

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982:

SEX ESTABLISHMENTS

GENERAL GUIDANCE NOTES

1. Under the provisions of Part II of the Act, the Thurrock Borough Council has resolved to adopt the arrangements contained in Schedule 3 to the Act for the licensing control of sex establishments within its area.
2. The effect is that it is an offence punishable by a fine not exceeding £10,000 to use any premises, vehicle, vessel or stall, within the Council's area, as a sex establishment unless it is licensed.

These provisions do not apply to the sale, supply, etc. of articles, manufactured primarily for the purpose of birth control or which primarily relate to birth control.

3. The Council have the power to make regulations prescribing the terms, conditions and restrictions on or subject to which licences are in general granted, renewed or transferred. Copies are available on request.
4. **"SEX ESTABLISHMENT"** means a sex cinema or a sex shop.

"SEX CINEMA" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:-

- (a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:-
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

but does not include a dwelling-house to which the public is not admitted.

"SEX SHOP" means any premises, vehicle, vessel or stall used for a business which consists of a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:-

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:-
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity

“SEX ARTICLE” means:

- (1) (a) anything made for use in connection with, or for the purpose of stimulating or encouraging:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
 - (b) Anything to which sub-paragraph (2) below applies.
- (2) This sub-paragraph applies:-
 - (a) To any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (b) to any recording of sound or vision, which:
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.
5. An application for the grant, renewal, transfer or waiver of a licence for a sex establishment must be made in writing on the specified forms to the Manager of Environmental Health Services, Civic Offices, New Road, Grays, Essex RM17 6SL.
6. A licence will not be granted:-
- (a) to a person under the age of 18; or
 - (b) to a person who is disqualified from holding a licence; or
 - (c) to a person, other than a body corporate, who is not resident in the United Kingdom or is not so resident throughout the period of 6 months immediately preceding the date of application; or
 - (d) to a body corporate which is not incorporated in the United Kingdom; or
 - (e) To a person who has, within a period of 12 months immediately preceding the date on which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
7. A licence may not be granted, renewed or transferred:-
- (a) if the applicant, for any reason is unsuitable;
 - (b) if the licence would be managed for the benefit of a person who would be refused such licence;
 - (c) If the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority would consider is appropriate for that locality;

- (d) If inappropriate having regard to:
 - (i) the character of the relevant locality; or
 - (ii) the use of other premises in the vicinity;
 - (iii) Layout, character or condition of actual premises, vehicle, vessel or stall.
- 8. Notice of application must be published in the prescribed form both at or near the premises and in a local newspaper.
- 9. An application to the Council for the grant of a sex establishment licence must be accompanied by a site plan (*scale 1/500*), a plan of the premises (*scale 1/50*) and photographs and documents as specified on the application form.
- 10. A copy of the application, together with photographs, documents, etc. must be sent to Essex Police Licensing Unit, Brooke Road, Grays, Essex
- 11. Refer to the current schedule of fees for the appropriate fees for the initial grant, renewal or transfer of a licence.

These notes are not a full statement of the law regarding the licensing of Sex Establishments and person requiring further information should refer to the Local Government (Miscellaneous Provisions) Act 1982.