

8 January 2008

Our Ref: IG/L&A/16.1.08
Your Ref:
Contact: Ian Gourlay
Direct Dial: 01462 474403
E-Mail: ian.gourlay@north-herts.gov.uk

To: The Members of the Licensing and Appeals Committee of North
Hertfordshire District Council

(Councillors: P.C.W. Burt (Chairman), A. Bardett, D.J. Barnard, Simon
Bloxham, Tom Brindley, Paul Clark, J, Cunningham, Melissa Davey,
Lee Downie, Gary Grindal, Lorna Kercher, Joan Kirby, Marilyn
Kirkland, and Michael Weeks)

You are invited to attend a meeting of the

LICENSING AND APPEALS COMMITTEE

to be held at

**COMMITTEE ROOM 1, COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH GARDEN CITY**

on

WEDNESDAY, 16 JANUARY 2008

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of the Committee held on the 2 October 2007.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business that they wish to be discussed by the Cabinet at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. CHAIRMANS ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
6. PROPOSED SEX ESTABLISHMENT POLICY 2008-2011 REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL & REGULATORY SERVICES <i>To consider the public consultation responses to the Council's proposed Sex Establishment Policy, and to recommend the Policy to Cabinet for approval.</i>	1

TITLE OF REPORT: PROPOSED SEX ESTABLISHMENT POLICY 2008-11**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY SERVICES****1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to summarise the responses to the public consultation in respect of the Council's Sex Establishment Policy.
- 1.2 The Licensing and Appeals Committee, having considered this report, can make a recommendation to Cabinet in respect of the policy.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified in the Forward Plan in December 2007.

3. BACKGROUND

- 3.1 The licensing of sex establishments only relates to sex shops and sex cinemas. It is not a process for licensing premises such as brothels or sexual encounter establishments.
- 3.2 North Hertfordshire District Council has traditionally exercised the responsibility of licensing sex establishments through a number of different conditions and procedures that have been developed over a number of years.
- 3.3 Whilst these conditions have been approved by Councillors, they have been introduced without a formal policy to regulate their implementation.
- 3.4 The legislation regulating sex establishments is Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.5 In order to standardise the Council's whole licensing process, it is necessary to introduce a Policy in relation to sex establishment licensing.
- 3.6 A modern, effective policy document will ensure that the trade and the public will have a document that fully explains the licensing process. It will also ensure consistency of approach by the Council ensuring fairness to the trade.

4. APPROACH TO THE SEX ESTABLISHMENT LICENSING POLICY

- 4.1 The development of the Statement of Sex Establishment Licensing Policy has been based upon a consultation process undertaken by the Licensing and Enforcement Team. The policy format was devised having considered a range of Local Authority policies across the country and the legislation.
- 4.2 The consultation process was undertaken between 26th November 2007 and 4th January 2008. A policy consultation page was created on the Council's website including the draft policy and an explanation of the process for making a representation.

- 4.3 A letter advising of the consultation process was sent to each of the following consultees:
- The current sex establishment licence holder
 - Hertfordshire Constabulary
 - NHDC Councillors
 - NHDC Legal Team
 - Town Centre Managers
 - Public Libraries within North Hertfordshire
 - Local Authorities in Hertfordshire and Bedfordshire

5. LEGAL IMPLICATIONS

- 5.1 There is no legal requirement for a Sex Establishment Policy, as with the Licensing Act 2003 and the Gambling Act 2005.
- 5.2 A policy would ensure a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts.
- 5.3 Whilst there is always a right of appeal through the Courts to a decision of the local authority in respect of their licensing function, challenges to a particular decision are more likely to fail if we can demonstrate that we have adhered to our published policy and there is no justifiable reason to depart from it.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 This policy will not place any new financial or human resource implications on the Council.

7. CONSULTATION WITH EXTERNAL AND INTERNAL STAKEHOLDERS

- 7.1 The Licensing Authority have consulted with all relevant parties as listed in section 4.3 of this report.
- 7.2 The draft policy, as used for the consultation, is not attached to this report, however, it is available on the Council website. Hard copies can be forwarded if required.
- 7.3 A schedule of comments received and the action taken in respect of these comments is attached as **Appendix A of this report**.
- 7.4 The proposed new Policy, incorporating amendments, is attached as **Appendix B of this report**.

