

LICHFIELD DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**SECTION 2 AND SCHEDULE 3
(Licensing of Sex Establishments)**

CONDITIONS OF LICENCE FOR A SEX SHOP

CONDITIONS

- 1) In these conditions "The Council" shall mean Lichfield District Council and all enquiries concerning this licence shall be directed to:

Environmental Health Services, Council House,
Frog Lane, Lichfield, Staffordshire. WS13 6ZE.
Tel. 01543 308725
Fax 01543 308728

- 2) In these regulations the expressions 'sex establishment', 'sex cinema', 'sex shop' and 'sex article' shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act, 1982, and 'premises' shall mean any premises, vehicle, vessel or stall.
- 3) The council will not determine the application for grant, renewal or transfer of a licence unless the applicant affords a duly authorised officer of the council such examinations or enquires as is necessary to determine the suitability of the applicant and the premises.
- 4) All applicants have to provide 5 years Criminal Records Bureau (CRB) check or equivalent. Any applicant who has not resided in the UK for 5 continuous years immediately prior to application, will be required to supply the equivalent CRB check, or certificates of good conduct, issued by their previous county of residence.
- 5) Premises licensed as a sex shop under the provisions of Schedule 3 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.
- 6) No person under 18 years of age shall be admitted to the premises hereby licensed.
- 7) The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours of 9:00am and 9:00pm Monday to Saturday and on Sunday 11.00am to 5.00pm.
- 8) The licensed premises shall not be open or used at all on Good Friday, Christmas Day or Easter Sunday.

- 9) Over each entrance to the premises, in a position approved by the Council, the licensee shall affix and maintain in a permanent form, a notice stating that the premises are licensed as a sex shop under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Such a notice shall also carry the full name of the licensee and the number of the licence and if the licensee is a private or public company the notice shall also carry the address of the registered or principal office and the full name of the secretary of the company. The lettering on such a notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background. *(Subject to final approval by the Council's Planning Department)
- 10) At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background. *(subject to final approval by the Council's Planning Department)
- 11) The licensee of every premises licensed as a sex shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
- 12) The licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts, except any notice displaying the name or trading title of the licensee, any notice indicating the times of opening of the premises for business, any notice required by statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.
- 13) The licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
- 14) No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for the showing of a trailer film for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the licensee to sell or hire such articles. The licensee shall not make any charge or permit any charge to be made for such a display.
- 15) The licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
- 16) 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.
- 17) The licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration 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 nor in any vessel or vehicle, etc.

- 18) The licensee or some responsible person nominated by him in writing for the purpose and approved by the Council 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 or the Police. During the hours that the premises are open the person in charge shall wear a form of visible photographic identification.
- 19) 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 the management of the body is to be notified in writing to the council within fourteen 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 fourteen days of a request in writing to the council.
- 20) The visible interior of the shop and merchandise which can be seen by persons lawfully using any street, highways, close, court, footpath or place to which the public has access must be approved by the council.
- 21) A daily register of persons employed shall be kept stating names, addresses, position and times worked. The register is to be completed each day within 30 minutes of the premises opening for business and must be kept at the premises and be open for inspection by Authorised Officers of the Council or the Police.
- 22) The Licensee shall not supply, offer to supply, products likely to forfeiture under Section 3 of the Obscene Publications Act 1959 or Section 5 of the Protection of Children Act, 1978 or likely to be condemned under Schedule 3 to the Customs and Excise Management Act, 1979 by virtue of section 42 of the Customs Consolidation Act, 1976
- 23) The licensee shall retain control over all portions of the sex establishment and shall not let, licence or part with possession of any part of the sex establishment.
- 24) The external doors to the sex establishment shall be fitted with a device to provide their automatic closure and such devices shall be maintained in good working order.
- 25) The sex establishment shall be maintained in good repair and condition to the satisfaction of the council.
- 26) The sex establishment shall not afford access to any adjacent premises.
- 27) The Licensee shall take all reasonable precautions for the safety of the public and employees
- 28) The Licensee shall comply with any fire prevention and safety measures that may be required of him by the council

- 29) The sex establishment 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.
- 30) No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling or profession.
- 31) The licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.
- 32) The licensee shall not in the conduct of the business employ any person:
 - a) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other Licensing Authority.
 - b) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other Licensing Authority.
- 33) The Council shall approve the external appearance of the premises and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.
- 34) No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises.
- 35) No part of the premises shall be used as a sex cinema.
- 36) The licence and a copy of these conditions shall be conspicuously displayed on a part of the premises to which the public has access as specified by the Council.
- 37) The licensee shall comply with any fire prevention and safety measures required by the Council.
- 38) The licence is not transferable by the licensee.
- 39) The licensee shall forthwith notify the Council of his/her ceasing to carry on the business.
- 40) Where the licensee is a company, any change of director, company secretary, or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.
- 41) The licensee or any person purporting to act upon his / her 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.
- 42) The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case.

43) Any breach of or failure to comply with the conditions attached to this licence may result in the revocation of the licence.

44) The conifer leylandii hedge to the front elevation of the premises adjacent to the A 38 be retained.

Conditions of Licence for premises:

**Cocktails Ltd,
A38 North, Fradley,
Lichfield,
Staffs.
WS13 8RE**

December 2011.