

# **Rushmoor Borough Council**

## **APPLICATION FOR A SEX ESTABLISHMENT LICENCE**

Full Name of Applicant:

Full address of premises from which the sex establishment is proposed to be operated:

**RUSHMOOR BOROUGH COUNCIL**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**APPLICATION FOR A LICENCE FOR A SEX ESTABLISHMENT**

**THE APPLICANT**

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

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

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

7 Complete the table below in respect of each of the individuals whose names are given in response to questions 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 applicant is a company.
- (i) Is the applicant a wholly or partly owned subsidiary of another company? (i)
  - (ii) What type of company is the applicant (e.g. public, private, limited by share or guarantee, etc?) (ii)
  - (iii) In which country is the company incorporated? (iii)
  - (iv) What is the date of incorporation of the company? (iv)
  - (v) Give a full list of names, addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders. (v)
  - (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 to v). (vi)
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 (i)
- (ii) leasehold (ii)

12. If the applicant's interest in the premises is a leasehold one, please state

- (i) whether a head lease or an underlease (i)
- (ii) (a) The name and address of the landlord (ii) (a)  
(b) The name and address of the superior landlord (where applicable) (b)
- (iii) the amount of the annual rental or where this is not a certain figure describe the method of calculating the rental (iii)
- (iv) The length of the unexpired term (iv)
- (v) The length of notice required to terminate the tenancy (v)

13. Has the applicant a financial interest in the business which is the subject of this application? If "yes" to what extent?

14. Is the whole of the business owned by the applicant?

**THE PREMISES, VEHICLE, VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE**

15. Is the application in respect of:
- (a) A sex shop; or
  - (b) A sex cinema; or
  - (c) A sex encounter establishment
16. State whether the application is in respect of:
- (a) Premises (a)
  - (b) Vehicle (b)
  - (c) Vessel (c)
  - (d) Stall (d)
17. Where the licence is sought in respect of a vehicle, vessel or stall, state where it is to be used as a sex establishment.
18. Where the licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought.
19. Is the whole of the premises described in response to Question 18 above to be used under the licence?
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 (i)
  - (ii) The use to which the remainder of the premises is put (ii)
  - (iii) The names of those who are responsible for the management of the remainder of the premises. (iii)

21. Are the premises which are to be used for the purposes of the licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

22. If the answer to question 21 above is “no” please state (on separate sheet) the applicant's proposals for affording such access.

23. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.	YES/NO
	Name
	Address
	Date

## THE BUSINESS

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

28. State:
- (a) the anticipated turnover of the business for the next 12 months. (a)
  - (b) the proportion of the turnover expected to be derived from (b)
    - (i) the sale, hire, exchange, loan, display or demonstration of sex articles as defined in para 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982; and (i)
    - (ii) the use of premises as a sex cinema. (ii)
    - (iii) the use or premises as a sex encounter establishment. (iii)

29. Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.

30. Is the business required to purchase merchandise from a particular company, person or body? If "yes" supply a copy of any agreement and state what is to be purchased and from whom.

## SEPARATION OF THE BUSINESS

31. If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If "yes" state whether cubicles are to be used for viewing and if so how many.
  
32. What articles are to be offered for sale?
  
33. If the application is for a licence for a sex encounter establishment, state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.
  
34. What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.
  
35. What means are to be taken to prevent the interior of the premises being visible to passers-by?
  
36. Give details of the times during which it is proposed to open the premises:
  - (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 details:

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

39. In respect of each of the persons whose names are given in response to Questions 2, 6, 8 and 38 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

Forename	Surname	Former name (if any)	Permanent Address during period of relevant employment	Employers name and address	Description or nature of work	Period of employment from/to

**DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATIONS ETC.**

40. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38 give details of their previous convictions.

Forename	Surname	Former name (if any)	Date of conviction	Place of conviction	Nature of offence	Sentence

41. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38? If "yes" give details. Yes/No
42. Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the Rushmoor Borough Council or elsewhere? If "yes" give full details (including the address of the premises and the Council's reference). Yes/No
43. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 6, 8, 38 and 40 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982? Yes/No
44. Is there any further information which the applicant would wish the Council to take into account when considering this application?  
This space may also be used to amplify any replies to other questions.

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

### DECLARATION

I.....declare that the information given above is true and complete in every respect.

Dated this                      day of                      200\_

Signature .....

Full Name in Block Capitals.....

Designation of Signatory .....

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO:

RUSHMOOR BOROUGH COUNCIL,  
ENVIRONMENTAL HEALTH SERVICES,  
COUNCIL OFFICES, FARNBOROUGH ROAD,  
FARNBOROUGH, HAMPSHIRE  
GU14 7JU

ENCLOSING:

1. In respect of the individual applicant and each of those named in response to Questions 6, 8 and 38 a birth certificate.
2. 5 copies of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 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.
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 on behalf 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 \_\_\_\_\_  
A refund less Council costs will be made where an application is refused.
12. Further to Question 28, the applicant must supply one set of audited accounts of the business for the two complete trading years immediately preceding the date of the application.

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

- A. **A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 which requires that:**

*“Notice shall in all cases be given by publishing an advertisement in a local paper circulating in the local authorities area.”*

Paragraph 10(9) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 requires that the publication shall not be later than 7 days after the date of the application.

Photostat copies of the newspaper will not be accepted.

Copies of the forms of notice to be used in the newspaper advertisement and for display upon premises have been prescribed by the Rushmoor Borough Council and may be obtained from:

RUSHMOOR BOROUGH COUNCIL,  
ENVIRONMENTAL HEALTH SERVICES,  
COUNCIL OFFICES,  
FARNBOROUGH ROAD,  
FARNBOROUGH, HAMPSHIRE  
GU14 7JU.

- 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.**

*“An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the Chief Officer of Police.”*

A copy of the application including a copy of all the enclosures and an additional two photographs as described in note 2 above must be sent to:

THE DIVISIONAL COMMANDER  
HAMPSHIRE CONSTABULARY  
POLICE STATION,  
WELLINGTON ROAD  
ALDERSHOT HAMPSHIRE. GU11 1NZ

not later than 7 days after the date of the application.

**C. Evidence of 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.**

This require that:

*“Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.”*