8. RECOMMENDATIONS

- 8.1 That the proposed Sex Establishment Policy, as attached at **Appendix B to the report** incorporating the results of the public consultation exercise, be supported by the Licensing and Appeals Committee.
- 8.2 That the Licensing and Appeals Committee recommend the adoption of the Sex Establishment Policy to Cabinet.

9. REASONS FOR RECOMMENDATIONS

- 9.1 A modern, effective policy will ensure that the trade and the public will have a document that fully explains the licensing process. It will also ensure consistency of approach by the Council ensuring fairness to the trade.

9.2 The proposed policy aims to strike a balance that will be both fair to the trade, whilst offering adequate protection to the public.

9.3 The proposed policy will ensure the continuation of the high standards currently offered by the existing premises, without any adverse effect on the area in which the premises operates.

10. ALTERNATIVE OPTIONS CONSIDERED

10.1 An alternative option would be a Sex Establishment Policy that may differ in content and extent, based on the consultation exercise responses.

10.2 An alternative option would be to continue with the current system of conditions and procedures that have been developed over a number of years.

10.3 An alternative option would be to have a 'nil resolution' policy that automatically precluded any new applications. The legislation, however, does not provide for this and so any such policy would be unlawful. The proposed policy provides the opportunity for an application to be refused on several grounds as provided for in the legislation, including suitability of location and sufficiency of such premises within the area, where the council has the option of determining the sufficiency for a specific area to be nil.

11. APPENDICES

11.1 Appendix A – Schedule of comments received during the consultation, including recommendations

11.2 Appendix B – Proposed Sex Establishment Policy

12. CONTACT OFFICERS

12.1 Andy Godman, Head of Housing and Environmental Health, 01462 474293

12.2 Giovanna Silverio, Licensing and Enforcement Manager, 01462 474478

12.3 Steve Cobb (Report Author)
Licensing and Enforcement Officer, 01462 474833

12.4 Tim Hobman, Licensing and Enforcement Officer, 01462 474370

13. BACKGROUND PAPERS

13.1 Local Government (Miscellaneous Provisions) Act 1982.

THIS PAGE IS BLANK

Summary of Responses to the Sex Establishment Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Cllr J Cunningham	That the full definitions of Sex Establishment, Sex Shop and Sex Cinema do not appear in the policy and are only referenced in section 9	Agree.	Full definitions added to section 9
	That section 2.5.3 seems to imply that the Council will grant applications where they are in an "industrial area"	Agree. There should be no presumption of a grant in any area, industrial or otherwise.	Presumption removed. Industrial area reference changed to "predominately commercial"
	What is an "industrial area" for this purpose?	See above	Wording amended
	Is there a definition of "vulnerable adults"?	Although "vulnerable adult" is defined under the Police Act 1997, a precise definition should be avoided. Councillors' judgement and local knowledge as to whether the particular circumstances before them involve vulnerable people is preferable to a lawyerly checklist which might exclude obvious cases or include absurd ones, thus limiting case by case discretion.	None
	What is meant by the highest levels of recorded crime?	Taking the district as a whole there may be areas that have higher crime rates than others. Wording needs to be changed, therefore, to reflect area of particular police concern.	Wording amended

In section 3.3 should Councillors not be involved in the transfer or variation of a licence even if no representations are received?	No amendment to the Policy. The Councils corporate approach to licensing is that LAC only consider opposed applications. Within other Licensing functions uncontested applications are granted under delegated powers and so to achieve consistency this approach should remain. All new applications will go to LAC due to the inevitable contentious nature of the application. Uncontested renewal, transfer or variation that the Head of Housing and Environmental Health is minded not to grant will be referred to LAC in accordance with the policy.	None
--	--	------

Section 4.3 states that all licences are subject to Standard conditions unless "expressly excluded or varied" by a Committee. However Standard Condition 1a only refers to disapplication.	Agree.	The words "or varied" added to Standard condition 1a
Standard condition 7b refers to Fire prevention measures required by the Council. Is this still a Council function?	Agree. It is no longer a Council function.	The word "Council" has been replaced by "The Regulatory Reform (Fire Safety) Order 2005"

