

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Date of Meeting:</b>	<b>4 September 2017</b>
<b>Report by:</b>	<b>Licensing and Elections Manager</b>
<p><b>Title:</b>       <b>Application for a new Sex Shop Licence – FRaNKS, Unit 10 Escourt Road, Great Yarmouth</b></p> <p><b>Summary:</b> This report relates to the premises known as FRaNKs, situated at Unit 10 Escourt Road, Great Yarmouth. The applicant, Graham Kendrick, wishes to apply for a new sex shop licence in respect of the premises.</p>	

## 1. Background

The council is required to licence Sex Establishments. There are three types of sex establishment covered in the Local Government (Miscellaneous Provisions) Act 1982 which are:

- A sexual entertainment venue
- A sex cinema
- A sex shop

A sex shop is defined as ‘any premises used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating (a) sex articles or (b) other items 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

The Act prohibits a person from operating a sex establishment other than in accordance with the terms of a licence granted by the licensing authority. Where a licence is issued it is subject to the terms, conditions and restrictions as specified in the licence. Licences are usually granted for one year and are subject to renewal. At the discretion of the licensing authority a licence may be granted for a period of less than one year. A licence once granted may be transferred on application.

The act sets out the grounds for refusing an application for the grant, renewal of transfer of a licence.

A licence must not be granted:

- to a person under the age of 18
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months
- to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA State; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

A licence may be refused where:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- If the licence were granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality, this may be nil;
- the grant or renewal of the licence would be inappropriate having regard to:
  - ◆ The character of the relevant locality; or
  - ◆ The use to which any premises in the vicinity are put; or
  - ◆ The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

A decision to refuse a licence must be relevant to one or more of the above grounds

When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights

## **2. The Application**

- 2.1 An application has been made by Graham Kendrick in respect of a new sex shop licence. The premise is situated at Unit 10 Estcourt Road, Great Yarmouth which is an area made up of both businesses and residential properties.
- 2.2 The applicant has proposed the following times during which it is proposed to open for business:
  - i) Days of the week – Any day of the week but mainly Fridays and/or Saturdays
  - ii) Hours of the day – 8pm until 2am
- 2.3 Following the required 28 day period, a total of six representations were received.
- 2.4 A copy of the application together with a map showing the location of the premises is attached.

## **2. Representations**

- 2.1 A total of six representations were received objecting to the application. The representations are from local councillors, local residents and a representative of a housing association who detail concerns primarily in relation to the locality of the premises and the close proximity to residential units. (The summary of concerns is in Appendix 1)
- 2.2 No objections were received from the police

## **3. Options available to the Committee**

- 3.1 Grant the application subject to the standard conditions (attached appendix 2).
- 3.2 Grant the application subject to any additional conditions in accordance with legislation.
- 3.3 Reject the application.

## **4. Recommendations**

It is recommended that the Committee determines the application for a new sex shop licence in accordance with one of the options set out in paragraph 3 above.



Summary of complaints – Unit 10 Escourt Road, Great Yarmouth

Complainant	Representation	Officer comments (if any)
Local Councillor	<p>Concerns regarding premises adjacent to a residential area with many school children fascinated by its existence. Also the area has little or no traffic at night to disturb residents of the adjacent houses. Problems may occur with car doors closing and people talking into the early hours of the morning. The area is used for commercial during the hours of daylight so not used for late activities.</p>	
Officer from Housing Association	<p>Unsuitable request because building is opposite and overlooks the residential housing scheme at Astley Cooper Place, which house families with young children that will play outside in plain view of this building, resulting in privacy concerns for the parents and other residents in the area. The application states that the business will be held on the first floor of the premises – this is in clear vision of the properties of Astley Cooper Place.</p> <p>The supported housing properties house vulnerable residents with different circumstances, most common being long-term mental health issues. A building placed opposite with this type of business will cause a great deal of concern to residents and the care providers in Astley Cooper Place.</p> <p>With the proposed opening hours of 8pm – 2am this also brings cause for concern to the residents as possible nuisance in the evening is likely to occur and bring negative attention to the area as well as possible safeguarding issues to the more vulnerable customers.</p> <p>Also concerns over issue of parking – lack of parking along Estcourt Road raises concern that the customers will park in the private land owned by Cotman Housing Association. In turn leading to previous point regarding possible noise nuisance at 2am from talking customers, slamming of car doors, engines being started as well as other possible noise nuisance when customers finish and approach their vehicles parked on private land.</p>	
Local Councillor	<p>1. Parking – Issue because of double yellow lines along Escourt Road on the North Side, garages that run on the south side. There are problems with illegal parking around the entrance of Astley Cooper place already.</p> <p>2. Noise – With opening times proposed 8pm-2am there will be noise problems with people coming and going late at night and early hours of the morning. There are private dwellings opposite with children. The noise will be created by people talking, car doors slamming and engines starting and revving. There is sheltered housing at the top of Estcourt Road on the junction of North Denes, only about 30 yards away. Create problems for residents with increased noise and traffic in the late evenings and early hours of the morning</p>	

