



## **DIRECTORATE OF NEIGHBOURHOOD & ENVIRONMENTAL SERVICES**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982** **CONDITIONS FOR THE CONTROL OF SEX ESTABLISHMENTS**

<b>CONDITIONS ATTACHED TO LICENCE NO. «LREF»</b>
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The following conditions shall be attached to and shall form part of any licence issued in accordance with Section 2 and Schedule 3 of the Act.

Any application for a variation of an existing licence to permit a change of use of premises from sex shop to sex cinema or vice versa, shall be treated as a new application for the grant of a licence

1. A copy of the licence and any conditions made by the Authority must be kept and exhibited in a conspicuous place.

#### **DEFINITIONS**

2. Sex Article – Anything made for use in connection with, or for the purpose of stimulating or encouraging
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; and
  - (iii) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - (iv) to any recording vision or sound, which-
    - [a] is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - [b] is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.
3. Designated Area – refers to that part of the premises used for the selling, hiring, exchanging, lending, displaying or demonstrating –

- (i) sex articles, or
- (ii) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - [a] sexual activity, or
  - [b] acts of force or restraint which are associated with sexual activity.

## **CONTROL AND CONDUCT OF THE PREMISES**

4. The licensee shall retain control over all parts of the premises and shall operate the designated area of the premises exclusively as a sex shop as stated in the licence unless otherwise agreed in writing by the Council.
5. The licensee or some other responsible person (not under the age of 18 years) 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 nomination shall be continuously available for inspection by the Council's officers or the police. The person in charge shall not be engaged in any duties which will prevent him/her exercising general supervision.
6. A copy of the licence and associated conditions shall be prominently displayed in the premises.
7. Any premises, vehicle, vessel or stall to which these conditions apply:-
  - (a) Shall not be open to the public for any of the purposes of the licence except
    - between ..... and ..... on Mondays
    - between ..... and ..... on Tuesdays
    - between ..... and ..... on Wednesdays
    - between ..... and ..... on Thursdays
    - between ..... and ..... on Fridays
    - between ..... and ..... on Saturdays
    - between ..... and ..... on Sundays
  - (b) Shall not be open to the public for any purpose on Good Friday and Christmas Day. Large shops are restricted to 6 hours between 10am and 5pm, after first seeking approval of the Food and Safety Department of this Authority.
8. The Licensee shall maintain good order in the premises.
9. The Licensee shall ensure that there is no nuisance or annoyance to neighbouring residents or commercial occupiers arising from noise emanating from the premises.
10. No person under the age of 18 years shall be admitted to the designated area of the premises at any time.
11. Officers of the Council, who are furnished with authorities which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

12. A police officer shall at any reasonable time be permitted to enter and inspect the said establishment.

## **THE PREMISES AND EQUIPMENT**

13. The operator shall ensure that at all times the designated area of the premises shall be shielded in such a way that the interior of the designated area and the contents cannot be seen when the other areas of the premises.
14. The following shall be displayed once only on the outside of the premises, and once only at the entrance to the designated area at a height of not more than 3 metres from ground level:-
  - (i) In letters not less than 150mm high, the words "NO PERSON UNDER THE AGE OF 18 SHALL BE ADMITTED TO THESE PREMISES".
15. No other form of display of notices, fascias, illuminated signs or advertisements of any description relating to the sex establishment licensed area either on or in the premises shall be permitted without the consent in writing from the Council.
16. The interior of the designated area of the premises shall not be visible to passers-by and there shall be no display of any sex article, related material or literature in any window which is visible from the highway.
17. The Licensee shall provide and maintain satisfactory sanitary conveniences and personal washing facilities for any staff employed by him/her.
18. All parts of the premises and any yard shall be kept in a clean condition to the satisfaction of the Council.

## **OFFENCES**

19. Failure to exhibit in a conspicuous place a copy of the licence and any regulations made by the Authority without reasonable excuse is an offence punishable by a fine of up to level 3 on the Standard Scale.
20. A person who:-
  - (i) Being a Licensee, employs in the business of that establishment any person known to him to be disqualified from holding such a licence, or
  - (ii) Being a Licensee, without reasonable excuse, knowingly contravenes or permits the contraventions of a term, condition or restriction, or
  - (iii) Being the servant or agent of a Licensee who without reasonable excuse knowingly contravenes or permits the contravention of a term, condition or restriction, and
  - (iv) Any Licensee who without reasonable excuse knowingly employs or permits a person under 18 years of age to enter the establishment shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20,000.

## NOTE OF SPENT CONVICTIONS

<b>SENTENCE:</b>	<b>BECOMES SPENT AFTER:</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 covered in this table	5 years
Absolute discharge	6 months
Probation Order, conditional discharge or bind over	1 year (or until Order expires whichever is the longer)
Detention Centre Order	3 years
Remand Home, Attendance Centre or approved school order	The period of the Order and a further year after the Order expires
Hospital order under Mental Health Act	The period of the Order and a further year after the Order expires
Cashiering, Discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
Dismissal from the Armed Forces	7 years
Detention	5 years

### NOTE:

- (i) A sentence of more than 2 ½ years imprisonment can never become spent.
- (ii) If you were under 17 year of age on the date of conviction, please halve the period shown in the right hand column.