APPENDIX A

Summary of Responses to the Sex Establishment Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Mrs G Silverio	General wording and grammatical errors	Agreed	Wording and grammar changed where necessary
	That the full definitions of Sex Establishment, Sex Shop and Sex Cinema do not appear in the policy and are only referenced in section 9	Agreed	Full definitions added to section 9



North Hertfordshire District Council

Sex Establishment Policy

Proposed Implementation Date: 3rd April 2008



CONTENTS

Section	Page Number
1 Introduction	1
2 Sex Establishment Licence Applications	2
3 Determination of Applications	4
4 Power to Prescribe Conditions	5
5 Hearing Procedure	5
6 Operation and Management	6
7 Enforcement	6
8 Amendments to Policy	7
9 Definitions	8

Appendix

A Standard Conditions Applicable to Licences for Sex Establishments	10
---	----

1 INTRODUCTION

1.1 The Policy

- 1.1.1 This document states North Hertfordshire District Council's policy on the regulation of Sex Establishments.

1.2 The Law

- 1.2.1 The Local Government (Miscellaneous Provisions) Act 1982 introduced a licensing regime to control Sex Establishments. North Hertfordshire District Council adopted Schedule 3 of the Act on 11th January 1983 (effective from 1st March 1983 onwards). This means that the Council can control and regulate the operation of certain kinds of Sex Establishment within its District. No Sex Establishment can operate unless it has obtained a licence from the Council – any such licence will contain conditions that will restrict how that premises may trade.
- 1.2.2 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. This Policy has regard to the likely impact of such licences on related crime and disorder in the District.
- 1.2.3 Where applicable, the Council will involve the Crime and Disorder Reduction Partnership (CDRP) in decision-making in relation to actual crime and disorder.
- 1.2.4 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Disability Discrimination Act 1995.

1.3 Current Premises

- 1.3.1 At present there is one Sex Shop in North Hertfordshire, which is located off Wilbury Way in Hitchin.

2. SEX ESTABLISHMENT LICENCE APPLICATIONS

2.1 Right to Waiver

- 2.1.1 North Hertfordshire District Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.

2.2 Application Details

- 2.2.1 The Applicant will be required to make their application in accordance with Clause 10, Schedule 3, of the Act.

2.3 Fitness of the Applicant

- 2.3.1 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, the Council will take the following into account:
- a) Previous relevant knowledge and experience of the applicant;
 - b) Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
 - c) Any report about the applicant and management of the Premises received from statutory objectors.
- 2.3.2 Whilst every application will be considered on its merits the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent relevant criminal convictions.

2.4 Impact of the Sex Establishment

- 2.4.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of such a grant causing adverse impacts, particularly to local residents. The Council will take the following general matters into account:
- a) Type of activity;
 - b) Duration of proposed licence;
 - c) Proposed hours of operation;
 - d) Layout and condition of the Premises;
 - e) The use to which Premises in the vicinity are put;
 - f) The character of the locality in which the Premises are situated.

2.4.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the application on:

- a) Crime and disorder [see 2.4.3 for more information];
- b) Cumulative impact of licensed Premises in the area, including hours of operation;
- c) The character of the locality in which the Premises is situated [see 2.5 for more information].

2.4.3 In considering all applications for **renewal** of a Sex Establishment licence the Council will take into account:

- a) Levels of related recorded crime and disorder in existing or proposed the area of the Sex Establishment;
- b) Past demonstrable adverse impact from the licensed activity;
- c) Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse related impacts.

2.5 The Location of Premises

2.5.1 In accordance with relevant case law, the Council shall decide on the suitability of a particular locality for a Sex Establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

2.5.2 The Council is mindful of its power to determine that no Sex Establishment should be located in a particular locality.

2.5.3 Notwithstanding the above, licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine each application on its own merits. Applications will not normally be granted if they are to be within:

- a) areas that are exclusively, or predominantly, residential in character; or
- b) the vicinity of residential properties; or
- c) 200m of a school or any other Premises used by children or vulnerable adults; or
- d) A publicly accessible open space that is regularly frequented by children or vulnerable adults (see section 9); or
- e) 200m of a place of worship; or
- f) areas with a level of recorded crime that give the police cause for concern; or
- g) areas that are likely to be adversely effected due to the cumulative impact of existing Sex Establishments; or
- h) 200m of an existing Sex Establishment.

