



Licensing and Appeals Sub Committee Hearing Panel

Date: Monday, 27 June 2022

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

Membership of the Licensing and Appeals Sub Committee Hearing Panel

Councillors - Connolly, Andrews and Reid

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Exclusion of the Public

The officers consider that the following item or items contains exempt information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Committee is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items. At the time this agenda is published no representations have been that this part of the meeting should be open to the public.

5. Application for a Sex Establishment Licence Renewal - Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA

The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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**Manchester City Council
Report for Resolution**

Report to: Licensing & Appeals Sub-Committee Hearing Panel – 27 June 2022

Subject: Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA - (App ref: Sex Establishment Licence - Renewal 274532)

Report of: Head of Planning, Building Control & Licensing

Summary

Application for the renewal of a sex establishment licence.

Recommendations

That the Panel determine the application.

Wards Affected: Piccadilly

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
-

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
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Name: Matthew Callaghan
Position: Technical Licensing Officer
Telephone: 0161 234 4965
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Sex Establishment Policy Document (Revised August 2013)
- Section 10 of Manchester City Council's Statement of Licensing Policy 2021–2026 [Interim Review 2021–2022 April 2021] (pertaining to adult entertainment)
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 provides the legislative framework in relation to the licensing of sex establishments. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called a 'sexual entertainment venue', which allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new powers were adopted by the Council with effect from 9 January 2011.

Sexual Entertainment Venues and Relevant Entertainment

- 1.2 A sexual entertainment venue is defined as:

"A premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies."

- 1.3 There are 2 categories of 'relevant entertainment':

- live performances, and
- live displays of nudity.

- 1.4 In each case, the entertainment must be of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. An audience can consist of just one person e.g. private shows.

2. Application

- 2.1 On 4 May 2022, an application for the renewal of a sex shop licence was made in respect of Clone Zone, 36-38 Sackville Street, Manchester, M1 3WA in the Piccadilly ward of Manchester.
- 2.2 A copy of the application is provided at **Appendix 1**. However, personal and commercially sensitive information has been redacted. This information will be provided by way of a separate bundle and may be considered by the Committee at the hearing under Part B. A location map and photograph of the premises is attached at **Appendix 2**.
- 2.3 The current sex establishment licence is attached at **Appendix 3**.
- 2.4 A public consultation exercise was undertaken in accordance with Schedule 3 of the 1982 Act, requiring the publication of an advertisement in a local newspaper circulating in the appropriate authority's area, not later than 7 days after the date of the application, and the display of a notice for 21 days beginning with the date of the application, on or near the premises and in a place where the notice can conveniently be read by the public.

- 2.5 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.
- 2.6 All applications for the grant, renewal, transfer or variation of a sex establishment are determined by a delegated sub-committee of the Licensing and Appeals Committee, whether or not objections to the application have been received.
- 2.7 **Further documentation accompanying the application**
- 2.7.1 The applicant has not submitted any further documentation.

3. **Relevant Objections**

- 3.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the Act for refusing a licence, as set out in Section 4 of this report.
- 3.2 Objections should not be based on moral grounds/values and objections that are not relevant to the grounds set out in paragraph 12 should not be considered.
- 3.3 Although the council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 3.4 The council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 3.5 No objections have been received in respect of this application.

4. **Mandatory and Discretionary Grounds for Refusal of a Licence**

- 4.1 Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for the grant, renewal, transfer or variation of a licence. A decision to refuse a licence must be relevant to one or more of the below grounds.

Mandatory Grounds

- 4.2 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.

Discretionary Grounds

- 4.3 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 to be 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, transfer or variation 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;
 - that the grant or renewal of the licence would be inappropriate having regard
 - to the character of the relevant locality; or
 - to the use to which any premises in the vicinity are put; or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 4.4 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

Human Rights Act

- 4.5 When determining a licence application Manchester City Council will 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
- 4.6 Article 1 of Protocol 1 of the European Convention of Human Rights states:
- “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of

property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

4.7 A licence is a possession.

4.8 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company’s Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.

