

Local Government (Miscellaneous Provisions) Act 1982**Section 2 and Schedule 3
(Control of Sex Establishments)****Control of licence for a sex shop****1 INTRODUCTION**

- 1.1 In these conditions “the Council” shall mean the Herefordshire Council and all enquiries concerning this licence shall be directed to Licensing Section, Blueschool House, PO Box 233, Hereford, HR1 2ZB, Telephone (01432) 260105.
- 1.2 These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of schedule 3 to the above Act and apply to all premises licensed as a “Sex Shop” as defined by the Act save and insofar as they do not conflict with any special conditions forming part of the Licence nor with the provisions of the Act itself.
- 1.3 Premises licensed as a Sex Shop under the provisions of schedule III of the Local Government (Miscellaneous Provisions) Act 1982 shall be used only for the purpose of a Sex Shop as defined in paragraph 4 of the said schedule 3 and shall not be used wholly or in part for any other purpose during the period the premises are licensed as a Sex Shop.
- 1.4 No use as a “Sex Cinema” shall be permitted, and under no circumstances will video viewing apparatus be installed or kept on the premises at any time.

2 OPENING HOURS

- 2.1 The licence premises shall not be open or used for the purpose for which the licence is granted except between the hours of 9am and 6.30pm Monday to Saturday. The Sex Shop shall not be open on Sundays or any Bank Holidays or any Public Holiday.

3 LICENSED NAME

- 3.1 The Council at the time of granting the licence in respect of the premises appoint a name referred to as “The Licensed Name” by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 3.2 below.
- 3.2 An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

- 3.3 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 is to be notified in writing to the Council within 14 days of such change, and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.

4 RESPONSIBILITY OF THE LICENCE HOLDER

- 4.1 The Licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.
- 4.2 The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council and the Police.
- 4.3 The Licence holder shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licence holder's absence.
- 4.4 The Licence holder shall at all times keep and maintain at the licensed premises a written record of the names, addresses and dates of birth of all persons employed within the licensed premises whether upon a full or part basis and shall upon request by an authorised Officer of the Council make such records available for inspection to them.

5 STATE, CONDITION AND LAYOUT OF THE PREMISES INTERIOR

- 5.1 All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
- 5.2 A copy of the licence must be kept exhibited within the premises and to be clearly visible to customers in the premises at all times.
- 5.3 The names of the proprietor of the business and of any person who is in charge of day to day running thereof shall be prominently displayed within the premises throughout the period when he is responsible for its conduct, and such names should be shown alongside the licence and be clearly visible to the customers in the premises at all times.
- 5.4 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building in a manner satisfactory to the Council.
- 5.5 The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working

- order. The external door shall only be opened at such times as person(s) require access and egress to the interior of the premises.
- 5.6 There shall be provided within the entrance of the premises a partition screening the interior of the premises from passers by at all times whilst the entrance doors may be opened.
- 5.7 The number, size and position of all doors or openings provided for the purposes 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 by 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 case of emergency, no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
- 5.8 All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Establishment the respective prices being charged.
- 5.9 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment. No printed matter shall be displayed, sold or supplied at the Premises, which contravenes the Obscene Publications Act 1964.
- 5.10 No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video so certified. Any such film or video film shall comply with the Video Recordings Act 1984.
- 5.11 Lighting in all parts of the Premises, as approved by the Council, shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
- 5.12 Any article, magazine or other item shall be discreetly wrapped in plain paper before the customers take the same from the premises.
- 5.13 The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.

- 5.14 All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 5.15 The Licensee shall, without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations 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.

6 EXTERNAL APPEARANCE

- 6.1 The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for the following in the form approved by the Council:-
- (a) The address of the premises.
 - (b) The Licensed name of the premises.
 - (c) A notice fixed to the entrance to the premises clearly stating “WARNING – persons passing beyond this notice will find material on display which they may consider indecent. No admittance under 18 years of age.
 - (d) A notice stating the opening hours of the establishment.
 - (e) In the case of a Licence granted to a body corporate:-
 - (i) If the Licence name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body’s registered office for the purposes of the companies Acts then an indication in a form acceptable to the Company that such is the case.
 - (f) The wording “PRIVATE SHOP” or “ADULT SHOP” but no other indication as to the nature of the business carried on at the licensed premises.
- 6.2 All external parts of the premises adjacent to the street shall be kept in a well maintained condition and in good decorative order.
- 6.3 The Licensee shall make provision in the means of access, both to and within the Sex Establishment, for the needs of members of the public visiting the Sex Establishment who are disabled.
- 6.4 Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises shall not be made except with the prior approval of the Council.

7 USE

- 7.1 The premises shall be conducted primarily for the purpose of the sale of goods by retail.
- 7.2 The Licensee shall comply with all Statutory Provisions and any Regulations made thereunder.
- 7.3 No person under the age of 18 shall be admitted to the premises or employed in the business of the premises, and the Licensee or person in charge shall make all necessary enquiries to this end.
- 7.4 The Licensee shall not at any time keep or allowed to be used on the premises any gaming or amusement machine whether for prizes or not.
- 7.5 Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, no music of any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
- 7.6 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.
- 7.7 The Licensee shall retain control over all portions of the Premises and shall not let, license or part with possession of any part of the premises.
- 7.8 No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
- 7.9 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.

8 SAFETY

- 8.1 The Licensee shall take all reasonable precautions for the safety of the public and employees on the premises.
- 8.2 The Premises shall be provided with fire appliances suitable to the fire risks on the premises, and such fire appliances shall be maintained in proper working order and shall be available for instant use.
- 8.3 The Licensee shall comply with any fire precautions and safety measures that may be required of him by the Chief Fire Officer of the district.

9 CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

- 9.1 In the case of licensed premises which are a vessel or stall the licence holder shall not move the licensed vessel or stall from the location specified in the licence unless he shall first give the Council not less than 28 days notice in

- writing of such intended removal and the Council may require him to lodge such written application as it may deem appropriate and pay such fee as it may deem reasonable in respect of such application provided that this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence and which is not used for the purpose for which the licence is granted and any other location than that which is specified.
- 9.2 In the case of a business conducted from fixed premises no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the licence holder shall first obtain the written consent of the Council.
- 10 VARIATION OF CONDITIONS**
- 10.1 The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case.
- 10.2 Any application to vary the conditions of the licence shall be advertised by the Licensee in the same manner as the application for the issue, renewal or transfer of the licence.