



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>3 February 2022</i>
Classification:	<i>General Release</i>
Premises:	<i>Soho Original Adult Store, 12 Brewer Street, London, W1F 0SF</i> <i>22/00106/LISEXN</i>
Wards Affected:	<i>West End, Central CAZ</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The Council has received an application for a new sex establishment licence from Mr Timothy Hemming for Soho Original Adult Store, 12 Brewer Street, London, W1F 0SF. The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

2. Recommendations

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors to:
 - 2.1.1 Grant the application in full
 - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
 - 2.1.3 Refuse the application

3. Relevant History

- 3.1 Soho Original Adult Store has operated as a sex establishment since at least 2000 at 12 Brewer Street, London, W1F 0SF. The original licence expired in 2017 following the death of the licence holder.
- 3.2 A new licence was applied for and granted in 2017. In August 2019, the licence was transferred from Alan Poulton Limited to HOS Holdings.
- 3.3 Annual renewal applications have been submitted and granted under delegated authority. Unfortunately, due to an administrative oversight, the applicant failed to renew the licence in 2021 and consequently the licence lapsed.

- 3.3 The last renewal application for this licence was submitted on the 7 February 2020 and was granted by Licensing Service under delegated authority. This licence (20/01833/LISEXR) expired on the 31 January 2020. A copy of this licence is attached as **Appendix 1**.

4. Application being considered

- 4.1 On 6th January 2022 the applicant applied for a new sexual entertainment venue licence to operate as a Sex Shop. A copy of the application is attached as **Appendix 2**.
- 4.2 The applicant is seeking a licence to replace the previously lapsed licence. During consultation, it was noted that the applicant had incorrectly applied for hours in excess of those previously granted and has subsequently reduced the hours applied for in line with the previously granted licence.

The hours now applied for are: 10:00 to 00:00 Monday to Saturday, 10:00 to 23:00 Sunday

5. Objections

- 5.1 During the consultation period for the new sex establishment licence, no objections were received.

6. Premises in the Vicinity

- 6.1 This premises is located in the heart of Soho within the West End
- 6.2 There are 2 faith groups located within a 300 metre radius from this premises. The nearest place of religious worship is The City Gates Church, Soho (Ichthus).
- 6.3 There is one school, (the Soho Parish C of E Primary School) within a 300 metre radius of the premises.
- 6.4 There are 5 licensed sex shop premises within a 300 metre radius of these premises (see 7.2 below).

7. POLICY CONSIDERATIONS

- 7.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be limited¹⁸.
- 7.2 Within the Soho locality, as defined, there are currently 5 licensed sex establishments all of which are sex shops. These are:

Licence Holder	Trading Name	Address
██████████	Adult World	5 Walker's Court London
██████████	Prowler Soho	5 - 7 Brewer Street London W1F 0RF
██████████	Simply Pleasure.Com	29 - 31 Brewer Street London W1F 0RT
██████████	Prowler Red	50 Old Compton Street London W1D 4UB
██████████	Regulation	13A Bateman Street London

- 7.3 It should be noted that the Council's policy for the maximum number of sex establishment premises in a locality may be exceeded at the discretion of Committee Members.
- 7.4 The Council's policy states that there should be a general policy presumption against permitting further sex-related activities in the following circumstances irrespective of locality:
- (a) adjacent to, or in the vicinity of schools
 - (b) adjacent to, or in the vicinity of places of worship
 - (c) adjacent to, or in the vicinity of community facilities or public buildings

8. Legal Implications

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full
 - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 8.2 Before refusing to grant an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted 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 of such a licence if he made the application himself;
 - (c) that 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;
 - (d) that the grant or renewal of the licence would be appropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.5 If the Committee determine to grant the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded or otherwise varied pursuant to Para 13(4) to Schedule 3.
- 8.6 Should the Committee determine to refuse the application for the new sex establishment licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Paragraph 27(1) to Schedule 3.
- 8.7 Should the Committee determine to refuse the application for a grant or the renewal of a licence under either Paragraph 12(3)(c) or (d) of Schedule 3, shall not have a the

right to appeal under Paragraph 27 (3) of Schedule 3.

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to-
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 9.3 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sunset Strip will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- 1 – Copy of sex establishment licence **20/01833/LISEXR**
- 2 – Copy of the Application for a New Sex Establishment Licence
- 3 - Plans of the Premises forming part of this application
- 4 – Schedule of Standard Conditions
- 5 – Map of locality

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Kevin Jackaman on 020 7641 6500 or at kjackaman@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012
Home Office Guidance March 2010



City of Westminster

WARD : West End

UPRN: 100023470193

SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

hereby licences HOS Holdings

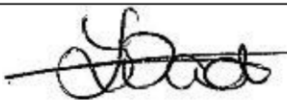
to use the premises Soho Original Adult Store
12 Brewer Street London
W1F 0SF

as a establishment.