5. **Applicant Considerations**

5.1 The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- that the operator is honest;
- that the operator is qualified by experience to run the type of sex establishment in question;
- that the operator understands the general conditions;
- that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. though:
 - managerial competence;
 - attendance at the premises;
 - a credible management structure;
 - enforcement of rules internally, e.g. through training and monitoring
 - a viable business plan, e.g. sufficient to employ door staff and install CCTV;
 - policies for the welfare of performers (SEV only).
- that the operator can be relied upon to act in the best interests of the performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only);
- that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;

5.2 All applications will be considered but they are unlikely to be granted if the following apply:

5.2.1 the applicant has a criminal record. Offences that would be considered particularly relevant include:

- convictions for dishonesty
- violence
- sexual offences

- drugs
- public order
- people trafficking

- 5.2.2 the applicant has previously been involved in running an unlicensed sex establishment.
- 5.2.3 if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.
- 5.3 It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

6. **Location Considerations**

- 6.1 A licence can be refused if either, at the time the application, it is determined that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.
- 6.2 Manchester City Council's Policy for Sex Establishments states that that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.
- 6.3 Within the City Centre, an appropriate number for sex establishments has not been set. Applications will be determined as they arise.
- 6.4 Sex establishments will not normally be licensed near to:
- housing;
 - schools, play areas, nurseries or children's centres;
 - family shopping or leisure areas;
 - places of worship;
 - historic buildings or tourist attractions;
 - other places where relevant entertainment takes place;
 - other sensitive uses that may be relevant e.g. women's hostel;

where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

- 6.5 The spatial distribution of licensed premises is very relevant particularly with consideration to their impact upon the character of the locality. The Council will have regard to the uses of all other premises in the area as well as any potential adverse impact upon:
- regeneration;
 - tourism;
 - the retail or commercial attraction of the area;
 - social issues e.g. prostitution, anti-social behaviour.
- 6.6 Within the city centre no licences shall be granted for premises within the following locations:
- a. parks or external areas/squares that attract large numbers of children such as, but not limited to, Castlefield Arena, Piccadilly Gardens, Albert Square, St Anne's Square, Exchange Square;
 - b. entertainment centres which have children/family focussed entertainment;
 - c. community buildings such as, but not limited to, places of worship, libraries, GPs surgeries;
 - d. the area (framed by Deansgate to the west; Peter Street, Mount Street and Lower Mosley Street to the north; Portland Street, Oxford Street and Lower Mosley Street to the east; and Whitworth Street West to the south) as set out in Appendix A of the Council's Policy for Sex Establishments;
 - e. where further sex oriented uses would change the character of an area;
 - f. where further sex oriented uses would deter people from using the area comfortably/at all;
 - g. where further sex oriented uses raises the fear of crime in the locality; or where such locations form part of the relevant locality.
- 6.7 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 6.8 The Council may also have regard to the following factors:
- access routes to schools, play areas, nurseries or children's centres or other uses normally attended by children;
 - any existing licensing permissions for the premises;
 - the proximity of other licensed premises in the surrounding area and the terms of those licences;
 - the Planning permission for the premises and surrounding uses;
 - any existing Planning or Regeneration policy/plan/strategy relevant to the area;
 - history of complaints relevant to the premises;
 - the nature of the daytime and night-time economies in the surrounding area.
- 6.9 This premises is located within the City Centre (see 6.3).
- 6.10 This premises is not located within the area set out in 6.6(d) above.

7. **Licence Conditions**

- 7.1 The Council has adopted standard conditions in respect of sexual entertainment venues, which will apply to all respective licences granted, unless such conditions have been expressly excluded or varied. These proposed standard conditions will be provided separately to the report.
- 7.2 However, following a hearing, the Licensing and Appeals Committee may attach such further conditions to a licence as are considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.
- 7.3 The applicant has not requested any variations to the standard conditions.

8. **Conclusion**

- 8.1 In determining an application for a sex establishment licence, any decision to refuse an application may only be made in accordance with the mandatory and discretionary grounds for refusal as set out in Section 4 of the report.
- 8.2 None of the mandatory grounds for refusal are met in respect of this application.
- 8.3 The discretionary grounds are set out in full at 4.3.
- 8.4 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 8.5 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.
- 8.6 Once the Committee has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and whether it considers any sex establishments, or sex establishment of a particular kind, are appropriate for that relevant locality.
- 8.7 When considering the application, the Committee must have regard to:
- the Council's Policy for Sex Establishments;

- information submitted as part of the application;
 - any observations submitted to it by the chief officer of police;
 - any objections received from anyone else within 28 days of the application
- 8.8 Members may also take into account any oral submissions made at any hearing to determine the application. Additionally, the Committee may have regard to any objections received after 28 days of the application.
- 8.9 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.
- 8.10 Where the Committee has decided to grant a licence, it may impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions made by the Council under paragraph 13 of Schedule 3.
- 8.11 The Council has adopted Standard Conditions applicable to Sexual Entertainment Venues.
- 8.12 Any licence granted shall be subject to those Standard Conditions, save for where they have been expressly excluded or varied by the Committee.

