

Regulations prescribing Standard Conditions for Sex Establishments

These Regulations are made by virtue of Schedule 3, para.13 of the Local Government (Miscellaneous Provisions) Act 1982. They prescribe standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences are in general to be granted, renewed or transferred and were approved by our Licensing Committee on 29th September 2005.

Definition

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
 - “Sex Establishment”, “Sex Cinema”, “Sex Shop” & “Sex Article” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
 - “Approved” means approved by the Council in writing.
 - “The Council” means Wychavon District Council.
 - “Film” shall have the meaning ascribed to it in the Films Act 1960-1980.

General

2. In the event of a conflict between these regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous) Act 1982.
4. A licensed sex shop shall not be used as a sex cinema as defined in the Act without the issue of a further licence by the Council.
5. The Council may at any time waive, modify or vary these conditions or impose additional restrictions in any particular case.

Conduct and Management of Sex Establishments

6. 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.
7. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied

to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.

8. The licensee or any person acting or purporting to act on his behalf shall be responsible for ensuring that the conditions of the Licence are complied with and will be held responsible for any breach thereof.
9. The licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the premises.
10. The licensee shall maintain good order in the Premises.
11. No person under the age of 18 shall be admitted to the Premises or employed in the business of Sex Establishment.
12. The Licensee shall ensure that the public is not admitted to any part or parts of the Premises other than those that have been approved by the Council.
13. Prostitutes (male or female) shall use no part of the Premises for the purposes of solicitation or of otherwise exercising their calling.
14. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the premises.
15. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
16. A copy of the licence, including any special conditions attached to the licences and these prescribed standard conditions, shall be displayed on a part of the premises to which the public has access so as to be conspicuous and easily read by intending purchasers.
17. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
18. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
19. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
20. Neither Sex Articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods available in Sex Establishments

21. All Sex Articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the Sex Shop and respective prices being charged.
22. 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.
23. 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 fpa (formerly 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.

External Appearance of Premises

No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-

- i) a notice, which shall be displayed in a prominent position on each entrance to the premises so as to be readily visible to any person approaching the premises with a view to entering therein but without their having so to enter containing the wording as prescribed by Section 1(6) Indecent Displays Control Act 1981, which is as follows:-

WARNING - Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to person under 18 years of age.

- ii) a notice stating the opening hours of the sex shop; and
- iii) the wording "Private Shop" or "Adult Shop" but no other indication as to the nature of the business carried on at the premises unless specifically approved in writing by the Licensing Committee.

In the case of items 24 (i), (ii) & (iii) the lettering used shall be of such colour, height and style as may be approved by the Council.

- iv) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

24. The entrances to the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers by.

25. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 24 hereof.

Condition and Layout of the Premises

26. The Premises shall be maintained in good repair and condition.

27. 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.

28. 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) Doors and openings, which lead to parts of the Premises, to which the public is not permitted to have access shall have notices placed over them marked "private".
- ii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

29. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

30. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.