



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

1. If application is made on behalf of an individual please state:-

Name:
Permanent Address:
Date of Birth:
Place of Birth:

2. If application is made on behalf of a corporate or unincorporated body please state:-

Full name of body:
Address of registered or principal office:

Give full names and private addresses of all directors or other persons responsible for management of the establishment and date and place of birth:-

Name:	Name:
Address:	Address:
Date of Birth:	Date of Birth:
Place of Birth:	Place of Birth:

3. Have you any convictions recorded against you? Or if a body corporate or unincorporated body has that body or any of its directors or other persons responsible for its management? YES/NO

If yes please state (if a renewal, since you last applied for a licence):-

Date of Conviction	Offence	Sentence (including suspended sentence)

**Note:-**

- (a) All convictions must be disclosed
- (b) Spent convictions, as defined below, should not be included
- (c) A sentence of more than 2½ years' imprisonment can never become spent
- (d) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column

<b><u>Sentence</u></b>	<b><u>Become Spent After</u></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 bound over.....	1 Year (or until order expires, whichever is the longer)
Detention centre order.....	3 Years
Remand home, attendance centre or approved school orders.....	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 from the armed Forces .....	10 Years
Dismissal from Armed Forces .....	7 Years
Detention.....	5 Years

4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? YES/NO

5. If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom ? YES/NO

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

Address:

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

7. During what hours do you wish to trade ?

8. On which days do you wish to trade ?

9. Are the premises to be used as a sex shop ? .....

Are the premises to be used as a sex cinema ? .....

10. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment ? .....

11. Have you ever been refused a licence for a sex establishment .....

If yes please give details:-

12. I enclose the fee of £820.00 for a \* **NEW APPLICATION** or \* **RENEWAL or TRANSFER** (\*Delete as appropriate)

Cheques should be made payable to **Malvern Hills District Council**

13. "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: ..... Daytime Telephone: .....

**NOTE:**

- (1) **You must send a copy of any application for a licence to the Chief Officer of Police for the area, not later than seven days after the date of the application, at the following address:-**

**Worcester Police Station, Castle Street, Worcester WR1 3AD**

- (2) **Notice of the application (found below) must be displayed for 21 days, beginning with the date of the application, on or near the premises the subject of the application, and in a place where the notice can conveniently be read by the public. A separate form can be obtained from the Council for this purpose.**
- (3) **Notice of the application must be published by advertisement in a local newspaper not later than seven days after the date of the application.**
- (4) **Any person who, in connection with this application, makes a false statement which they know to be false in any material respect or which they do not believe to be true, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20,000.00.**
- (5) **When completed this form should be return to:**

**Corporate Director  
Malvern Hills District Council  
Environmental Services  
Council House  
Avenue Road  
Malvern  
Worcs WR14 3AF**

**If you have any questions about this form please contact:**

Malvern Customer Services Centre  
The Library  
Graham Road  
Malvern  
WR14 2HU

Tel: 01684 862151

Fax: 01684 574906

Minicom 01684 862186

Email: [Worcestershirehub@malvernhills.gov.uk](mailto:Worcestershirehub@malvernhills.gov.uk)



**NOTICE OF APPLICATION FOR A LICENCE FOR A SEX ESTABLISHMENT**

Address of premises: .....  
.....  
.....

I/We\* .....

Of .....

hereby give notice that I/We\* have applied to Malvern Hills District Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises referred to above as a sex shop / sex cinema\*

\* delete as applicable

Any person wishing to make representation about the application should make them in writing within 28 days of the date of this notice to:

Corporate Director  
Malvern Hills District Council  
Environmental Services  
Council House  
Avenue Road  
Malvern  
Worcs WR14 3AF

Signed: .....

Name: .....

Date:<sup>o</sup> .....