	<p>3. Privacy – The view from the private dwellings opposite. ie back garden and the children's bedroom is in line with the first floor of the property in question. The plan show most of the activities will be on the first floor. (photo provided)</p>	
Local resident	<p>Reason for objections:</p> <ol style="list-style-type: none"> <li>1. Parking – Astley Cooper Place is owned by Cotman Housing Association and therefore is a private road, public parking is not permitted. Half of Estcourt Road has double yellow lines and the half that doesn't is mainly taken up by cars visiting the garages and workshops</li> <li>2. Privacy – the houses at numbers 1 to 5 Astley Cooper Place directly back onto the premises at Unit 10 Estcourt Road, all have a direct view to the top floor at Unit 10 which means anyone inside the building can see directly into the gardens, living rooms and back bedrooms. All have small and pre-school children so the prospect of having a sex establishment with a direct view into homes and gardens is a complete invasion of privacy and completely inappropriate on all levels.</li> <li>3. Noise – the establishment wishes to open until 2am which is totally unacceptable being as a residential area especially as houses are so close to the building. There is enough noise generated from the car workshops on Estcourt Road without this.</li> <li>4. Pollution – no doubt there will be an increase in litter, who knows what will be found in the street, amongst dog mess and car parts that are already there on a regular basis</li> <li>5. The area – Astley Cooper Place has 20+ flats with Cotman Housing Association that house vulnerable people with mental health issues, opening a sex club next to them is hardly appropriate. Estcourt Road also backs onto a grave yard.</li> <li>6. There is already at least one other sex establishment in Great Yarmouth, so how many exactly do we need? Is this the kind of holiday resort we want to advertise?</li> <li>7. As the person who has applied for the license lives in Norwich, why can't he open it there? Does he think Great Yarmouth is a push over who will allow anything?</li> </ol>	
Resident of the borough	<p>The Victorian premises directly overlooks five Cotman Housing Association properties and gardens where about a dozen children live and play. This alone should warrant the licence to be refused.</p> <p>Cotman Housing Association are also very concerned about the vulnerable residents (mainly long term mental health issues) living in the supported housing properties at Astley Cooper Place.</p> <p>Also consider the following points:</p> <ul style="list-style-type: none"> <li>• Attracting undesirable characters (and the curious) to the area – risky near young children</li> <li>• Associated noise – cars/music/parking issues</li> <li>• Anti-social hours</li> <li>• Planning application to convert former Hurrells Motor</li> </ul>	

	garage to 6 houses (having a sex establishment next door is not very desirable) <ul style="list-style-type: none"> <li>• Backs onto historic minister churchyard</li> </ul>	
Local resident	We strongly object to this going ahead as we find a sex establishment inappropriate where young children reside, we also have concerns with parking as we already have limited space for this with a new garage that has recently opened taking up majority of space and the proposed new houses at the other side of Franks building.	



**GREAT YARMOUTH BOROUGH COUNCIL**

***Application for the Grant, Renewal or Transfer  
of a Sex Establishment Licence***

Full Name of Applicant:

.....  
MR GRAHAM STEPHEN KENDRICK  
.....

Address of Premises:

*(or details of where a vehicle, vessel or stall are to be operated from)*

.....  
UNIT 10  
.....

.....  
ESTCOURT RD  
.....

.....  
GREAT YARMOUTH  
.....

.....  
NORFOLK  
.....

.....  
NR 30 4JQ  
.....

## GREAT YARMOUTH BOROUGH COUNCIL

Local Government (Miscellaneous Provisions) Act 1982  
Application for a Licence to use any Premises, Vehicle, Vessel or Stall  
as a Sex Establishment

### THE APPLICANT

1. Is the application being made by:

(a) An individual

(a) AN INDIVIDUAL

(b) A Partnership or other unincorporated body (b)

(c) A Body Corporate

(c)

2. Give the full name of the applicant (ie the individual, body corporate or unincorporated body to whom the licence is to be issued). If the applicant is an individual any former names must also be given.

