

TORFAEN COUNTY BOROUGH REGULATIONS FOR SEX ESTABLISHMENTS

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

Definitions 1.

- (a) In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meaning respectively assigned to them by Schedule 3 of the Act.
- (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely: -

The Act: - *The Local Government (Miscellaneous Provisions) Act, 1982.*

The Council: - *Torfaen County Borough Council*

The Licence

Premises: - *Any premises, vehicle, vessel or stall licensed under the Act.*

Licence Holder: - *Any person who is the holder of a sex establishment licence.*

Sex establishment

Licence: - *A licence granted under Schedule 3 of the Act.*

Approval of the

Council: - *Officers authorised by Torfaen County Borough*

Consent of the

Council: - *Officers authorised by Torfaen County Borough*

Approved: - *Officers authorised by Torfaen County Borough*

General

2. In the event of a conflict between these Regulations any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The council reserves the right to amend, delete or add conditions at any time if deemed appropriate.

4. 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. Whilst utilising the Licence holder shall take into account any legislation that impinges on the activities proposed.
5. The holder of a Sex Establishment Licences shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Cinemas act 1985 as shall be applied by special conditions to the Sex Establishment licence, giving such reference to the said Cinema Licence conditions as may deemed appropriate and the regulations and conditions shall conditions shall have the same force and effect as if the same were severally contained in these regulations.

Times of Operations

6. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9 am and shall not be kept open after 11 pm.
7. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

Standards Conditions

8. The licensed premises shall not be used for any purpose other than the business of a Sex Establishment.
9. Where the Licensee is a body corporate or an unincorporated body any change of Director/Company Secretary or any other person responsible for the management of the body is to be notified to the Council within 14 days of such change and such details as the Council may require in respect of any new director, secretary or manger are to be furnished within 14 days of a request in writing from the Council.
10. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his / her absence and 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.
11. 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.

12. No person previously convicted of:
 - an offence connected to a sex Establishment either licensed or unlicensed
 - a sexual offence
 - an offence relating to the sale of restricted 18 videos may be employed at the premises or be involved in supplying entertainment or goods at the premises.
13. The Licensee and a responsible person approved under Regulation 11 shall maintain a daily register to be kept on the premises in which he / she shall record the name and address of any person who is to be responsible for the managing 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.
14. Copies of the licence and the conditions attached to the licence premises shall be clearly displayed so that every person entering the can see a copy of both the licence and the conditions.
15. The licensee shall retain control over all portions of the Premises and shall not let, licence or with possession of any part of the premises.
16. Any charge for entering the premises shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
17. No displays, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Torfaen County Borough Council, except for those signs or notices that are required to be displayed by these licence conditions.
18. The entrance to the premises shall be designed and constructed as to prevent persons outside the premises having a view of the interior.
19. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

Premises

20. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.
21. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a Sex Establishment.
22. The premises shall be maintained in good repair and condition.
23. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
24. Doors and opening's which lead to parts of the premises, which are not open to the public, shall be clearly marked "Staff Only" or by some other sign that deters the public from such doors or openings.
25. The external doors to the Sex Establishment shall be fitted with a device to provide for the automatic closure and such devices shall be maintained in good working order.
26. 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 establishment who are disabled.
27. All exhibits displays, demonstrations and like actives must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons is granted by the Council.
28. Warning signs as specified in the indecent Displays (Control) Act 1981 must be clearly exhibited at the entrance to the premises.
29. 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.
30. No changes from use, as Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.

Safety

31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall comply with any fire prevention and the safety measures that may be required by the Council and or the South Wales Fire Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.

Conduct & Management

33. The Licensee shall maintain good order on the premises times.
34. No person under 18years of age shall be admitted on the premises.
35. No tickets shall be sold and no admission money taken in place to which members of the public, other than permitted customers of the Sex Establishment have access.
36. The Licensee shall ensure that the premises are not used by prostitutes (male or female) for soliciting or any immoral purpose.
37. Neither the licensee nor any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the establishment.
38. No leaflet, card, paper, advertising sheet or similar matter promoting the establishment or any goods or service offered by the establishment shall be distributed in the vicinity of the establishment, unless authorisation/ consent is first granted in writing by Torfaen County Borough Council.
39. 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.
40. The licensee shall make staff available to ensure good order and free passage for customers on access and egress routes and car parks belonging to the licensee.
41. The licensee shall prevent the sale, display for the sale or offer for sale of any article, goods or service on access or egress routes and car parks belonging to the licensee.

42. No dancing or other entertainment of a like kind shall be provided or permitted unless authorised by the Council.

**Goods available
in Sex
Establishments**

43. Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned or supplied, displayed, advertised or demonstrated at the establishment.
44. No film or video shall be exhibited, sold, hired, loaned or supplied unless it has been (a) passed by the British Board of Film Censors and bears a certificate to that to that effect or (b) approved by the Council and complies with the Video Recording Act 1984 and it is a reproduction authorised by the owner of the copyright.
45. All sex articles and other things displayed for sale, hire, exchange or loan shall be clearly marked to show the price being charged.
46. The licensee shall without charge, displayed and make freely available literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems, family planning and sexually transmitted diseases.
47. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.