2.6 Consultation Arrangements

2.6.1 Public Consultation

The Council will consult local residents in relation to applications for the grant, renewal or transfer of a licence.

3. DETERMINATION OF APPLICATIONS

3.1 General

- 3.1.1 In determining an application relating to a Sex Establishment licence the Council will assess the application on its merits having regard to the content of this Policy, the relevant legislation and any relevant guidance that may be issued from time to time.
- 3.1.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only a Licensing and Appeals Sub-Committee may authorise a departure from the policy if it feels it appropriate for a specific application.
- 3.1.3 The sub-committee may consider granting licences of a 12 month duration or for a shorter term

3.2 Grant of a new Licence

- 3.2.1 All applications for the grant of a new licence will be determined by a Licensing and Appeals Sub-Committee, irrespective of whether representations are received.
- 3.2.2 The Council will give the applicant(s) the opportunity of appearing before and being heard by a Licensing and Appeals Sub-Committee before:
- a) refusing to grant a licence; or
 - b) refusing to renew a licence; or
 - c) refusing to transfer a licence; or
 - d) refusing to vary an existing licence.
- 3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence, the Council must have regard to any representations that it has received.

3.3 Renewal, Transfer or Variation of an Existing Licence

- 3.3.1 The granting of an application for renewal, transfer or variation of an existing licence will be considered by the Head of Housing and Environmental Health unless representations are received.
- 3.3.2 If the Head of Housing and Environmental Health is minded to refuse such an application, the application will be referred to a Licensing and Appeals Sub-Committee for determination.
- 3.3.3 Where representations are received, the application will be referred to a Licensing and Appeals Sub-Committee for determination.

3.4 Refunds

In the event of an application being refused, the application fee may be refunded less an appropriate charge for the administrative process undertaken in determining the application, including any hearing before the Licensing and Appeals Sub-Committee.

4. POWER TO PRESCRIBE CONDITIONS

- 4.1 Schedule 3 Section 13 of the Act provides a power for the Council to specify Standard Conditions in relation to Sex Establishment Licences.
- 4.2 The Council's Standard Conditions are detailed in **Appendix A** of this Policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded or varied by a Licensing and Appeals Sub-Committee.

5. HEARING PROCEDURE

- 5.1 Where the Council is required to determine an application by reference to a Licensing and Appeals Sub-Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.
- 5.2 In preparation for the hearing, all parties will receive a copy of the Licensing Officer's report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.
- 5.3 At the hearing, all parties will have the opportunity to address the Sub-Committee and ask questions of fact of other parties. The Sub-Committee may also ask questions of all parties that they feel relevant to the determination process.
- 5.4 The Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within 7 days.

6. OPERATION AND MANAGEMENT

6.1 Proposed Operation and Management

- 6.1.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.1.2 In terms of management of licensed Premises, the Council strongly encourages where possible and appropriate, that licensees:
- a) Work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment, both within licensed Premises and in the environs around them;
 - b) Particularly those whose Premises are located in areas with the highest levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.
 - c) In terms of the management of licensed Premises, the Council strongly encourages and where possible and appropriate all licensees to develop strategies and procedures to increase access for disabled people to the Premises.
 - d) In terms of the employment of staff in licensed Premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

7. ENFORCEMENT

- 7.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 7.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Council's Housing and Environmental Health Statement of Enforcement Policy and Practice.
- 7.3 The responsibility for the overall supervision of Sex Establishment Licensing lies with the Head of Housing and Environmental Health.

8. AMENDMENTS TO THIS POLICY

- 8.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution.

For the purpose of this section, any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
- b) is likely to have a significant procedural effect on licence holders, or
- c) is likely to have a significant effect on the community.

- 8.2 Any minor amendments to this Policy may be authorised by the Portfolio Holder Housing and Environmental Health and undertaken in accordance with the Council's Constitution. For the purpose of this section, any minor amendment is an amendment not defined as significant in Section 8.1 of this Policy.

