

# **CONDITIONS ATTACHED TO THIS LICENCE WPSS0001**

## **DORSET COUNCIL**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **SECTION 2 & SECTION 3 (Licensing of Sex Establishments)**

Dorset Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and of all other powers enabling them in that behalf make the following standard conditions

#### **INTRODUCTION**

1. In these conditions "The Council" shall mean Dorset Council and all enquiries concerning this licence shall be directed to Licensing, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ. Telephone - 01305 838028.
2. These conditions are imposed by The Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act and apply to all premises licensed as a "Sex Shop" as defined by this Act or Section 27 of the Policing and Crime Act 2009, save and insofar as they do not conflict with any special conditions forming part of the licence nor with the provisions of the Act itself.

#### **DEFINITIONS**

3. In these standard conditions, the following expressions, that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sex Article" and "Vessel" shall have the meanings respectively assigned to them by Schedule 3 of the Act.
4. In these standard conditions, the following expressions shall have the meanings respectively assigned to them, namely:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1982

"the Council" means Dorset Council

"the licensed premises" means any premises, vehicle, vessel or stall licensed under the Act

"Licence Holder" means a person who is the holder of a Sex Establishment licence

"Sex Establishment Licence" means a licence granted pursuant to Schedule 3 of the Act

"Approval of the Council" means the approval or consent of the Licensing Authority.

Or

“Consent of the Council”

“Approved” means approved by the Licensing Authority in writing

## **GENERAL**

5. In the event of a conflict between these standard conditions and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.

6. 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, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

## **TIMES OF OPERATION**

7. Opening times - Monday to Saturday 10:00 to 20:00, Sunday 10:00 to 18:00 except for Good Friday, Easter Sunday, Christmas Day, Boxing Day and New Year's Eve when the store will remain closed.

## **CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS**

8. 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 to the Licensing Authority in writing within 14 days of such change. Such written details as the Licensing Authority 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 Licensing Authority.

9. The licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the Sex Establishment in the Licensee's absence, and of whom details have been supplied and approved in writing by the Licensing Authority, shall be in charge of and upon the premises during the whole time they are open to the public.

10. The name of the person responsible for the management of a Sex Establishment, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the Sex Establishment throughout the period during which that person is responsible for its conduct.

11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Licensing Authority.

12. The licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Police Check at least annually and copies of the checks shall be made available to the Council.

13. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.

14. The Licensee 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 Licensing Authority.

15. 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. 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. The Licensee shall maintain good order in the Premises.

17. The Licensee shall ensure that during the hours the Sex Shop is open for business every employee wears staff uniform.

18. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The copy of the licence required to be displayed shall be suitably framed and a copy of these conditions shall be retained in the shop in a clean and legible condition.

### **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

19. No alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the Licensing Authority.

### **USE**

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 Licensing Authority shall be made until the consent of the Licensing Authority has been obtained.

22. No change from a Sex Shop to a Sex Cinema shall be effected without the consent of the Licensing Authority.

## **GOODS AVAILABLE IN SEX ESTABLISHMENTS**

23. 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. Stock can be altered i.e. smaller percentage of adult goods.

24. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.

25. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Licensing Authority, 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.

26. The Licensee shall, 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 and in particular any such material relating to AIDS as may be supplied by the Licensing Authority. Such literature is to be displayed in a prominent position.

## **EXTERNAL APPEARANCE**

27. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Dorset Council, except for those signs or notices that are required to be displayed by these licence conditions.

28. Signs to be displayed outside the premises to read "Licensed Adult Shop" and "Strictly over 18s, ID may be required"

29. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.

30. Window displays must be of items not covered under a sex shop licence such as underwear. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

31. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a Sex Establishment.

32. The premises shall be maintained in good repair and condition.

33. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the Licensing Authority.

34. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
35. 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 a good working order.
36. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a lobby, which has two sets of doors, one opening to the Street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.
37. 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 premises who are disabled.
38. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
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 by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
41. No alterations or additions either internal or external, permanent or temporary, to the structure, lighting or layout of the premises shall be made except with prior approval of the Licensing Authority.
42. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.
43. An LCD display unit (no bigger than 23" screen) can be used internally to identify products.