<sup>o</sup> the date to be inserted shall be the date on which application is made to the Council

**NOTE**

- (1) This notice must be published by advertisement in a local newspaper not later than 7 days after the date of the application**
- (2) Where the application is in respect of premises, this notice of the application must 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**



**STATEMENT REGARDING PUBLICATION  
OF NOTICE OF APPLICATION FOR A  
LICENCE FOR A SEX ESTABLISHMENT**

Address of premises: .....

.....

.....

I/We\* .....

Of .....

1. On the following date ..... I/We\* affixed a copy of the attached notice in the following location (being a place where the notice could be conveniently read by the public):-

\* delete as appropriate

And that the said notice was kept displayed for 21 days thereafter

2. On the following date ..... a copy of the attached notice was published in the following newspaper (being a local newspaper circulating in the Malvern Hills District Council area):-

And a copy of the advertisement is enclosed

Signed: .....

Name: .....

Date: .....

## EXAMPLE OF SCHEDULE

### SEX ESTABLISHMENT LICENCE

1. (a) In these conditions the following expressions, that is to say “Sex Establishment” “Sex Shop”, “Sex Cinema” and “Sex Article” shall have the meanings respectively assigned to them by Schedule 3 of the Act.  
  
(b) In these conditions the following expressions shall have the meanings hereby respectively assigned to them namely:  

“The Act”	means the Local Government (Miscellaneous Provisions) Act 1982
“The Council”	means Malvern Hills District Council
“The Licensed Premises”	means any premises, vehicle, vessel or stall licensed under the Act
“Licence holder”	means a person who is the holder of a sex establishment licence
“permitted hours”	means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.
“sex establishment licence”	means a licence granted pursuant to Schedule 3 of the Act
  
2. **CONDITONS**  
The licensed premises shall not be open on every Sunday, Good Friday, Easter Day, Christmas Day and every other public holiday and may otherwise be open only during the permitted hours prescribed in Regulation 3 hereof
  
3. The permitted hours of opening unless varied by special conditions, shall be as follows:  
Monday – Thursdays 9.30 am – 6.00 pm  
Fridays and Saturdays 9.30 am – 8.00 pm
  
4. The licensed premises shall not be used for any purposes other than the business of a sex establishment
  
5. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted, on any occasion when the Council may signify in writing to the licence holder, occupier or to the person having at the time the care and management of the premises, that the same should not be open
  
6. No person who is, or appears to be under the age of 18 or is known by the licence holder, or any servant or agent of his, present on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.
  
7. The licence holder shall:
  - (a) display a copy of this sex establishment licence and of these conditions and any special conditions imposed by the Council on the licensed premises in a conspicuous position;
  - (b) exhibit on those premises such notices in such form and in such position as may be prescribed;
  - (c) comply with any prescribed restriction with respect to the exhibition of other written material or of signs of any description on the licensed premises.
  
8. No facilities shall be provided in a sex shop for:
  - (a) seeing any television broadcast or the replaying of any video tape or film or other like matter other than a television set for simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority
  
9. No music, dancing or other entertainment, whether of a like kind or not shall be provided or permitted, other than as permitted by Regulation 8 of these Regulations, and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises
  
10. The licence holder shall exhibit close to the point(s) of access, such that it (they) can be readily be seen and read by persons outside the licensed premises, such signs as shall be approved by the Council consisting of the words: “Licensed Adult Shop – Admittance restricted to persons aged 18 years and over”
  
11. The licence holder may display on the exterior of the premises other than in the window(s) any indication as he thinks fit to give of the times at which the licensed premises are open. Such display of the times of opening shall be subject to the approval of the Council.
  
12. The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at all points of access to the licensed premises a notice stating that persons under the age of 18 years are not admitted thereto
  
13. The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981
  
14. The licensee shall without charge, display and make available in the Sex Establishment such free literature on matters relating to sexual counselling and health, published by any organisation as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment
  
15. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
  
16. The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act, and no advertisements shall be displayed wherever visible which depict any article or thing intended for use in connection with or for the purpose of simulation or encouraging acts of force or restraint which are or may be associated with sexual activity.
  
