

### REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

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1. These Regulations are made by virtue of Schedule 3, paragraph 13 of the Local Government (Miscellaneous Provisions) Act 1982. They prescribe standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences are in general to be granted, renewed or transferred.
- Definition:** 2. 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 vehicle, vessel, stall or 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 Thurrock Borough Council.
  - (vi) "Film" shall have the meaning ascribed to it in the Cinemas Act 1985.
- General:** 3. 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.
4. The grant of a licence for a sex establishment shall not be deemed to convey an 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.
5. The marginal notes inserted in these Regulations appear only for the purposes of convenience and shall not affect in any way the meaning or construction thereof.
- Licence:** 6. The Council will not determine an application for grant, renewal or transfer of a licence unless the applicant affords a duly authorised officer a reasonable opportunity to enter the premises and to make such examinations and enquiries, as are necessary to determine the suitability of the applicant and the premises.

7. A copy of the licence, including any special conditions attached to the licence and these prescribed standard conditions, shall be displayed on a part of the premises to which the public has access so as to be conspicuous and easily read by intending purchasers.
  8. The licence is not transferable by the Licensee.
  9. The Licensee(s) shall forthwith notify the Council of his/their ceasing to carry on the business as a sex establishment.
- Times of Opening:**
10. Except with the prior written consent of the Council, a sex establishment shall only be open to the public during such hours as may be specified in special conditions attached to the licence.
  11. Except with the prior written consent of the Council, the sex establishment shall not be open on Sundays, Good Friday or Christmas Day or on any other days as may be specified on the licence.
- Name of Sex Establishment:**
12. The business shall be carried on only in the name, style or title specified in the licence and at the address mentioned therein.
  13. All documents, notices and advertisements issued by or on behalf of the business shall bear the trade name, style or title and address specified in the licence, together with an indication that the person(s) is/are licensed by the Council.
- Conduct and Management:**
14. Without the consent of the Council, the Licensee(s) shall not in the conduct of the business employ any person: -
    - (a) Whose application for a licence to carry on a sex establishment or renewal thereof, has been refused by the Council or any other licensing authority;
    - (b) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;
  15.
    - (a) The Licensee(s) shall immediately notify the Council in writing should at any time the business come under the control of a body corporate or unincorporated and provide the Council with details of all directors, company secretary, and any other persons responsible for the control of management for the body.
    - (b) Where the Licensee is a body corporate or unincorporated, any change of director, company secretary or other persons responsible for the control of 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 request in writing from the Council.
  16. In the case of any prolonged absence of the Licensee(s) from the establishment, he/they shall in writing nominate one or more responsible persons for the purpose of managing the sex establishment in his/their absence. Details (*including photographs*) of the responsible person shall be supplied to and approved in writing by the Council.

17. The name of the person(s) responsible for the management of the sex establishment, be that person the Licensee or a manager approved in writing by the Council, shall be displayed in a conspicuous place near the main entrance to the premises.
18. The Licensee(s) shall maintain a permanent register in which he/they shall record names and addresses of all staff, together with their dates of birth and positions held, (*e.g. Manager, Shop Assistant etc*). In addition, a daily register shall be maintained in which must be recorded each day the names of all staff employed and the time during which they are present on the premises. The register and the duty sheet shall be kept on the premises and be available for inspection at all times.
19. The Licensee(s) shall ensure that no 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.
20. The Licensee(s) shall maintain good order in the premises.
21. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.
22. The Licensee(s) shall retain control over all portions of the sex establishment and shall not let, licence, share or part with possession any part of the premises.
23. The Licensee(s) shall not conduct the business in a manner that is detrimental to the interests of consumers, whether those interests are economic interests or interests in respect of health, safety or other matters or is in any manner unfair to consumers.
24. No part of the premises shall be used by prostitutes (*male or female*) for the purposes of solicitation or of otherwise exercising their calling.
25. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
26. No change of use of any portion of the premises or change to its internal layout from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
27. 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.
28. Neither sex articles nor other things intended for use in connection with or for the purpose of stimulating or encouraging sexual activity or act of force or restraint which are associated with sexual activity, shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
29. All sex articles and other goods which are exposed for sale, hire, exchange or lending or are displayed within the sex establishment shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
30. No advertisements, other than advertisements relating to the licensed sex establishment, or relating to goods sold from the sex establishment, shall be displayed at the premises.

**Goods available  
in Sex  
Establishment:**

31. All sex articles or other goods exposed for sale, hire, exchange or loan shall be available for inspection to customers visiting the premises prior to purchase at the premises and a notice to this effect is to be prominently displayed within the sex establishment.
32. In a sex shop no video film or film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a genuine certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
33. No article or publication shall be sold which would encourage or incite the commission of a criminal act.
34. A confidential record shall be kept of mail order transactions in such form as to identify the articles supplied and the person to whom those articles are supplied. Such records shall at all reasonable times be available for the inspection by a police constable and authorised officer of the Council.  
(Note: Licensees should be aware of their obligations under Data Protection legislation)

**External Appearance:**

35. No display, advertisement, word, letter, model, sign, placard, board, notice, 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 any condition of a licence granted by the Council.
  - (ii) 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 Council.
  - (iii) A notice at the entrance to the premises 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”**.
36. The interior of the sex establishment shall not at any time be visible from the outside. Specifically, no line of sight through any door or window opening shall allow any sex article to be visible to persons outside a sex shop.

**Condition and Layout of the Premises:**

37. The premises shall be maintained in good repair and condition.
38. 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.
39. 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 exit doors or openings shall be clearly indicated by a suitable sign (*NOTE: Such as required by the Health and Safety (Safety Signs and Signals) Regulations 1996*).
  - (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 to the establishment.
  
- 40. When considering the means of access both to and within the sex establishment the Licensee(s) shall give proper regard to the needs of members of the public with impairments.  
*(NOTE: Licensees should be mindful of their obligations under the Disability Discrimination Act).*
  
- 41. No fastenings of any description shall be fitted upon any booth or cubicle within the sex establishment, nor shall more than one person *(including any employee)* be present in any such booth or cubicle at any time.
  
- 42. The Licensee(s) shall obtain prior approval from the Council as to the method of disposal of sex articles otherwise than by sale, hire, exchange or loan.