

Licence for a Sex Establishment

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. This licence is granted pursuant to the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 to

Mr Timothy Martin Hemming

to use as a sex shop, the premises situated at

Simply Pleasure.com

333-335 Holdenhurst Road Bournemouth BH8 8BT

2. This Licence, which will remain in force until **20 October 2022**, unless it is revoked before that date, is granted on the terms and conditions and subject to the restrictions contained in regulations made from time to time by Bournemouth Borough Council under Paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.
3. A CCTV system to be operated and maintained to the satisfaction of Dorset Police.
4. This licence shall be suitably framed and exhibited in a prominent position within that part of the premises to which the public are admitted.
5. A lobby entrance to the premises to be constructed to the satisfaction of the Building Control Officer.

PERMITTED OPENING HOURS

Mondays to Saturdays inclusive from **10.00hrs** until **19.00hrs**.

Sundays (except Easter Sunday) and **Bank Holidays** from **10.00hrs** until **16.00hrs**.

Dated this 11th day of November 2021 (by way of renewal)



Licensing Manager
Mrs Nananka Randle

General condition for Sexual Establishments

1. 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.

2. 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, byelaw, order or regulation other than Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

3. A refusals register shall be kept and made available for inspection by an authorised officer of the Council or Police Officer.

4. The Premises shall be maintained in good repair and condition.

5. 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.

6. The licence holder shall ensure a copy of the licence and of these Regulations are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended and shall be reproduced to the same scale as those issued by the Council.

7. The copy of the licence required to be displayed shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Special Conditions for Sex Shops

Hours of opening

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 06.00pm.

2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

3. Where the licence holder 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 notify the Council in writing 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 of writing from the Council.

4. The Licensee or some responsible person nominated by him in writing for the purpose of managing the 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.

5. The Licensee shall maintain a register in which he shall record the name and address of any person approved under Regulations 8 or 9 hereof by the Council who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. Any change in the particulars shall be recorded forthwith in the register and the register shall be kept available for inspection by the Police and by authorised officers of the Council.

6. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.

7. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.

8. The licence holder shall nominate a Duty Manager for the premises on each occasion 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 he is responsible for its conduct.

10.The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.

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

12.The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.

13.The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.

14.No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.

15.No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.

16.The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.

17.An incident / refusal logbook shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:

- Any persons refused entry to the premises and the reason for refusal
- Any persons ejected from the premises and the reason for ejection
- Any inappropriate behaviour by customers
- Any incidents of crime or disorder

18.The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.

19.The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.

20.The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.

21.The incident / refusal log shall be made available for inspection to the Police and or authorised officer of the council on request.

22.The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.

23.No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

24.There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation outside or in the vicinity of the Premises.

25.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 name and that he is an employee.

Advertising, Premises Appearance and Layout

26.The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.

27.No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:

- any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
- unless the Council has given its prior consent in writing that such display or advertisement may be used.

27.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.

28.All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

29.No window shall contain any sign, advertising material, goods or display without the written consent of the Council.

30.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 a good working order.

31.Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulations shall not be construed as lessening the obligation of the licensee under Regulation 28 hereof.

32.No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee)be present in any such booth or cubicle at any time, unless by reason of disability.

33.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.

34.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.

35.No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.

36.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 to the Sex Establishment who are disabled where applicable and accordance with the Equalities Act 2010.

Use

37.A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

38. No change of use of any portion of the premises from that approved by the Council as a Sex Shop shall be made until the consent of the Council has been obtained thereto.

39.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.

40.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

41.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.

42.All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the Sex Establishment.

43.No sexually explicit film (including DVD or video) shall be sold, supplied or exhibited unless it has been passed by the British Board of Film Classification as R18 or such other classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film, DVD or video film so certified.

44.No film or video/DVD/Blu-ray film or computer game/memory stick or compact disc 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 scrutinising 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/DVD/Blu-ray film or computer game/memory stick or compact disc, so certified.

45.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.

Safety

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

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

48.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.

Notification of Changes

49.Where the consent of the Council is required to a change under Regulations 21, 22

or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.

50.Where there is a material change in the particulars given or referred to in the application for the grant or, where the licence has been renewed, in the most recent application for the renewal of the licence, the licensee shall notify the Council of the change as soon as reasonably practicable after it has taken place PROVIDED THAT it shall be necessary for the licensee to notify the Council of that change under this Regulation where the Council have given their consent under Regulation 21, 22 or 37, or where the Council have been notified of that change under Regulation 7.