This licence is in force up to 6 FEBRUARY 2021

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any) :

None

DATE: 27 April 2020	SIGNED: pp  Operational Director - Premises Management
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Application Page 1

Application for a Sex Shop Licence

Applicant Details

Title

Surname

Forenames

Under what name is or will the business be known?

Address of premises
(or details of where a vehicle, vessel
or stall is to be operated from).

Postcode

Email address all correspondence
should be sent to

1. Is the application being made
by -

- ☒ An individual
- ☐ A Partnership or other unincorporated body
- ☐ A Body Corporate

If the applicant is an individual give the following information is to be supplied -

Date of Birth

Place of Birth

2. Give the full name of the
applicant (i.e. 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.

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

Telephone Number (during normal
office hours)

Address to which communications
are to be sent

**Abs Holdings
Spring Lane
Forest Gate
Ringwood**

Postcode

BH24 3FH

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

11. Is the application in respect of -

- ☒ A sex shop
☐ A sex cinema
☐ A sex encounter establishment

12. State whether the application is in respect of:-

- ☒ Premises
☐ Vehicle
☐ Vessel
☐ Stall

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

14. Are the whole of premises to be used under the Licence?

- ☒ Yes
☐ No

15. If the answer to the question above is "no" please state:-

Which part of the premises is to be used for the purposes of the Licence

The use to which the remainder of the premises are put

The names of those who are responsible for the management of the remainder of the premises

17. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" 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

Title

Mr

Surname

[REDACTED]

First name

[REDACTED]

Address

[REDACTED]

Postcode

[REDACTED]

THE BUSINESS

18. Has the applicant in connection with the business 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.

☐ Yes
☒ No

19. 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.

How many individuals do you need to tell us about?

	Individual 1	Individual 2
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

	Individual 3	Individual 4
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

	Individual 5	Individual 6
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

20.

State the total turnover of the business during the 12 months immediately prior to this application.

What proportion of the turnover derived from

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

The use of premises as a sex cinema

The use of the premises as a sex encounter establishment

21.

State the anticipated turnover of the business for the next 12 months.

The proportion of the turnover expected to be derived from

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

The use of premises as a sex cinema

The use of the premises as a sex encounter establishment

22. Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.How many individuals do you need to tell us about?

	Individual 1	Individual 2
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

	Individual 3	Individual 4
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

	Individual 5	Individual 6
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

23. Is the business required to purchase merchandise from a particular company, person or body? If 'yes' supply a copy 7 of any Agreement and state what is to be purchased and from whom.

☐ Yes

☒ No

24. 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.

☐ Yes

☒ No

Are cubicles used for viewing?

☐ Yes

☐ No

How Many?

25. What articles are to be offered for sale?

Adult books and Games
Adult DVDs
Adult Toys
Lingerie and Clothing.

26. If the application is a licence for a sex encounter establishment state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.

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

N/A

28. Give details of the times during which it is proposed to open the premises -

Days of the week

Mon-Sat

Sun

Hours of the day

10am - 1 am

10am - 11pm

29. 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.

2

	Individual 1	Individual 2
Title	Mr	Mr
Forename		
Surname		
Former Name (if any)		
Permanent Address		
Postcode		
Date of Birth		
Place of Birth		
	Individual 3	Individual 4
Title		
Forename		
Surname		
Former Name (if any)		
Permanent Address		
Postcode		
Date of Birth		
Place of Birth		

30. In respect of each of the persons whose name are given in response to Questions 2, 4, 5, and 29 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

How many previous employment histories do you need to tell us about? 3

	Employment 1	Employment 2
Title	Mr	Mr
Forename		
Surname		
Former Name (if any)		
Permanent Address during period of relevant employment		
Postcode		
Employers Name	Ceo/ Owner	
Employers Address		
Postcode		
Description or Nature of Work	CEO/Owner	Sales Manager
Period of Employment from / to	2001 to Present	2008 to Present
	Employment 3	Employment 4
Title	Mr	
Forename		
Surname		
Former Name (if any)		
Permanent Address during period of relevant employment		
Postcode		
Employers Name		
Employers Address		
Postcode		
Description or Nature of Work	Store Manager	
Period of Employment from / to	2017 to Present	

31. In respect of the persons or bodies whose names are given in response to Questions 2, 6, 8, and 38 give details of their previous convictions and any previous convictions of any of their spouses -

How many convictions do you need to tell us about?

