

Standard Conditions - Sex Establishments

The following Conditions Apply to all Sex Establishments unless otherwise stated.

1.0 Definition

- 1.1 In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
- 1.1.1 "Sexual Entertainment Venue", "Sex Cinema", "Sex Shop" & "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - 1.1.2 "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.
 - 1.1.3 "Approval, Approved or Consent of the Borough Council" means the approval or consent of the Borough Council in writing.
 - 1.1.4 "The Borough Council" means the Borough Council of King's Lynn & West Norfolk.
 - 1.1.5 "Film" shall have the meaning ascribed to it in the Films Act 1985.

2.0 General

- 2.1 In the event of a conflict between these regulations and any special conditions contained on a licence relating to a Sex Establishment the special conditions shall prevail.
- 2.2 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) Act 1982.

3.0 Variation of Conditions

- 3.1 The Borough Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case. However, before doing so the Borough Council will consult with the licence holder.

4.0 Licensed Name

- 4.1 The name of the premises specified on the licence shall be known as the "Licensed Name". The licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 5 below.
- 4.2 An application in respect of a change of licence name shall be made to the Borough Council in writing not less than 28 days prior to the proposed change and the Borough Council shall have an absolute and unfettered discretion to allow or refuse such a change.

5.0 Conduct and Management of Sex Establishments

- 5.1 Where the licence holder 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 Borough Council within 14 days of such change. The notification should include a completed 'Information on Individuals' form which is attached to an application form for a Sex Establishment Licence at

Annex A. Additionally, should the Borough Council request information in respect of any new person this must be furnished within 14 days of such a request in writing from the Borough Council.

- 5.2 The licence holder, or a responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing by the Borough Council shall be in charge of and upon the premises during the whole time they are open to the public.
- 5.3 The name of the person responsible for the management of a Sex Establishment (whether the licence holder or a manager) approved by the Borough Council shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
- 5.4 The licence holder shall maintain a daily register in which he shall record the name and address of any person who is 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 Borough Council.
- 5.5 The licence holder shall retain control over all portions of the premises and shall not let or part with possession of any part of the premises.
- 5.6 The licence holder shall maintain good order in the premises.
- 5.7 No person under the age of 18 shall be admitted to the premises or employed in any part of the business of Sex Establishment.
- 5.8 The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those which have been approved by the Borough Council.
- 5.9 Prostitutes shall not use any part of the premises for the purposes of solicitation or of otherwise exercising their calling.
- 5.10 Neither the licence holder 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.
- 5.11 The licence holder shall comply with all statutory provisions and any regulations made there under.
- 5.12 The licence holder shall ensure that during the hours of Sex Establishment is open for business every employee wears a badge of a type to be approved by the Borough Council indicating his name and that he is an employee.
- 5.13 The copy of the licence and conditions are required to be displayed in accordance with Paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and shall be reproduced to the same scale as those issued by the Borough Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the condition of these Regulations shall be retained in a clean and legible condition.

6.0 Use

- 6.1 No change of use of any part of the premises from that approved by the Borough Council shall be made until the consent of the Borough Council has been obtained.
- 6.2 No change of use between a Sex Cinema, a Sex Shop or a Sexual Entertainment Venue shall be effected without the prior consent of the Borough Council.

7.0 External Appearance

- 7.1 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
- 7.1.1 Any notice of a size and in a form approved by the Borough 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 Borough Council.
 - 7.1.2 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 Borough Council.
- 7.2 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.
- 7.3 Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the Borough Council but shall have suspended behind them, in a position and at an attitude approved by the Borough Council, opaque screens or blinds of a type and size approved by the Borough Council.

8.0 State, Condition & Layout of Premises

- 8.1 The premises shall be maintained in good repair and condition.
- 8.2 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 Borough Council and shall comply with the following requirements:
- 8.2.1 All such doors or openings approved by the Borough Council shall be clearly indicated on the inside by the word "exit".
 - 8.2.2 Doors and openings, which lead to parts of the premises, to which the public are not permitted, shall have notices placed over them marked "private".
 - 8.2.3 Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- 8.3 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.
- 8.4 Where premises do not have an entrance lobby there shall be provided within the entrance of the premises a partition screening the interior of the premises from passers by at all times whilst the entrance doors may be opened.
- 8.5 Alterations of 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 Borough Council.
- 8.6 All parts of the premises shall be kept in a clean and good condition to the satisfaction of the Borough Council.

9.0 Safety

- 9.1 The licence holder shall take all reasonable precautions for the safety of the public and employees.
- 9.2 The licence holder shall comply with any health and safety measures that may be required of him by the Borough Council.

The Following Conditions Apply to 'Sex Shops' only

10.0 Times of Opening

- 10.1 Except with the prior written consent of the Borough Council a Sex Shop shall only be open between 9am and 8pm Monday to Saturday inclusive.
- 10.2 Except with the prior written consent of the Borough Council a Sex Shop shall not be open on Sundays or any Bank Holidays or any public holidays.
- 10.3 A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

11.0 Use of Sex Shop

- 11.1 Neither Sex Articles nor other things intended for use in connection with, or 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 or Sexual Entertainment Venue.

12.0 Goods available in Sex Shops

- 12.1 All Sex Articles and other items 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.
- 12.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Shop.
- 12.3 The licence holder shall without charge display and make available 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 Borough Council. Such literature is to be displayed in a prominent adjacent to all cash collection points in the Sex Establishment.

13.0 State, Condition and Layout of the Premises

- 13.1 Lighting in all parts of a Sex Shop shall be in operation continuously during the whole of the time that the premises are open to the public.