CITY OF MANCHESTER
REGULATORY AND ENFORCEMENT SERVICES GROUP LICENSING UNIT

RENEWAL
 ↓
APPLICATION FOR A SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART II, SCHEDULE 3

All applicants are required to send with this application (a) two plans showing the area to be licensed, (b) statutory declarations in the form shown in the attached document in respect of (i) the applicant, (ii) directors of any company applying for a licence, (iii) any other person who will be responsible for the management of the licensed premises, (iv) persons for whose benefit the business is carried on and (c) the fee (see Paragraph 13 - Notes for Applicants).

If the application is made by a body corporate or an unincorporated body, all parts except 2 to 4 inclusive must be answered. The fullest possible information must be given in answer to each question.

1. Application is hereby made (tick where appropriate):

(a) <u>For a Sex Cinema</u>	Tick	(b) <u>For a Sex Shop</u>	Tick
New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>
Transfer of Licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>
Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input checked="" type="checkbox"/>

2. Full Name of Applicant: LIBERTYBELLE UK LTD T/A CLONE ZONE.
 Date of Birth: N/A.
 Occupation: LIMITED COMPANY.
 (during preceding 6 months)
3. Applicant's permanent Address: REG OFFICE 36-38 SACKVILLE STREET.
MANCHESTER M1
- Postcode: M1 3WA. Telephone No. 0161 236 1398.

4 Has the applicant been resident in the United Kingdom throughout the 6 months preceding the date of this application?

YES.

5 Name, description and location of premises to which this application relates.

CLONE ZONE, 36 38 SACKVILLE STREET, MANCHESTER MI 3 WA.

Telephone No.

0161 236 1398.

6 Address(es) at which the applicant has been resident during the 5 years preceding the date of this application.

SAME AS 5.

7 Name of applicant body, please state whether a corporate or unincorporated body.

LIBERTYBELLE UK LTD.
CORPORATE BODY.

8 Address of Registered or Principal Officer.

SAME AS 5.

9 Full names, ages and private addresses of all directors and other persons responsible for the management of the body, including, if applicable, names of managers, company secretary and similar officers, and manager of the establishment.

SEE APPENDIX.

Have the persons so named been resident in the United Kingdom for at least the past 6 months?

YES.

10 Full names, ages and private addresses of all person(s) for whose benefit and business at the sex establishment is proposed to be conducted i.e.: if applicant is a body corporate, give names and addresses of members of the body. If the applicant is an unincorporated body or individual, give names and addresses of person(s) who will receive the proceeds of the business.

SEE APPENDIX.

Have the person(s) so named been resident in the United Kingdom for at least the past 6 months?

YES.

11 Name, private address and age of any other person(s) who will be engaged in managing the premises?

SEE APPENDIX

12 If the premises are not open between 9am and 4pm, state name, address and telephone number of person(s) responsible for keys to the premises.

STORE OPEN DAILY.

13 If only part of the building is to be licensed, give details.

GROUND FLOOR + BASEMENT.

What hours and days do you require licence to cover? (see notes of guidance)

From 11.00 To 23.00 7 Days

14 Please indicate opposite the maximum number of persons you expect to use the premises at any one time for the purposes mentioned

50

15 Will any part of the premises be used for the exhibition of moving pictures?

NO

16 If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.

N/A.

17 Are the premises or the vehicle, vessel or stall to be used as a sex shop or a sex cinema or both?

SEX SHOP

18 Does the applicant presently use the premises or vehicle, vessel or stall as a sex establishment?

PREMISES HOLDS A CURRENT LICENCE.

If not, what is the present use?

N/A

19 If the premises, vehicle, vessel or stall was used as a sex establishment on 22 December 1981, has any person other than the applicant(s) run the premises, vehicle, vessel or stall as sex establishment since that date?

