

**CONDITIONS RELATING TO A LICENCE GRANTED PURSUANT TO
ARTICLE 8, THIRD SCHEDULE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Definitions

In these regulations save where 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 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 of consent of the Council in writing.
- (iv) "Approved" means approved by the Council in writing.
- (v) "The Council" means the Thanet District Council.

"Film" shall have the meaning ascribed to it in the Films Acts 1960-1980.

General

Condition 1

Grant of a Licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Times Of Opening

Condition 2

The licensed sex establishment shall not open otherwise than between the hours of 0900hrs to 2000hrs Monday to Saturday and 1100hrs to 1700hrs on Sunday.

Condition 3

Except with the previous consent of the Council, a sex establishment shall not be open on Christmas Day, Boxing Day and Good Friday.

Conduct And Management Of Sex Establishments

Condition 4

Where the Licensee is the 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.

Condition 5

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and of whom details (including photographs) 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.

Condition 6

The name of the person responsible for the management of the sex establishment being either 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.

Condition 7

Registers shall be kept on the premises showing the name and address of any person who is responsible for managing the sex establishment in the temporary absence of the person nominated pursuant to Licence condition 5.

Condition 8

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.

Condition 9

The Licensee shall maintain good order in the premises.

Condition 10

No person under the age of 18 shall be permitted to the premises or employed in the business of a sex establishment.

Condition 11

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.

Condition 12

The Licensee shall ensure that no part of the premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.

Condition 13

Neither the Licensee nor any employee or any person shall seek to obtain custom for the sex establishment by means of a personal solicitation outside or in the vicinity of the premises.

Condition 14

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 15

The Licensee shall comply with all statutory provisions and any regulations made thereunder.

Premises

Condition 16

The change of use of any portion of the premises from that approved by the Council shall not be made until the consent of the Council has been obtained thereto.

Condition 17

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.

Goods Available In Sex Establishments

Condition 18

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop, shall be clearly marked so that persons who are inside the sex shop can see the price being charged.

Condition 19

The 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.

Condition 20

No film or video film shall be shown or screened in the premises except in accordance with the following conditions: -

- a) the screen shall be placed in such a position so as not to be visible to the public outside the premises.
- b) the screen shall be placed in such a position to the satisfaction of the Licensing Manager.
- c) only videos of clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes
- d) no film/movie will be shown in its entirety
- e) films will not be shown at the customers request

External Appearance

Condition 21

Display, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall not be exhibited so as to be visible from the outside of the premises except:-

- (i) Any notice of a size and in the 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.

Condition 22

A notice showing the hours of opening shall be displayed or exhibited on the door of the premises in a form and manner to be approved by the Council.

Condition 23

A notice showing that persons under 18 years of age shall be excluded from the premises shall be exhibited on the door of the premises in a form and manner to be approved by the Council.

Condition 24

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obstruction, screening or other arrangements to the satisfaction of and approved by the Council.

Condition 25

- (i) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screens or other arrangements as approved by the Council.
- (ii) These conditions shall not be construed as lessening any obligations of the Licensee under Licence condition No 21.
- (iii) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop windows during any cleaning operations.

State, Condition And Layout Of The Premises

Condition 26

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

Condition 27

Lighting to a level approved by the Council shall be maintained in the sex establishment during the hours when the sex establishment is open to the public.

Condition 28

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 the marked "private - no access to the public".
- (iii) Save in the case of emergency, no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.

Condition 29

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

Condition 30

Alterations or additions either internal or external, 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.

Condition 31

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

Condition 32

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

Condition 33

The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.

Condition 34

The premises shall be provided with firefighting equipment suitable to the fire risks of the premises and such firefighting equipment shall be maintained in proper working order and shall be available for instant use.

PLEASE NOTE

1. The holder of a Licence who is aggrieved by any term, condition or restriction on or subject to which the Licence is held may within twenty-one days of the date on which he is notified of the imposition of the term, condition or restriction appeal to a Magistrates Court.
2. The holder of a Licence may at any time apply to the Council for any such variation of the terms, conditions or restrictions on or subject to which the Licence is held as may be specified in the application. If such an application is refused, the applicant has the right of appeal to a Magistrates Court within twenty-one days.
3. Any person who:-
 - (a) Knowingly uses or knowingly causes or permits the use of any premises as a sex establishment except under and in accordance with the terms of a sex establishment Licence, or
 - (b) being the holder of a Licence:-
 - (i) employs in the business of the establishment any person known to him to be disqualified from holding such a Licence, or
 - (ii) without reasonable excuse knowingly contravenes or knowingly permits the contravention of a term, condition or restriction specified in the Licence, or
 - (iii) without reasonable cause knowingly permits a person under 18 years of age to enter the establishment or employs a person known to him to be under 18 years of age in the business of the establishment, or
 - (iv) fails to exhibit in a suitable place a copy of this Licence and conditions attached to the Licence, or
 - (c) being the servant or agent of the holder of a Licence without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of a term, condition or restriction specified in the Licence, shall be guilty of an offence.