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in relation to the street.
- 5. Drawings showing the front elevation as existing and as proposed (1:50).
- 6. Duly certified copies of the documents of title (i.e. land certificate, lease rental agreements) and of any other agreements referred to in response to questions in this application.

- 7. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the Resolution authorising the application.
- 8. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.
- 9. If the applicant is a company, copies of the Memoranda and Articles of Association of the Company, the Parent Company and any ultimate Holding Company.
- 10. If the application is being made on behalf of a partnership, a certified copy of the Partnership Deed.
- 11. The fee of £5000.00 will be made payable to South Lakeland District Council.

# PLEASE NOTE THAT BEOFRE APPLICATION CAN BE CONSIDERED THE FOLLOWING ADDITIONAL DOCUMENTS WILL HAVE TO BE SUPPLIED:-

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. Photostat copies of the newspaper will **not** be accepted. Copies of the forms of notice to be used in the newspaper advertisement and for display upon the premises are provided with the applications.
- B. Evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10 (14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- C. Evidence by Affidavit that the Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

### 13 SOUTH LAKELAND DISTRICT COUNCIL

# LICENCES FOR SEX ESTABLISHMENTS NEWSPAPER ADVERTISEMENT

Within seven days of applying for a licence a notice advertising the application has to be published in a local newspaper circulating within the area of South Lakeland District Council. The responsibility for publishing is the applicant's. The District Council is empowered to prescribe the form of notice and accordingly requires applicants to follow the format set out hereunder. Applicants should note that a complete copy of the newspaper in which the advertisement has been inserted should be sent to the Public Health & Licensing Group, Community Services Department, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4UD