GRAHAM STEPHEN KENDRICK

3. Give the following information on behalf of the applicant:

(a) Telephone number  
(During normal office hours)

(a) [REDACTED]

(b) Address to which communications are to be sent

(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

4. Give the applicant's permanent address (if an individual) or registered or principal office (If a body corporate or an unincorporated body).

[REDACTED] [REDACTED] [REDACTED]

5. If the applicant is an individual the following information is to be supplied:

(i) Date of Birth

(i) [REDACTED]

(ii) Place of Birth

(ii) [REDACTED]

(iii) Height

(iii) [REDACTED]



6. If the applicant is a body corporate or an unincorporated body, complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership, details of all the partners must be given.

FORENAME	SURNAME	FORMER NAME (IF ANY)	ADDRESS	CAPACITY	DATE OF BIRTH	PLACE BIRTH	OF	HEIGHT

7. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 6 above.

NAME	DATE BECAME RESIDENT IN UNITED KINGDOM	ADDRESS OF PERMANENT RESIDENCE THROUGHOUT SIX MONTHS IMMEDIATELY PRECEDING THIS APPLICATION
GRAHAM STEPHEN KENDRICK	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

8. This question need only be answered where the applicant is a Company.

(i) Is the applicant a wholly or partly owned subsidiary of another company? (i)

(ii) What type of Company is the applicant (eg public or private limited by share or guarantee etc?) (ii)

(iii) In which country is the Company incorporated? (iii)

(iv) What is the date of incorporation of the Company? (iv)

(v) Give a full list of names, addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders. (v) Names      Addresses      Share- holding

(vi) If the applicant is a subsidiary of another company supply a copy of the memorandum and Articles of Association of the parent company and of any ultimate holding company and on a separate sheet give the same particulars as are sought in questions 4, 6, 7 and 8 (i-v).

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9. Is the applicant or any person whose name is given in response to questions 6 or 8 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?

NO

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10. If the answer to Question 9 is "Yes" give the names of the persons concerned, full details of the other business and the nature and extent of the connection.

11. What is the nature of the applicant's interest in the premises? Please state whether it is:

- |      |                   |      |
|------|-------------------|------|
| (i)  | freehold; or      | (i)  |
| (ii) | <u>leasehold:</u> | (ii) |

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12. If the applicant's interest in the premises is a leasehold one, please state:

- (i) whether a head lease or an underlease (i) UNDER LEASE

- (ii) (a) the name and address of the landlord (ii) (a)

MR R. STALLARD

- (b) the name and address of the superior (b)  
landlord (where applicable)

[REDACTED]  
[REDACTED]

- (iii) the amount of the annual rental or where (iii)  
this is not a certain figure describe the  
method of calculating the rental

0 [REDACTED]

- (iv) the length of the unexpired term

(iv) 16 MONTHS

- (v) the length of notice required to terminate (v)  
the tenancy

6 MONTHS

- 
13. Has the applicant a financial interest in the business  
which is the subject of this application? If "Yes" to  
what extent?

YES. TO MAKE ENOUGH MONEY TO MAINTAIN AND KEEP  
PREMISES FOR AS LONG AS POSSIBLE. NO PROFIT HAS BEEN MADE  
TO DATE

- 
14. Is the whole of the business owned by the applicant?

YES

**THE PREMISES, VEHICLE, VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE**

15. Is the application in respect of:

- (a) a sex shop; or      *SEX SHOP*  
(b) a sex cinema
- 

16. State whether the application is in respect of:

- |              |                     |
|--------------|---------------------|
| (a) Premises | (a) <i>Premises</i> |
| (b) Vehicle  | (b)                 |
| (c) Vessel   | (c)                 |
| (d) Stall    | (d)                 |
- 

17. Where the licence is sought in respect of a vehicle, vessel or stall, state where it is to be used as a sex establishment.

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18. Where the licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought.

*UNIT 10, ESTCOURT RD, GREAT YARMOUTH  
NORFOLK NR 30 4TQ*

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19. Are the whole of the premises described in response to Question 18 above to be used under the licence?

*YES*

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20. If the answer to Question 19 above is "No" please state:

- |  |       |
|--|-------|
| (i) which part of the premises is to be used for the purposes of the licence                     | (i)   |
| (ii) the use to which the remainder of the premises are put                                      | (ii)  |
| (iii) the names of those who are responsible for the management of the remainder of the premises | (iii) |
-

21. Are the premises which are to be used for the purposes of the licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

~~YES~~ no.  
SEE SEPERATE SHEET.