	Conviction 1	Conviction 2
Title	<input type="text"/>	<input type="text"/>
Forename	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Former Name (if any)	<input type="text"/>	<input type="text"/>
Date of Conviction	<input type="text"/>	<input type="text"/>
Place of Conviction	<input type="text"/>	<input type="text"/>
Nature of Conviction	<input type="text"/>	<input type="text"/>
Sentence	<input type="text"/>	<input type="text"/>

	Conviction 3	Conviction 4
Title	<input type="text"/>	<input type="text"/>
Forename	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Former Name (if any)	<input type="text"/>	<input type="text"/>
Date of Conviction	<input type="text"/>	<input type="text"/>
Place of Conviction	<input type="text"/>	<input type="text"/>
Nature of Conviction	<input type="text"/>	<input type="text"/>
Sentence	<input type="text"/>	<input type="text"/>

32. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 4, 5 and 29?

☐ Yes
☒ No

If 'yes' please give details

33. 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 either in the City of Westminster or elsewhere?

☒ Yes
☐ No

If 'yes' please give full details (including the address of the premises and the Council's reference)

Prowler 5-7 Brewer Street
Prowler Red 50 Old Compton Street
Simply Pleasure 29-31 Brewer Street
Soho Original Adult Store

34. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 4, 5, 29 and 31, a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982.

☐ Yes
☒ No

If 'yes' please give details

35. Is there any further information which the applicant would wish the council to take into account when considering this application? This space may be used to amplify any replies to other questions.

☐ Yes
☒ No

Declaration Page

Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Fee

The non-returnable fee for this application is £1438.00 and must be submitted with this application.

An additional fee of £3162.00 will be payable before any approval is issued.

Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

I understand we are required to send / provide the sum of £1438.00, being the fee for this application.



Confirmation

Date

06/01/2022

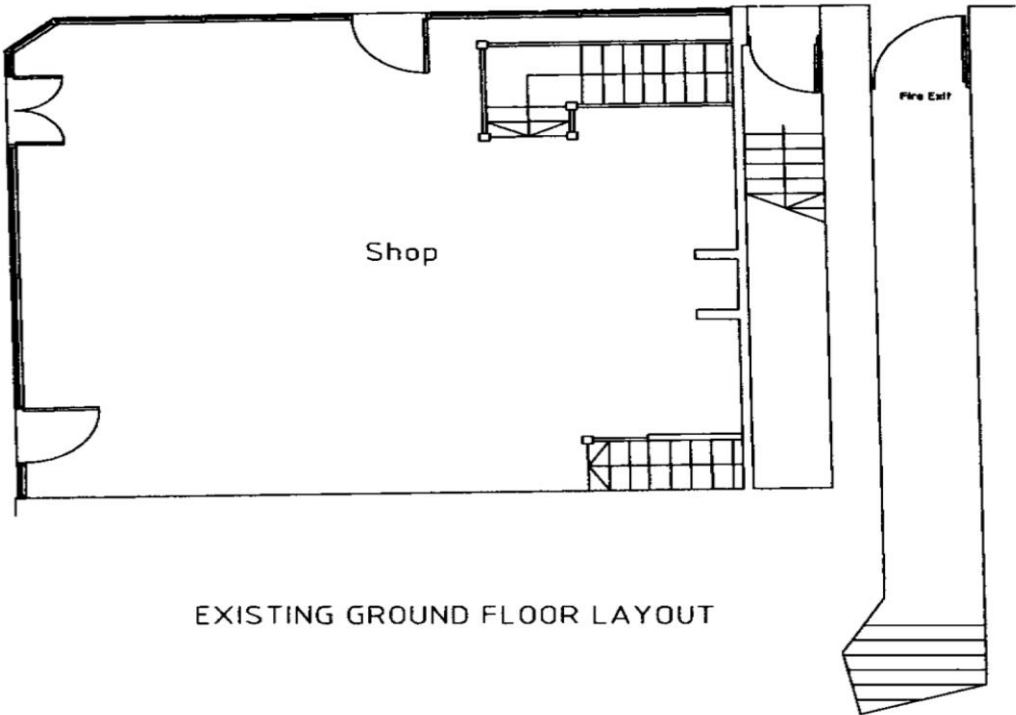
Name

[REDACTED]

