

**North Norfolk District Council**

**Local Government (Miscellaneous Provisions) Act 1982**



**Regulations Prescribing Standard Conditions Applicable to Licences for Sex Establishments**

**DEFINITION**

1. In these Regulations, 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 meanings 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 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 North Norfolk District Council.
  - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960-1980.

**GENERAL**

2. In the event of conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.
3. Except with the prior consent of the *Licensing & Appeals Committee* a Sex Establishment shall not be open to the public before 09.00 hours and shall not be kept open after 18.00 hours.
4. Except with prior consent of the *Licensing & Appeals Committee* a Sex Establishment shall not be open on Sundays, Good Friday, and Christmas Day.
5. The following written matter shall be clearly visible from outside the Sex Establishment:
  - (i) the name, style or title as specified in the licence;

- (ii) the hours of opening;
- (iii) the street number;
- (iv) in each entrance or doorway to the licensed premises in a prominent position 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 a notice board headed:

“WARNING” and stating “PERSONS PASSING BEYOND THIS POINT WILL FIND MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER INDECENT. NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE.”

### CONDUCT AND MANGEMENT OF SEX ESTABLISHMENTS

6. Where the Licensee is a body or corporate or an un-incorporated 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 a change and such written details as the Council may require of any new director, company secretary or manager are to be furnished within 14 days of request, in writing from the Council.
7. The Licensee can nominate a responsible person(s) to manage the Sex Establishment in their absence by applying in writing to North Norfolk District Council for approval.
8. The Licensee and nominated person must have undergone CRB (Criminal Records Bureau) enhanced clearance and details provided to the Council. This will be renewed every three years.
9. The name of the nominated person or the Licensee approved by the Council, shall be prominently displayed within the Sex Establishment throughout the period during which he/she is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he/she shall record 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 a good order in the Premises.
13. No person under the age of 18 shall be admitted to the Premises or be employed in the business of the Sex Establishment.

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 calling.
16. Neither the Licensee nor any employees 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 ensure that during the hours the Sex Establishment is open for business, every employee wears a badge of a type approved by the Council indicating his/her name and that he/she is an employee.
18. A copy of the licence shall be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The copy of the licence shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition and shall be situated as follows upon the instruction of the Authorised Officer of the Council.

#### USER

19. 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.
20. 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.

#### 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 the 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 relating 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.
24. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that

effect or approved by the Council as is a reproduction authorised by the owner of the copyright of the film or video film so certified.

### EXTERNAL APPEARANCE

25. No display, advertisement, word, letter, model, sign, placard, notice board, device, representation, drawing, writing or any matter or 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 condition of a licence granted by the Council.
  - (ii) Such display, advertisement, word, letter, model, sign, placard, notice board, device, representation, drawing, writing, or any other matter or thing as shall have been approved by the Council.
26. The entrances, windows and openings to the Premises shall be maintained in good repair and a clean condition to the satisfaction of the Council.
27. The entrances of the Premises shall be of a material or covered with a material that will render the interior to the Premises invisible to passers by.
28. The external appearance shall be of a colour and design approved by the Council.

### STATE, CONDITION AND LAYOUT OF THE PREMISES

29. The Premises shall be maintained in good repair and a clean condition to the satisfaction of the Council.
30. 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.
31. The number, size and position of all doors or openings provided for the purpose 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 an emergency, no access shall be permitted through the Premises to any unlicensed Premises adjoining or adjacent.
- 32. The external doors to the Sex Establishment shall be fitted with a device to provide for the automatic closure and such devices shall be maintained in good working order.
- 33. 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.
- 34. 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.

### SAFETY

- 35. The Licensee shall take all reasonable precautions for the safety of the Public and employees as outlined in the Health and Safety at Work etc Act 1974.
- 36. The Licensee shall comply with any fire prevention and safety measures that may be required of him/her by the Council.
- 37. 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, in accordance with the requirements of the Fire Prevention Officer.