22. If the answer to Question 21 above is "No" please state (on separate sheet) the applicant's proposals for affording such access.

SEE ATTACHED.

23. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "Yes", please give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.

Yes ☒ No

Name

Address

Date

24. Were the premises, vehicle, vessel or stall in use as a sex establishment on 22 December 1981? If "Yes", give the name of the person carrying on the business at that date.

Yes / No  
Name  
Address

### THE BUSINESS

25. Under what name is or will the business be known?

FRANK

26. Has the applicant, in connection with the business, ~~Yes~~ / No entered into any Agreement or Deed other than the Tenancy Agreement or lease? If "Yes" please supply full details and a copy of the Agreement.

27. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.

28. (a) State the total turnover of the business during the 12 months immediately prior to this application

(a)

(b) What proportion of the turnover derived from:

(b) (i)

(i) the sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;

25% FOR LOAN OF EQUIPMENT

(ii) the use of premises as a sex cinema

(ii)

NO

29. State:

(a) the anticipated turnover of the business for The next 12 months

(a)

(b) the proportion of the turnover expected to be derived from:

(b)

(i) the sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and

25%

(ii) the use of premises as a sex cinema

N/A

30. Give the names and addresses of any lenders, mortgagees, or others providing finance with the full terms of such loans.

NONE

31. Is the business required to purchase merchandise ~~Yes~~ / No from a particular company, body or person? If "Yes" supply a copy of any Agreement and state what is to be purchased and from whom.



OPERATION OF THE BUSINESS

32. If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If "Yes", state whether cubicles are to be used for viewing and if so, how many.

NO

- 
33. What articles are to be offered for sale?

NONE

34. What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.

NONE

JUST UNIT 10 ON THE FRONT DOOR

- 
35. What means are to be taken to prevent the interior of the premises being visible to passers by?

THE WHOLE FRONTAGE IS BLANKED OUT AND WILL REMAIN SO

36. Give details of the times during which it is proposed to open the premises:

(i) Days of the week

(i) ANY DAY OF WEEK  
MAINLY WEEKENDS + JUST ONE  
DAY OF WEEKEND

(ii) Hours of the day

(ii) 8pm UNTILL 2am

37. In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder, please supply the following details:

FORENAME	SURNAME	FORMER NAME (IF ANY)	PERMANENT ADDRESS	DATE ON WHICH BECAME RESIDENT IN UK	DATE OF BIRTH	PLACE OF BIRTH	HEIGHT
GRAHAM	KENDRICK		[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

38. In respect of each of the persons whose names are given in response to Questions 2, 6, 8 and 37, give details of their occupations during the five years prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

FORENAME	SURNAME	FORMER NAME (IF ANY)	PERMANENT ADDRESS DURING PERIOD OF RELEVANT EMPLOYMENT	EMPLOYER'S NAME AND ADDRESS	DESCRIPTION OR NATURE OF WORK	PERIOD OF EMPLOYMENT FROM/TO
GRAHAM	KENDRICK		[REDACTED] [REDACTED] [REDACTED]	SELF EMPLOYED PAST 30 YEARS	CATERING	1984 to 2015

**DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATIONS, ETC**

39. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 37, give details of their previous convictions and of any previous convictions of any of their spouses:

N/A - NO CONVICTIONS

FORENAME	SURNAME	FORMER NAME ANY	(IF	DATE OF CONVICTION	PLACE OF CONVICTION	OF	NATURE OF OFFENCE	OF	SENTENCE

40. Have you any reason to believe that a prosecution ~~Yes~~ (No) may be pending against any of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 37? If "Yes" give details.

NO

41. Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment in the United Kingdom? If "Yes" give full details (including the address of the premises and the Council's reference)

NO

42. Is there in force against the applicant or any of the persons whose names appear in answer to Question 6, 8, 37 and 39 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982.

NO

43. Is there any further information which the applicant would wish the Council to take into account when considering this application?

