

Appendix 4



2008/01807/19SEX

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 2

SOUTHAMPTON CITY COUNCIL by virtue of the powers contained in section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

HEREBY GRANTS to

Darker Enterprises Limited

of Unit C, 26 Thames Road, Barking, Essex, IG11 0JA

a licence to use the premises known as

The Private Shop

and situate at

16 Hanover Buildings

in the City of Southampton as a

SEX SHOP


until the 1st day of July 2009

- SUBJECT:** (a) to the regulations for Sex Establishments made by the said Council and in force at the date hereof
- and (b) to conditions nos. 1 to 31, which said standard conditions, as varied, are incorporated in the list of conditions and restrictions, annexed hereto.

The licence fee of £7500.00 has been received for and on behalf of the Council.

Dated this 2nd July 2008

Mr. C. Mason
Managing Director
Darker Enterprises Ltd
Unit C, First Floor
26 Thames Road
Barking
Essex. IG11 0JZ


Solicitor to the Council
for and on behalf of
Southampton City Council

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Regulations for Sex Establishments

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

- 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 meanings 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" - means the Local Government (Miscellaneous Provisions) Act, 1982.
 - "the Council" - means Southampton City Council.
 - "the licensed premises" - means any premises, vehicle, vessel or stall licensed under the Act.
 - "licence holder" - means a person who is the holder of a sex establishment licence.
 - "permitted hours" - means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.
 - "sex establishment licence" - means a licence granted pursuant to Schedule 3 of the Act.

Conditions applicable to licences for Sex Establishments

2. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday and public holiday and may be open only during the permitted hours prescribed in Regulation 3 hereof.
3. The permitted hours of opening, unless varied by special condition, shall be as follows:-

Mondays	9:30 a.m. to 8:00 p.m.
Tuesdays	9:30 a.m. to 8:00 p.m.
Wednesdays	9:30 a.m. to 8:00 p.m.
Thursdays	9:30 a.m. to 8:00 p.m.
Fridays	9:30 a.m. to 8:00 p.m.
Saturdays	9:30 a.m. to 8:00 p.m.
4. The licensed premises shall not be used for any purpose other than the business of a sex establishment.
5. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.
6. No person who is or appears to be under the age of 18 or is known by the licence holder or any servant or agent of his present on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.

7. The licence holder:-
 - (a) shall display on the licensed premises in a conspicuous position his sex establishment licence;
 - (b) shall exhibit on those premises such notices in such form and in such position as may be prescribed;
 - (c) shall comply with any prescribed restriction with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
8. No facilities shall be provided in a sex shop for:-
 - (a) seeing any television broadcast or the replaying of any video tape or film or other like matter, except for a looped video recording, the content of which and location of the equipment, shall be approved by the Licensing Officer, nor;
 - (b) hearing any sound broadcast tape or other like matter other than facilities for the reception of radio programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority.
9. No music, dancing or other entertainment whether of a like kind or not shall be provided or permitted, other than as permitted by Regulation 8 of these Regulations, and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises.
10. (a) The licence holder shall exhibit in the lobby of the licensed premises in a position visible to persons entering the premises a notice, in addition to his name, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "licensed sex shop";
 - (b) The licence holder may exhibit on the exterior of the main entrance to the licensed premises in a position visible to persons entering the premises such indication, if any, as he thinks fit to give of the times at which the licensed premises are open;
 - (c) No other notices, unless pursuant to these Regulations, may be exhibited.
11. The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not admitted thereto.
12. The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.
13. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
14. The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any article or thing intended for use in connection with or for the purpose of stimulating or encouraging acts of force or restraint which are or may be associated with sexual activity.
15. The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.
16. (a) The exterior of the licensed premises shall be of materials approved by the Council
 - (b) The exterior of the premises shall consist of material and colours of a discreet nature appropriate to the character of the locality and shall be in keeping with the appearance of other premises in the vicinity. There shall be no external advertisements nor shall the frontage contain displays of advertisements of any nature or permit the interior of the place licensed to be viewed from outside.

- (c) Unless otherwise agreed in writing with the City Council, the following will be deemed to comply with condition 16 (a) and (b) above:

A brown Perspex fascia sign no larger than 15 feet by 4 feet bearing the name of the licensed premises and the street number of the property on each side of the name in roman font lettering no more than 12 inches in height together with beading or a beading effect around the premises name and street numbers;

Beige vertical blind placed behind the front glazing to the licensed premises;

That no lettering/advertisement be placed on the frontage, save as stipulated above and on the door which would display the statutory notice and opening hours which shall be no more than 3 inches maximum;

That 2 swan neck lights be installed above the fascia, subject to planning permission;

That the adjoining wall to the property be painted black/brown in anti graffiti paint where available;

That the bill poster be removed if possible.

17. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council.
18. The holder of a sex cinema licence 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 the Council by special condition to the sex establishment licence, giving such reference to the said Cinema licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these regulations.
19. The licence holder shall not knowingly allow the licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution.
20. If the Council notifies the licence holder, occupier or other person having at the time the care and management of the premises in writing by delivering notice at the licensed premises that any particular sex article, advertisement or matter shall not be displayed the same shall be withdrawn from view forthwith.
21. No film or video material shall be kept at the sex establishment except such film or video material that bears a reproduction of the Certificate of the British Board of Film Certification.
22. The licence holder shall comply with all fire and safety requirements of the Council and maintain and keep available for use all specified fire fighting equipment and extinguishers.
23. The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours.
24. Applicants for the grant, renewal or transfer of a sex establishment licence or waiver thereof shall make their application on the form approved from time to time by the Council returnable to the office of the Solicitor to the Council together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable of Hampshire Constabulary, West Hill, Winchester not later than 7 days after the date of the application to the Council.
25. Applicants for the grant, renewal or transfer of a sex establishment licence shall advertise notice of their application in the form approved by the Council and in accordance with the prescribed dimensions by publishing the advertisement in a local newspaper circulating in Southampton not later than 7 days after the date of the application. A copy of the advertisement as published and date of publication shall be lodged with the Council forthwith.

26. Applicants for the grant, renewal or transfer of a sex establishment licence shall display a notice in the form approved by the Council and furnish two completed copies to the Council forthwith so that a copy may be sent to the appropriate public library. The Notice shall be displayed at the premises to be licensed for 21 days beginning with the date of the application to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
27. A police officer or an authorised officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force.
28. The licence holder or some responsible person, being 21 years of age or over, nominated by him in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any police officer or authorised officer of the Council and give the name and address of the person nominated.
29. A closed circuit television system shall be installed in the place licensed to the satisfaction of the Council's Licensing Officer. The system shall efficiently record the operation of the place licensed and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in the Courts. All closed circuit television recordings shall be retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council.
30. The licensee shall notify the Council and Hampshire Constabulary of the name, address and date of birth of any manager or employee involved in the operation of the business at the place licensed within seven days of them commencing employment. The City Council shall reserve the right to object to any person being involved in the operation of the business at the place licensed where it considers them unsuitable, in particular by reason of relevant unspent criminal convictions.
31. The licensee shall produce and maintain a list of all stock carried at the place licensed and shall make it available to a police officer or authorised officer of the Council on demand.
32. The licence holder shall ensure that any rear entrance shall at no time form, or be used, as an entrance or exit for members of the public or customers

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