

Sex Shop Licence

LICENCE No: SS0002

Licence commences 01/04/2017 Expires 31/03/2018

Licensee Darker Enterprises Ltd

CHESTERFIELD BOROUGH COUNCIL

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENT AND SEX ENTERTAINMENT VENUES

Definition

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:-

i) "Sex establishment and sex entertainment venue" "Sex Cinema" "Sex Shop", "Sex Entertainment Venue" and "Sex Article" shall have the meanings ascribed to them in 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 and Sex Entertainment Venue 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 Chesterfield Borough Council.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment and Sex Entertainment venue the special conditions shall prevail.

3. The grant of a licence for a Sex Establishment and Sex Entertainment venue 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.

4. The marginal notes inserted in these Regulations are inserted for the purposes of convenience only and shall not affect in any way the meaning or construction thereof.

Times of Opening

5. The opening hours for a sex establishment and sex entertainment venue shall be such as is determined by the Council in respect of each licence irrespective of the hours of opening of any other retail establishment in the Borough.

6. Except with the previous approval of the Council a sex establishment and sex entertainment venue shall not be open on Sundays on Christmas Day, Good Friday or any Public Holiday. The Appeals and Regulatory Committee on 25th May 2011 approved a

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variation request that the opening hours for the premises be varied to include Bank Holiday Mondays only between the hours of 10.00am and 4.00pm.

7. During the period of the 14 days immediately proceeding Christmas Day, the premises may remain open at the discretion of the licensee on Mondays to Saturdays from 9.30am to 8.00pm.

8. The Appeals and Regulatory Committee on 5th October 2011 approved a variation request that the opening hours for the premises be varied to include the hours of 10.00am to 4.00pm.

Conduct and Management of Sex Establishments

9. 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 fourteen days of such change and such written details as the Council may require in respect of any new director, secretary, manager or person in charge are to be furnished within fourteen days of a request in writing from the Council.

10. The name of the person responsible for the management of a Sex Establishment and Sex Entertainment Venue shall be prominently displayed with the Sex Establishment and Sex Entertainment Venue throughout the period during which he is responsible for its conduct.

11. 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.

12. The Licensee shall maintain good order in the Premises.

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 purpose 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 and Sex Entertainment Venue 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 there under.

17. The Licensee shall ensure that during the hours the Sex Establishment and Sex Entertainment Venue 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.

18. The copy of the licence and of these Regulations required to be exhibited in 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 required to be displayed as aforesaid shall be suitably

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framed and the copy of these regulations shall be retained in a clean and legible condition.

19. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment and sex entertainment venue 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.

20. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment and Sex Entertainment Venue in his absence and the names and addresses of those employed in the Sex Establishment and Sex Entertainment Venue. The register is to be completed each day within thirty minutes of the Sex Establishment and Sex Entertainment Venue opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.

21. No person under the age of 18 shall be admitted to the premises or employed in the business of a Sex Establishment and Sex Entertainment Venue.

22. No film or video film shall be exhibited sold or supplied unless it bears a certificate to that effect that it is a reproduction authorised by the owner of the copyright of the film or video film so certified.

23. The Licensee shall make provision in the means of access both to and within the Sex Establishment and Sex Entertainment Venue for the needs of members of the public visiting the Sex Establishment and Sex Entertainment Venue who are disabled.

24. No charge shall be made to any member of the public or visitor for admission to the premises in respect of which a licence is granted, nor for admission to any part thereof.

25. No advertisements of any kind shall be exhibited within the licensed premises except those which relate solely to the goods for sale, hire, exchange, loan, display or demonstration therein.

Use

26. The premises hereby licensed shall be used only for the purposes of a sex shop as defined by paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1985 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this licence is granted.

27. No refreshments of any kind shall be consumed on the premises other than by bona fide staff in part of the premises not open to the public.

28. Save as otherwise hereinafter provided no music of any kind shall be played at any time upon the premises hereby licensed.

29. No amusement or gaming machines of any kind whether for prizes or otherwise shall be kept or used upon the premises hereby licensed at any time.

30. No moving picture, moving displays nor recorded sound of any description

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howsoever produced shall be permitted upon the premises hereby licensed except for a period not exceeding 60 seconds for the bona fide purpose of demonstration only to a prospective purchaser hirer or borrower of the article in question but not further or otherwise.

Provided that this condition shall not prevent a member of staff working at the premises playing a radio for his/her personal use only and provided that it is played at a low volume and is not audible from outside the premises.

External Appearance

31. Except as provided for in sub-paragraphs (a) -(c) hereof no advertising material, sign, word graphic or pictorial or other display or representation whatsoever referring to the premises hereby licensed or to the goods, articles or services provided therein shall be displayed outside near to or within the premises hereby licensed in such a position or manner as to be visible to any person lawfully using any street highway close yard court footpath or place to which the public has access for the time being.

(a) The name or trading name, style or title of the holder provided always that no name style or title other than that of person or company granted this licence shall be so exhibited unless and until approved by the Council in writing. The Appeals and Regulatory Committee approved proposed changes to the shop front of 528 Sheffield Road on the 25th May 2011, subject to the deletion of reference to a website address.

b) Any notice required by any statute or any instrument or regulation made there under.

c) Any notice required by condition 30 hereunder.

32. There shall be displayed above the entrance or in a position so that it is immediately apparent to all persons entering the said premises through the outer entrance door a notice in permanent form in letters no less than 2" high or more than 3" stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a sex shop conditions.

33. All windows, door or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, footpath or place to which the public has access for the time being shall be obscured or screened in such a way as to prevent the interior of the said premises or any article material or display of any kind therein from being visible to any such said persons.

State, condition and layout of the Premises

34. The Premises shall be maintained in good repair and condition and all parts thereof shall be kept in a clean and wholesome condition to the satisfaction of the Council.

35. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall comply with the following requirements:-

(i) All such doors or openings approved by the Council shall be clearly indicated on inside by the word "exit" or "fire exit" in 5" (125 mm) white block letters on a green background sited above the doors or openings.

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(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.

36. The external doors to the Sex Establishment and Sex Entertainment Venue shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

37. No Fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment and Sex Entertainment venue nor shall more than any one person (including any employee) be present in any such booth or cubicle at any time.

38. Alterations or additions either internal or external and whether any permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.

Safety

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

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

41. 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.