17. The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.

18. No window displays of any kind shall be permitted and in particular, no display, advertisement, work, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the licensed premises except:
  - (a) the prescribed notice as detailed on condition 10 of these conditions;
  - (b) an approved display of the hours of opening and closing of the licensed premises;
  - (c) such display of the name of the premises as shall have been approved by the Council;
  - (d) a sign to be approved by the Council measuring no more than 900mm by 800mm to be used only to list the range of goods on sale inside the premises. The characters on the sign shall not exceed 25mm in height
19. The exterior of the licensed premises shall be of a design and material approved by the Council and both the interior and exterior of the licensed premises shall be kept in a good repair and condition
20. No illuminated sign or exterior lights shall be affixed to the licensed premises unless approved by the Council.
  - (a) the licence holder shall not knowingly allow the licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes whether the objective of their so resorting or meeting is or is not prostitution;
  - (b) the licence holder shall not knowingly permit drunken or disorderly persons to assemble or remain on the licensed premises
  - (c) the licence holder shall not tout or permit touting for business
21. If the Council notifies the licence holder or occupier or other person having at the time the care and management of the premises, in writing by delivering notice at the licensed premises that any particular sex article, poster, photograph, book, magazine, video film or tape, advertisement or matter shall not be displayed, sold or supplied then the licence holder, occupier or other person having at the time the care and management of the premises shall forthwith cease to display, sell or supply the said item.
22. No film or video material shall be exhibited, kept, sold or supplied at the sex establishment, except such film or video material as bears a reproduction of the Certificate of the British Board of Film Censors
23. The licence holder shall comply with all fire and safety requirements of the council and maintain and keep available for use all specified fire fighting equipment and extinguishers
24. The number, size and position of all doors or openings provided for the purpose of egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements:
  - (a) all such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit"
  - (b) doors and openings, other than exits, which lead to parts of the premises to which the public are not permitted to access shall have notices placed over them marked "Private"
  - (c) no access shall be permitted through the premises to any other premises adjoining or adjacent;
  - (d) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours
25. The licensee shall ensure that disabled people can attend the premises without risk to their own and others safety. The licensee shall ensure that all disabled public using the premises have adequate assistance provided to enable them to evacuate the premises safely in the event of fire or other emergency
26. Applicants for the grant, renewal or transfer of a sex establishment licence or waiver thereof shall make their application on the form approved from time to time by the Council returnable to the Corporate Director, Community Services together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable, West Mercia Constabulary, no later than seven days after the date of the application to the Council
27. Applicants for the grant, renewal or transfer of a sex establishment licence shall advertise notice of the application in the form approved by the Council and in accordance with the prescribed dimensions by publishing the advertisement in a local newspaper circulating in the Malvern Hills District Council area no later than seven days after the date of the application. A copy of the advertisement as published and a certificate as to the date of publication shall be lodged with the Council forthwith
28. Applicants for the grant, renewal or transfer of a sex establishment licence shall display a notice in the form approved by the Council and furnish two completed copies to the Council forthwith so that a copy may be sent to the appropriate Council Offices. The notice shall be displayed at the premises to be licensed for twenty-one days beginning with the date of the publication to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
29. A Constable or authorised Officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force
30.
  - (a) The licence holder or some responsible person being 21 years of age, or over nominated by him in writing shall be in attendance at the licensed premises at all such times as the premises are open to the public and any nominations shall be produced to any Constable or authorised Officer of the Council and give the name and address of the person nominated
  - (b) all employees or persons having care and management of the licensed premises at any time shall be identifiable as such. The licensee shall maintain a register in which he shall record each day the name and address of the person responsible for managing the premises from time to time and the names and addresses of those employed in the business. The register is to be completed each day and is to be open for inspection by any Constable or authorised officer of the Council
31. All merchandise shall be clearly marked so as to show persons inside the premises the purchase price of each item
32. The licensee shall take all reasonable precautions to ensure the safety of the public and employees