N/A

If so, give name and address of such premises?

N/A

20 If the premises or the vehicle, vessel or stall are presently used as a sex establishment, when did the use commence?

23 APRIL 2001

21 Give full details of ownership of the premises (or the vehicle, vessel or stall) including details of leases, tenancies; mortgages, licences and any other interests.

WESTFIELD, SIPP, HAWTHORN
HOUSE WIMSLOW, CHESHIRE
SK9 1BD

22 Give full details of the type of business to be conducted at the establishment. If it is to be a sex shop, what types of goods are to be sold? If it is to be a sex cinema, what types of moving picture are to be exhibited?

FASHION
SEX TOYS.

23 Full names and private addresses of registered offices of major suppliers of goods that are to be sold, displayed or exhibited at the Sex Establishment.

TOO MANY TO LIST &
CHANGE CONSTANTLY.

24 Do any persons or companies who supply articles for sale at the premises to which this application refers, have any interest in the ownership or management of the business for which a licence is sought?

NO

25 Give date and name of the newspaper in which public notice of this application is to be made.


MANCHESTER EVENING
NEWS.

I / We enclose the required fee £348.77 (cheques to be made payable to 'Manchester City Council').

I / We confirm that notice of this application in the form prescribed by Manchester City Council will be published in a local newspaper circulating in Manchester not later than 7 (seven) days after the date of this application and that such notice will be displayed for the period of 21 (twenty one) days beginning with the date of this application or near the premises and in a place where the notice can conveniently be read by the public.

I / We confirm that a copy of this application will be sent to the Chief Constable, Greater Manchester Police, not later than seven days after the date of this application.

I / We understand that if any of the information given above is false in any material respect, I / We may be guilty of an offence for which I / We may be liable to a fine of up to £20,000.

Applicant's Signature  (or representative of applicant body).

Date: 3/3/22

Statutory Declaration in respect of the persons named.



Clone Zone
36-38 Sackville Street, Manchester, M1 3WA

Premises Licensing
Manchester City Council

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PREMISE NAME: Clone Zone

PREMISE ADDRESS: 36-38 Sackville Street, Manchester, M1 3WA

WARD: Piccadilly

HEARING DATE: 27/06/2022



MANCHESTER CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SCHEDULE 3

SEX ESTABLISHMENT LICENCE

Licence number	256758
Effective Date	17 May 2021
Expiry Date	16 May 2022

Part 1 - Premises details

Name and address of premises		
Clone Zone Ltd 36-38 Sackville Street, Manchester.		
Post town	Post code	Telephone number
Manchester	M1 3WA	0161 273 5246

Activities authorised by the licence	
1 Operation as a sex shop -	
a	The sale, hire, exchange, lending, display or demonstration of -
i	sex articles; or
ii	other things intended for use in connection with, or for the purpose of stimulating or encouraging –
	1. sexual activity; or
	2. acts of force or restraint which are associated with sexual activity.

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non standard Timings: none							

Part 2

Name and (registered) address of holder of licence
Libertybelle UK Ltd T/A Clone Zone 30b Spice Quay, Shad Thames, London, SE1 2YG

Registered number of holder, for example company number, charity number (where applicable)
06780079

Annex 1 – Licence conditions

1. Premises licensed as a Sex Shop under the provisions of Schedule III 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 III 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. Over each entrance to the premises, in a position approved by the City Council, the Licensee shall affix and maintain in a permanent form a clear notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982.
3. 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. There shall also be a clear notice displayed prominently stating that any person suspected of being under 21 years of age shall be required to produce valid photographic identification that they are over 18 years of age.
4. 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.
5. 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.
6. 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.
7. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period necessary to check a recording for fault by the licensee or for a period of not more than one minute for the sole purpose of demonstrating it to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
8. 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.
9. 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.
10. 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 or the Police.
11. 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.
12. A copy of the licence shall be kept on the premises and be immediately available for inspection upon request by the Police or an authorised officers of the Council.
13. External doors shall be closed at all times except when persons are entering or leaving the premises. External doors shall be fitted with a device to provide their automatic closure and such devices shall be kept in good working order.
14. There shall be a CCTV system installed at the premises to the satisfaction of the Council.

Annex 2 – Plans

See attached.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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