9. DEFINITIONS

TERM	DEFINITION
the Act	Local Government (Miscellaneous Provisions) Act 1982
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
the Council	North Hertfordshire District Council
he, his	all references to 'he' or 'his' also include 'she' or 'hers'
Head of Housing and Environmental Health	the current post-holder (or the Head of Service of the appropriate Service Area following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation
Licence Holder	a person who holds a Sex Establishment Licence under the Act
this Policy	North Hertfordshire District Council's Sex Establishment Policy
Premises	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 Sex Establishment Licence granted under the Act
Sex Establishment	as defined in section 2 of Schedule 3 of the Act A sex establishment means either a sex shop or a sex cinema as defined below in extracts from the Act.
Sex Cinema	as defined in Section 3 of Schedule 3 of the Act 3. — (1) In this Schedule, "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. (2) No premises shall be treated as a sex cinema by

reason only—

- (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
- (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

Sex Shop

as defined in Section 4 of Schedule 3 of the Act

4. —

(1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to 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.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “sex article” means—

- (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 (4) below applies.

(4) 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 vision or sound, 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.

APPENDIX A

Standard Conditions Applicable to Licences for Sex Establishments

1 General

- a) These Standard Conditions will apply to all licences unless disapplied or varied by a Licensing and Appeals Sub-Committee.
- b) The granting 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 Provisions) Act 1982.
- c) 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.

2 Times of Opening

- a) Unless amended by a Licensing and Appeals Sub-Committee, the usual permitted hours shall be:

Mondays	0900hrs – 1900hrs
Tuesdays	0900hrs – 1900hrs
Wednesdays	0900hrs – 1900hrs
Thursdays	0900hrs – 1900hrs
Fridays	0900hrs – 1900hrs
Saturdays	0900hrs – 1900hrs

- b) Unless amended by a Licensing and Appeals Sub-Committee, a Sex Establishment shall not be open on Sundays, Good Friday, Easter Day, Christmas Day or any public holiday.

3 Conduct and Management of Sex Establishment

- a) Where the licensee is a body corporate or 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 fourteen days of such change. Such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Council.
- b) The licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and upon the Premises during the whole time they are open to the public. Details of any responsible person nominated by the licensee (including photographs) must be supplied to and approved in writing by the Council before managing the Premises.

- c) The name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Premises.
- d) The licensee shall maintain a daily register. It must record the name and address of any person who is to be 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 Council.
- e) 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.
- f) The licensee shall maintain good order in the Premises.
- g) No person under the age of eighteen shall be admitted to the Premises or employed in the business of a Sex Establishment.
- h) 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.
- i) No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
- j) Neither the licensee or any employer or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation anywhere in the North Hertfordshire District.
- k) The licensee shall comply with all statutory provisions and any regulations made thereunder.
- l) The licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.
- m) The copy of the licence and of these Standard Conditions required to accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence shall be displayed, framed and exhibited to the satisfaction of the Council. A clean and legible copy of these Standard Conditions shall be retained on the Premises and available upon request.
- n) A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
- o) No change of use of any portion of the Premises from that approved by the Council shall be made without the consent of the Council.

- p) Change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall not be effected without the consent of the Council.
- q) Sex Articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall not be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

4 Goods available in Sex Establishments

- a) 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 to be charged.
- b) 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.
- c) No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification 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.
- d) The licensee shall, without charge, display and make available in the Sex Establishment such free literature on counselling of 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.

5 External Appearance

- a) 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 conditions 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.
- b) The entrance 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, and shall be so provided with a partition as to ensure that the interior of the Premises remain invisible to such passers by when the entrance is open.

- c) Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an position approved by the Council, opaque screens or blinds of a type and size approved by the Council.

6 State, Condition and Layout of the Premises

- a) The Premises shall be maintained in good repair and condition.
- b) Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time the Sex Establishment is open to the public.
- c) The number, size and position of all doors or openings provided for the purpose 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.
- d) The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such device to provide for their automatic closure and such devices shall be maintained in good working order.
- e) 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.
- f) 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.
- g) 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.
- h) All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

7 Safety

- a) The licensee shall take all reasonable precautions for the safety of the public and employees.
- b) The licensee shall comply with any fire prevention and safety measures that may be required of him by The Regulatory Reform (Fire Safety) Order 2005.
- c) The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in a proper working order and shall be available for instant use.