***This space may also be used to amplify any replies to other questions.***

THE PREMISES HAVE BEEN USED TO INSTRUCT ON HOW TO PRACTISE BDSM AND EQUIPMENT SAFELY  
WHEN ASKED IF THE VENUE WAS LICENCED FOR THIS WE MADE ENQUIRIES TO THE COUNCIL. THIS OPENED A CAN OF WORMS AND I WAS INSTRUCTED TO PUT IN FOR A LICENCE TO COVER EVERYTHING.  
I have over 40 years experience and as a result of my age I wished to pass on my knowledge to new people which I have been doing without driving 100's of miles to do so

I AM A QUALIFIED FIRST AIDER  
I have conducted a FIRE RISK ASSESSMENT AND HAVE UPGRADED ALL FIRE APPLIANCES.  
EVACUATION HAS BEEN ASSESSED AND PRACTISED  
ANY MEANS OF RESTRAINT ARE CARRIED OUT UNDER SUPERVISION WITH PROVISIONS AVAILABLE THROUGHOUT FOR ALL RELEASE  
ALL HEALTH AND SAFETY ISSUES HAVE BEEN ADDRESSED AND DONE

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE/SHE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000)

#### DECLARATION

I, ..... GRAHAM KENDRICK .....

declare that the information given above is true and complete in every respect.

Dated this 24<sup>th</sup> day of JULY 20 17

Signature: .....  .....

Designation of signatory: ..... PROPRIETOR / OWNER .....

*This application should be completed in full and returned to:*

The Licensing Officer  
Great Yarmouth Borough Council  
Town Hall  
Great Yarmouth  
Norfolk, NR30 2QF

Please note that the application must be accompanied by the following:

1. Scale plans of the premises (1:50) in respect of which the licence is sought showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
2. Duly certified copies of the documents of title (ie land certificate, lease, rental agreements) and of any other agreements referred to in response to questions in this application.
3. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the resolution authorising the application.
4. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.
5. If the applicant is a company copies of the Memoranda and Articles of Association of the company, the parent company and any ultimate holding company.
6. If the application is to be made on behalf of a partnership a certified copy of the Partnership Deed.

Please note that before the application can be considered the following additional documents will have to be supplied:

A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule of the Local Government

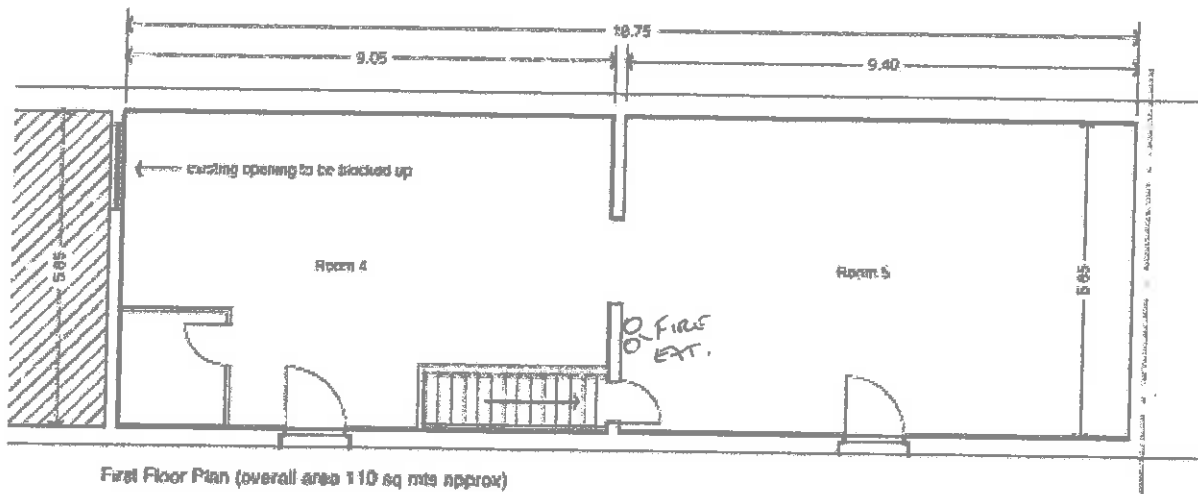
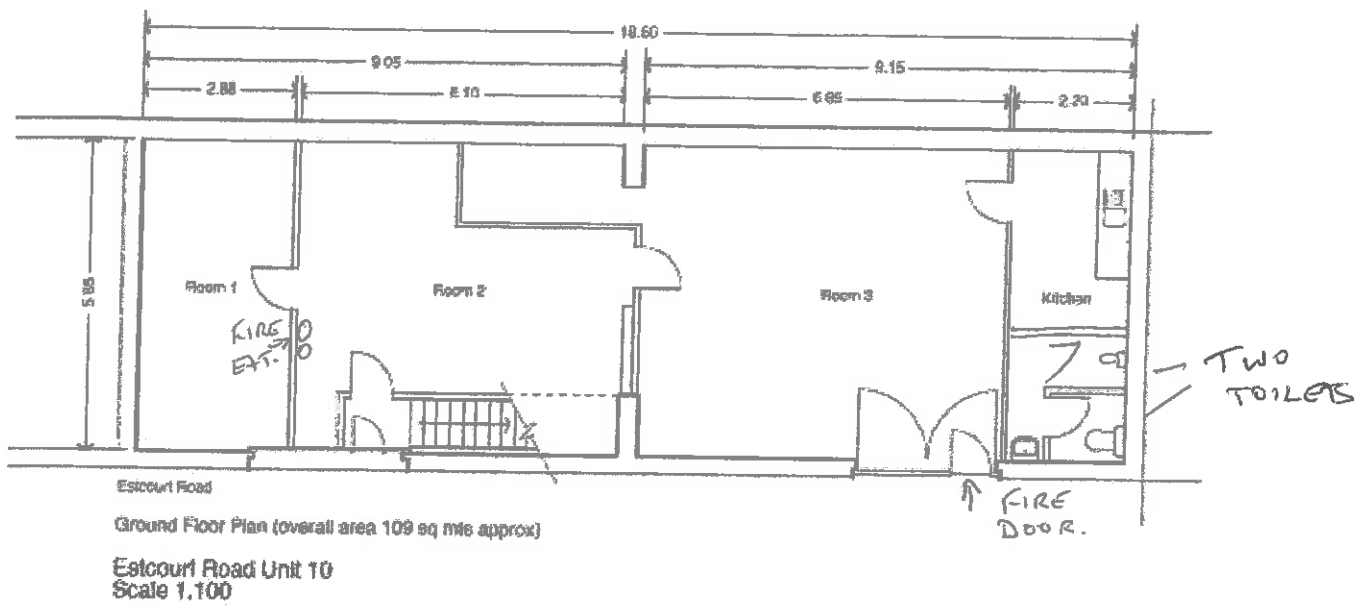
## DISABLED ACCESS

