



APPENDIX 2

SOUTH KESTEVEN DISTRICT COUNCIL

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 Entertainment Venue" "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" (includes vessels, vehicles and stalls) 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.
 - (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 South Kesteven District Council.
 - (vi) "He" means he or she and "his" means his or her.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for 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 Provisions) Act 1982.

Times of Opening

4. Except with the previous consent of the Council a Sex Establishment shall only be open between _ am and _ pm Monday to Saturday inclusive.
5. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays or any Bank holidays or any public holidays.

Conduct and Management of Sex Establishments

6. 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 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.
7. The Licensee or some 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 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 Council shall be in charge of and upon the Premises during the whole time they are open to the public.
8. The name of the person responsible for the management of a Sex Establishment (the Licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
9. 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.
10. The Licensee shall maintain good order in the Premises.
11. The Licensee shall ensure that there is no nuisance or annoyance to neighbouring residents or commercial occupiers arising from noise emanating from the premises.
12. No person under the age of 18 shall be admitted to the Premises or employed in the business of the Sex Establishment.
13. 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.

14. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
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.
16. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
17. A copy of the licence and of these Regulations must to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.
18. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

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.
21. 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.

Goods available in Sex Establishments

22. 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.
23. 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.
24. 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 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.

External Appearance

25. The licence holder shall comply with any requirements relating to the external appearance of the licensed premises as the Council may consider reasonably necessary for the preservation of public amenity.
26. Without prejudice to the generality of Regulation 19 above, no advertisement shall be displayed outside or on the exterior of the licensed premises or inside the licensed premises so as to be visible from outside such premises without the consent of the Council except:-
 - (i) as required by law or regulation; or
 - (ii) the name of the business carried on at the licensed premises, in not more than one place, in characters not exceeding 15 inches in height.
27. The licence holder shall ensure that the interior of the licensed premises shall not be visible to persons outside the premises.

State, Condition and Layout of the Premises

28. The Premises shall be maintained in good repair and condition.
29. 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.
30. There shall be exhibited on the licensed premises:-
 - (i) A warning complying with the provisions of Section 1 of the Indecent Displays (Control) Act 1981 in cases where that section applies; or
 - (ii) in any case where the section does not apply a warning notice containing the following words and no others:-

"WARNING"

NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

- (a) the word "WARNING" must appear as a heading;
- (b) no pictures or other matter shall appear on the notice;

- (c) The notice must be so situated that no one could reasonably gain access to the licensed premises or any part of such premises without being aware of the notice and it must be easily legible by any person gaining such access.
31. 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 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 emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
32. The external doors of the licensed premises shall be fitted with self closing door mechanisms and such mechanism shall be maintained in good working order. No external door shall be fixed in the open position at any time during which the premises are open for the serving of customers. A partition shall be erected inside the premises in such a position so that the interior of the premises and the contents cannot be seen when the front door of the premises is opened.
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.
35. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
36. The Licensee shall provide and maintain satisfactory sanitary conveniences and personal washing facilities for any staff employed by him.

Safety

37. The Licensee shall take all reasonable precautions for the safety of the public and employees.

38. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council or the Fire Prevention Officer.
39. 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.