

CHESHIRE EAST

SEX SHOP LICENCE – STANDARD CONDITIONS

1. Definitions

1.1 These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

1.2 In these conditions, unless the context otherwise requires:

‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council in writing.

‘Approved’, ‘accepted’, or ‘permitted’ means approved, accepted or permitted by the Council in writing.

‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

‘Council’ means Cheshire East Council.

‘Licensee’ means the holder of a sex establishment licence.

‘Officer’ means any person authorised in writing by the Council.

‘Premises’ means any premises within the Council’s area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

‘Sex Establishment’, ‘Sex Shop’, and ‘Sex Article’ shall have the meanings ascribed to them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

2. Exhibition of Licence

2.1 The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

3. Conduct of the Premises

3.1 The licensee shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.

- 3.2 The licensee shall in particular ensure that none of the following shall take place:
- Indecent behaviour, including sexual intercourse;
 - The offer of any sexual or other indecent service for reward.
- 3.3 The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been specified in the licence.
- 3.4 The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.
- 3.5. The licensed premises shall be used only for the purposes specified in the licence.
- 3.6 No person under the age of 18 years shall be admitted to the premises or be employed in the business of the sex establishment.

4. Signs, Doors and Shop Window Display

- 4.1 The business or trading title of the premises which must have received the prior written approval of the Council may be displayed in letters no more than 150mm high.
- 4.2 A notice no greater in size than 297mm by 210mm may be displayed stating the opening hours of the premises.
- 4.3 An application to change the business or trading title of the premises must have received the prior written approval of the Council. The Council shall have the an absolute and unfettered discretion to permit or to refuse such a change
- 4.4 A sign must be displayed over the entrance door stating in letters no more than 75mm high:

“WARNING

PERSONS PASSING BEYOND THIS NOTICE WILL FIND
MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER
INDECENT

NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE”

- 4.5 No sign, words, poster, photograph, sketch, painting, display or advertisement shall be displayed outside or in the vicinity of the premises except as mentioned in conditions 5.1 and 5.2.

- 4.6 The exterior design of the premises shall be such that the interior of the premises is invisible to passers by. A scheme showing the exterior design and trading name of the premises shall be submitted to and approved by the Council before the premises are opened for business.
- 4.7 External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order
- 4.8 The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 4.9 The windows and openings of the premises shall be of a material or covered with a material which will render the interior or any items within the premises invisible to passers-by.

5. Employment of Persons on the Premises

- 5.1 The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a available for inspection at the premises by a police officer or an officer authorised in writing by the Council.
- 5.2 The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- 5.3 A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers.
- 5.4 The licensee 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 time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him.

6. Responsibility of the Licensee

- 6.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the control or 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.
- 6.2 The licensee shall inform the Council within seven days if he is convicted of any offence.

7. Alterations to the Premises

- 7.1 No structural alterations (including temporary alterations) shall be made to the premises without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
- 7.2 Where alterations necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

8. Change of Use

- 8.1 No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).

9. Food etc

- 9.1 No food or refreshments shall be served at the premises save to bona fide members of staff employed on the premises.

10. Music etc

- 10.1 No music of any kind shall be played on the premises.

11. Goods Available in Sex Shop

- 11.1 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.
- 11.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the sex establishment.

- 11.3 No film or video shall be exhibited, sold or supplied unless it complies with the Video Recordings Act 1984 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.

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