THE PREMISES HAS TWO DOORS, ONE WITH A STEP OVER THE OTHER WITH A SLOPE INTO IT.

THERE IS A STAIRCASE TO UPSTAIRS WHICH ALL VISITORS WERE MADE AWARE OF BEFORE VISITING BY THE WEBSITE.

AN EXTRA TOILET HAS BEEN ADDED AND NOW TWO OF THESE BOTH OF WHICH HAVE BEEN MADE LARGER SO FOLK CAN GET CHANGED ALSO IN.





Premises plan



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# **GREAT YARMOUTH BOROUGH COUNCIL**

## **Regulations prescribing Standard Conditions Applicable to Licences for Sex Establishments**

### **Definition**

1. In these Regulations save when 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 or consent of the Council in writing.
  - (iv) "Approved" means approved by the Council in writing.
  - (v) "The Council" means Great Yarmouth Borough Council.
  - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960-1980.

### **General**

2. In the event of a conflict between these Regulations 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 by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

### **Conduct and Management of Sex Establishments**

4. 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 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.
5. The Licensee or some responsible person nominated by him/her in writing for the purpose of managing the Sex Establishment in his/her absence and of whom details 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.
6. The name of the person responsible for the management of a Sex Establishment be he/she the Licensee or a manager approved by the Council shall be prominently displayed within the Sex Establishment throughout the period during which he/she is responsible for its conduct.

7. The Licensee shall maintain a daily register in which he/she shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his/her 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.
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.
9. The Licensee shall maintain good order in the Premises.
10. No person under the age of 18 shall be admitted to the Premises or employed in the business of Sex Establishment.
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.
12. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
13. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
14. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
15. 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/her name and that he/she is an employee.
16. 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 framed and the copy of these Regulations shall be retained in a clean and legible condition.
17. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

### **User**

18. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
19. 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.
20. Neither Sex Articles nor other things intended for use in connection with, or 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**

21. 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.
22. 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.
23. 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 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.

### **External Appearance**

24. 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 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.
25. The entrances, windows and openings 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.

### **State, Condition and Layout of the Premises**

26. The Premises shall be maintained in good repair and condition.
27. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
28. The number, size and position of all doors or openings provided for the purposes 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.
- 29. The external 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.
- 30. 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.
- 31. 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.
- 32. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

**Safety**

- 33. The Licensee shall take all reasonable precautions for the safety of the public and employees.
- 34. The Licensee shall comply with any fire prevention and safety measures that may be required of him/her by the Council.
- 35. 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, in accordance with the requirements of the Fire Prevention Officer.

**GREAT YARMOUTH BOROUGH COUNCIL**

June 2001