

ANNEX 2

Local Government (Miscellaneous Provisions) Act 1982

CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

Licensed Sex Shop – 2 The Broadway, Andover

Definition

1. In these Conditions save when the context otherwise requires the following expressions shall have the following meanings:
 - i) “Sex Establishment”, “Sex Cinema”, “Sex Shop” and “Sex Article” shall have the meaning ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982
 - ii) “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
 - iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing
 - iv) “Approved” means approved by the Council in writing
 - v) “The Council” means Test Valley Borough Council
 - vi) “Film” shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

General

2. In the event of a conflict between these Conditions 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 Provisions) Act 1982.

Times of opening

4. The licensed Sex Establishment shall not be open to the public before 1000 hours and shall not be kept open after 2000 hours Monday to Saturday inclusive.
5. The licensed Sex Establishment shall not be open to the public before 1000 hours and shall not be kept open after 1800 hours on Sundays.
6. The Council reserve the right to request that the shop shall also close on any specific date provided that 21 days notice in writing is given stating the reason for the decision.

Conduct and Management of Sex Establishments

7. 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.
8. 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 (including photographs) 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.
9. The name of the person responsible for the management of a Sex Establishment be he the Licensee or a manager approved by the Council shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
11. 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.
12. The Licensee shall maintain good order in the Premises.

13. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment, and a notice to the former effect shall be displayed on all entrances to the Premises so as to be visible from the outside.
14. 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.
15. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their trade.
16. 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.
17. The Licensee shall comply with all statutory provisions and any Conditions made there under.
18. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.
19. The copy of the licence and of these Conditions required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these Conditions shall be retained in a clean and legible condition.

User

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail
21. 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.
22. 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.
23. Neither Sex Articles nor other things intended for use in connection with, or for 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

24. 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 the respective prices being charged.
25. 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.
26. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
27. The licensee shall, upon request by the Council, 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.

External Appearance

28. No display, advertisement, work, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter of thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - ii) 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.
29. 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.
30. Windows and openings to the Premises other than entrances shall be covered with a material which will render the interior of the premises invisible to passers by except that this provision shall not prevent the display only of lingerie within the window area.

This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 28 hereof.

- 30.1 Notwithstanding the above, the appearance of the establishment shall not be detrimental to the street scene.

State, condition and Layout of the Premises

31. The Premises shall be maintained in good repair and condition.
32. 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.
33. 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.
34. 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. This condition shall not prevent the door to the premises being kept open to provide ventilation to the premises during periods of hot weather. On such occasions that the door remains open the licensee shall ensure that adult toys and DVDs are not visible from the doorway.
35. 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.
36. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
37. Alternatives 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.
38. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Safety

39. The Licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.
41. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.