

STANDARD CONDITIONS

The Caerphilly County Borough Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and of all other powers enabling them in that behalf make the following standard conditions..

Definitions

1. (a) In these conditions the following expressions, that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act.

(b) In these conditions the following expressions shall have the meanings hereby respectively assigned to them namely:

“the Act”	means the Local Government (Miscellaneous Provisions) Act 1982.
“the Council” -	means Caerphilly County Borough Council.
“the licensed premises” -	means any premises, vehicle, vessel or stall licensed under the Act.
“Licence Holder” -	means a person who is the holder of a sex establishment licence
“Sex Establishment Licence” -	means a licence granted pursuant to Schedule 3 of the Act.
“Approved” , “Approval” “Approval of the Council”	means approved by the Council in writing.

General

2. 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.

3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent, which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

4. The Council reserves the right to amend or delete any of these conditions or to make any additional conditions that may be deemed appropriate.

Times of Operation

5. Except with the previous approval of the Council, a Sex Establishment shall not be open to the public before 9am and shall not be kept open after 6pm.
6. Except with the previous approval of the Council, a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

Conduct and Management of Sex Establishments

7. 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 or Manager are to be furnished within fourteen days of a request in writing from the Council.
8. The Licensee, or some responsible person nominated by the Licensee for the purpose of managing the Sex Establishment in the Licensee's absence and in respect of whom details have been supplied to and approved in writing by the Council, shall be in charge of and upon the licensed premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment, whether the Licensee or a Manager approved by the Council, shall be prominently displayed within the Sex Establishment throughout the period during which that person is responsible for its conduct.
10. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's 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.
11. The Licensee shall retain control over all portions of the licensed premises and shall not let, licence or part with possession of any part of the licensed premises.
12. The Licensee shall maintain good order in the licensed premises.
13. Except as allowed by a licence issued permitting regulated entertainment under the provisions of the Licensing Act 2003, no public dancing or music or any other entertainment of a similar description, shall be provided or permitted by the licensee to take place on the licensed premises.
14. No person under the age of 18 shall be admitted to the licensed premises or employed in the business of a Sex Establishment.
15. The licensee shall ensure that all persons employed on the licensed premises are aware of

the age restriction on clients and that they exclude or remove from the licensed premises any person attempting to evade the restrictions.

16. No person previously convicted of the following offences may be employed at the licensed premises or be involved in supplying entertainment or goods at the licensed premises.
 - an offence connected to a sex establishment either licensed or unlicensed;
 - a sexual offence;
 - an offence relating to the sale of restricted 18 videos
17. The Licensee shall ensure that the public is not admitted to any part or parts of the licensed premises other than those, which have been approved by the Council.
18. Neither the Licensee nor any employee or any other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the licensed premises.
19. The licensee shall ensure no part of the licensed premises shall be used for prostitutes (male or female) for soliciting or for any immoral purposes.
20. A copy of the licence and the standard conditions shall, in accordance with paragraph 14(1) of Schedule 3 of the Act, be clearly displayed inside the premises, so as to be clearly visible to customers and patrons on entering the premises. A copy of the licence required to be displayed as aforesaid, shall be suitably framed and a copy of the conditions shall be retained in a clean and legible condition.

Use

21. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
22. No change of use of any portion of the licensed premises from that previously approved by the Council, shall be made until the previous approval of the Council has been obtained.
23. No change from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the previous approval of the Council.
24. Neither Sex Articles nor 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 be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Goods Available in Sex Establishments

25. 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 being charged.
26. All printed matter, films and video films offered for sale, hire, exchange or loan shall be

openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.

27. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinizing function as may be notified to the Licensee by the Council, 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.
28. The Licensee shall, without charge, display and make available in the Sex Establishment, such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the Council. Such literature is to be displayed in a prominent position.

External Appearance

29. No display, advertisement, word, letter model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the previous approval of the Council, except for those signs or notices that are required to be displayed in accordance with these licence conditions.
30. At each entrance to the licensed premises, there shall be prominently displayed, so as to be visible at all times to persons approaching the licensed premises, a notice prohibiting entry to all persons under 18 years of age.
31. At each entrance to the licensed premises, there shall be prominently displayed, so as to be visible at all times to persons approaching the licensed premises, a notice indicating if any charge is made for entering the licensed premises.
32. Each entrance to the licensed premises shall be so designed and constructed as to prevent persons outside the licensed premises having a view of any part of the interior.
33. All windows must be dressed or designed so as to prevent persons outside the licensed premises having a view of any part of the interior.
34. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.

State, Condition and Layout of the Licensed Premises

35. The licensed premises shall, at all times, be maintained in good repair and condition.
36. Lighting in all parts of the licensed premises must be in operation continuously during the whole time it is open as a sex establishment.
37. All parts of the licensed premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.

38. Doors and openings which lead to parts of the licensed premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
39. The external doors to the licensed premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
40. The Licensee shall make provision in the means of access both to and within the licensed premises for the needs of members of the public who are disabled.
41. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the licensed premises and there shall be no individual cubicles or rooms designed to accommodate individual persons, or groups of persons, where exclusive demonstrations, displays, exhibits or similar activities may take place, without the previous approval of the Council.
42. The Licensee shall, at all times, take all reasonable precautions for the safety of the public and employees.
43. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or South Wales Fire Authority and shall maintain and keep available for use, all specified fire fighting equipment and extinguishers.
44. No alterations or additions, either internal or external and, whether permanent or temporary, shall be made to the structure, lighting or layout of the licensed premises without the previous approval of the Council.