

**RULES OF PROCEDURE  
GOVERNING APPLICATIONS FOR**

**SEX ESTABLISHMENT LICENSING**

# **SEX ESTABLISHMENT LICENSING PROCEDURES**

## **RULES GOVERNING APPLICATIONS FOR ANNUAL SEX ESTABLISHMENT LICENCES**

### **INTERPRETATION**

#### **1** In these rules:-

The masculine always includes the feminine.

"Act" means the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 and the Policing and Crime Act 2009.

"The Schedule" means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

"Licence" means any sex establishment licence which the Council can grant under the Act. This includes any associated consent or permission.

"Sex establishment" means a sex shop, sex cinema, sex encounter establishment or a sexual entertainment venue.

"Licensee" means the holder of such a sex establishment licence.

"Applicant" means the applicant for a licence or licensee as appropriate.

"Application" means an application for one or more of the following, as the case may be:

- (a) grant of a licence;
- (b) transfer of a licence;
- (c) renewal of a licence;
- (d) variation of a licence (including waiver or modification of a licence condition).
- (e) an amendment to a licence which would extend the licensed area, increase the accommodation capacity or extend the licensed hours.

"Objector" means any person who has given Notice in accordance with Paragraph 10 (15) of the Schedule.

"Parties" means the applicant(s), any objector(s) to the grant of the application and any Council officer in circumstances where he is making formal representations.

"Premises" means the place for which a licence is sought or for which a licence is in force.

"Revocation" means the revocation of a licence under Section 17 of the Schedule or a proposal to revoke the licence under this statutory provision.

" Bi-Borough Director for Environmental Health" means the Bi-Borough Director for Environmental Health, or his authorised representative.

"Council" means the Royal Borough of Kensington & Chelsea Council.

"Committee" means the Licensing Sub Committee empowered to determine applications under the relevant Act.

## **APPLICATION FORMS**

2. An application for a licence shall be made on the form provided by the Council and shall be advertised in accordance with the requirements of the Schedule.

**Note:** (i) A copy of these rules will be supplied to any potential applicant with the forms for application.

(ii) In appropriate cases the Council will advertise the application by means of a notice affixed to the nearest lamp-post to the premises to which the application relates.

## **PLANNING USE**

- 4 The applicant shall state on the application form the lawful planning use of the premises and shall submit with the application documentary evidence that either planning permission has been obtained for the use and hours sought under the licence, or that planning permission is not required. Should the Council so require, "a certificate of lawful use" in respect of the planning position shall be

supplied. The application will not be considered unless the Council is satisfied that the proposed activity would constitute a lawful planning use.

**Note:** (a) This rule shall not apply to applicants for transfer or renewal of a licence.

(b) It is open to the applicant to ask the Licensing Sub Committee to waive the rule where it is considered there are exceptional circumstances.

## **PLANS AND SPECIFICATIONS**

**5** An applicant shall submit such plans and specifications of the premises concerned as may be required by the Council within two months of being advised of the Council's requirements unless an extension of time is granted by the Council.

**Note:** When the licence application forms are submitted to the Council, a survey will be arranged to determine the suitability of the premises concerned with a view to ensuring public safety. Two copies of plans and specifications will subsequently have to be submitted by the applicant for formal approval and record purposes.

## **EXHIBITION OF A NOTICE AT THE PREMISES**

### **PARAGRAPH 10 (10), (11) AND (13) OF THE SCHEDULE**

**6** (a) On the date on which the application is made, the applicant for a licence shall arrange for a notice to be put up at the premises using the form provided by the Council.

(b) The notice(s) must be put up and shall bear the date it was first exhibited. It shall then be continuously exhibited for not less than 21 days on a part of the premises where it can easily be seen and read by persons in the street or any adjoining public place. With the consent of the Council the notice(s) may, if necessary, be exhibited near the premises.

**Note:** The application is made on the day the application is delivered to the Council or, if posted, on the date shown

## **NEWSPAPER ADVERTISEMENTS**

### PARAGRAPH 10 (8) AND (9) OF THE SCHEDULE

- 7.** (a) Within 7 days of the date on which the Application is made notice of the Application in the form required by the Council shall be published (at the expense of the Applicant) in a local newspaper which circulates in the locality in which the Premises are situated.

**Note:** A London wide newspaper, such as 'The Standard' is NOT regarded as a local newspaper for the purposes of this Rule.

- (b) Within 14 days of the date on which the Application is made the Applicant shall send one complete copy of the newspaper containing the advertisement to the Council.