

Standard Conditions relating to Sex Shops



Wigan Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 makes the following standard conditions in relation to sex shops. Separate conditions cover sexual entertainment venues and sex cinemas,

Where there is a conflict between these standard conditions and special conditions attached to a licence, the special conditions will prevail.

The Council reserves the right to amend, delete or add to these conditions as and when appropriate.

Definitions:-

- (a) 'Sex Establishment', 'sex cinema', 'sex shop' and 'sex article' shall have the same meanings ascribed to them in schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - (b) '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 shop granted under the said schedule 3.
 - (c) 'The Council' means Wigan Council.
 - (d) 'Authorised Officer' means any person authorised in writing by the Council.
- 1 Premises licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule 3 and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop
 - 2 Except with the previous consent of the Council, a sex shop shall not be open to the public before the hours of 9.00am and shall not be kept open after 6.00pm.
 - 3 Over each entrance to the premises, in a position approved by the Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982. Such a notice shall also carry the full name of the licensee.
 - 4 At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.

- 5 The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
- 6 The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, foot plates or forecourts except any notice displaying the name or trading title of the Licensee, any notice indicating the times of opening of the premises for business, any notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. Provided that nothing in this condition shall prevent the display of items which are not sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982 in the shop window or otherwise in public view from outside of the shop.
- 7 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building.
- 8 The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
- 9 All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 10 The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
- 11 The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council of the Police.
- 12 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 14 days and such written details as the Council may require in respect of any new Director, Secretary and Manager are to be furnished within 14 days of a request in writing from the Council.
- 13 The licensee shall inform the Council in writing within 14 days if he/she or an employee is convicted or cautioned for a criminal offence.