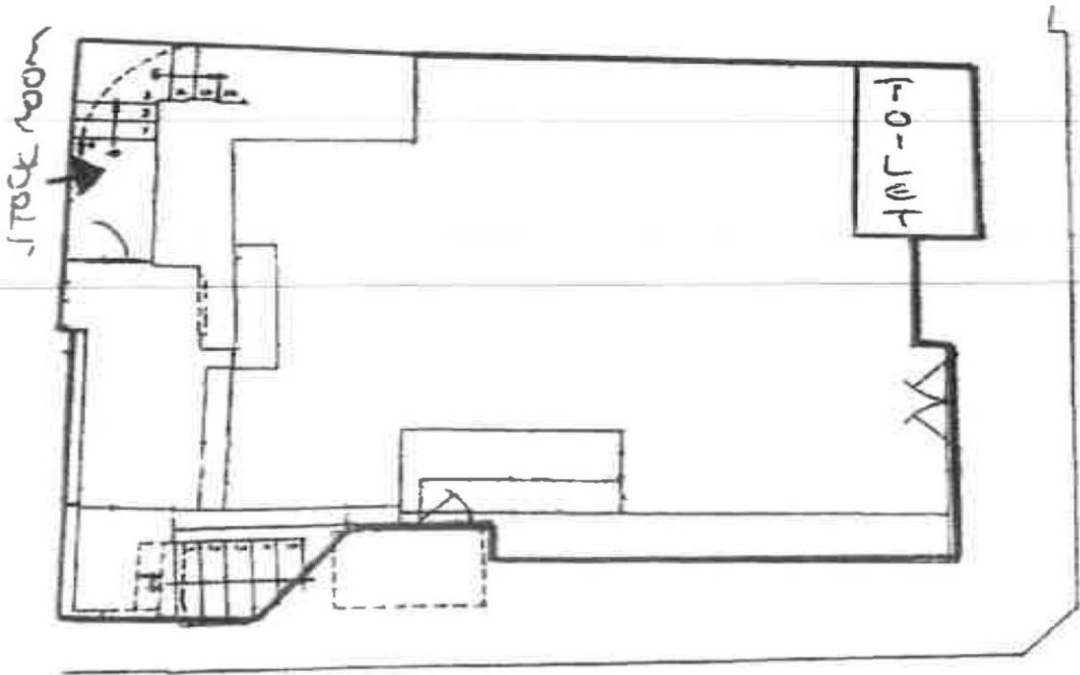
Capacity

[REDACTED]

12 BREWER ST
PLAN.

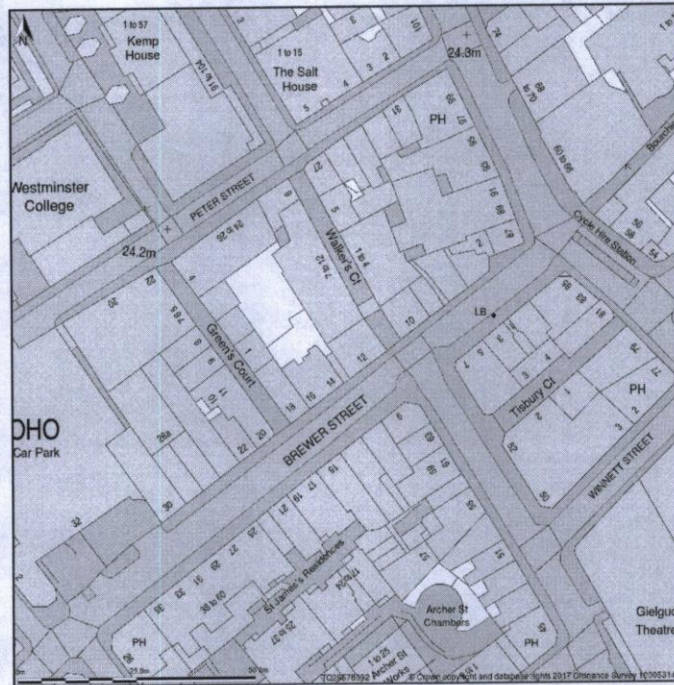


EXISTING GROUND FLOOR LAYOUT



Basement

Soho Original Books, Basement And Ground Floor, 12 Brewer Street, London, W1F 0SF



Site Plan shows area bounded by: 529508.26, 180855.32 529649.68, 180996.74 (at a scale of 1:1250), OSGridRef: TQ29578092. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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SCHEDULE OF CONDITIONS

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues)

Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

Standard Condition 5:

- (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Standard Condition 6:

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Standard Condition 7:

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
 - (b) 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.
 - (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Standard Condition 8:

- (a) The entrances 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.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Standard Condition 9:

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of

doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Standard Condition 10:

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

Standard Condition 29:

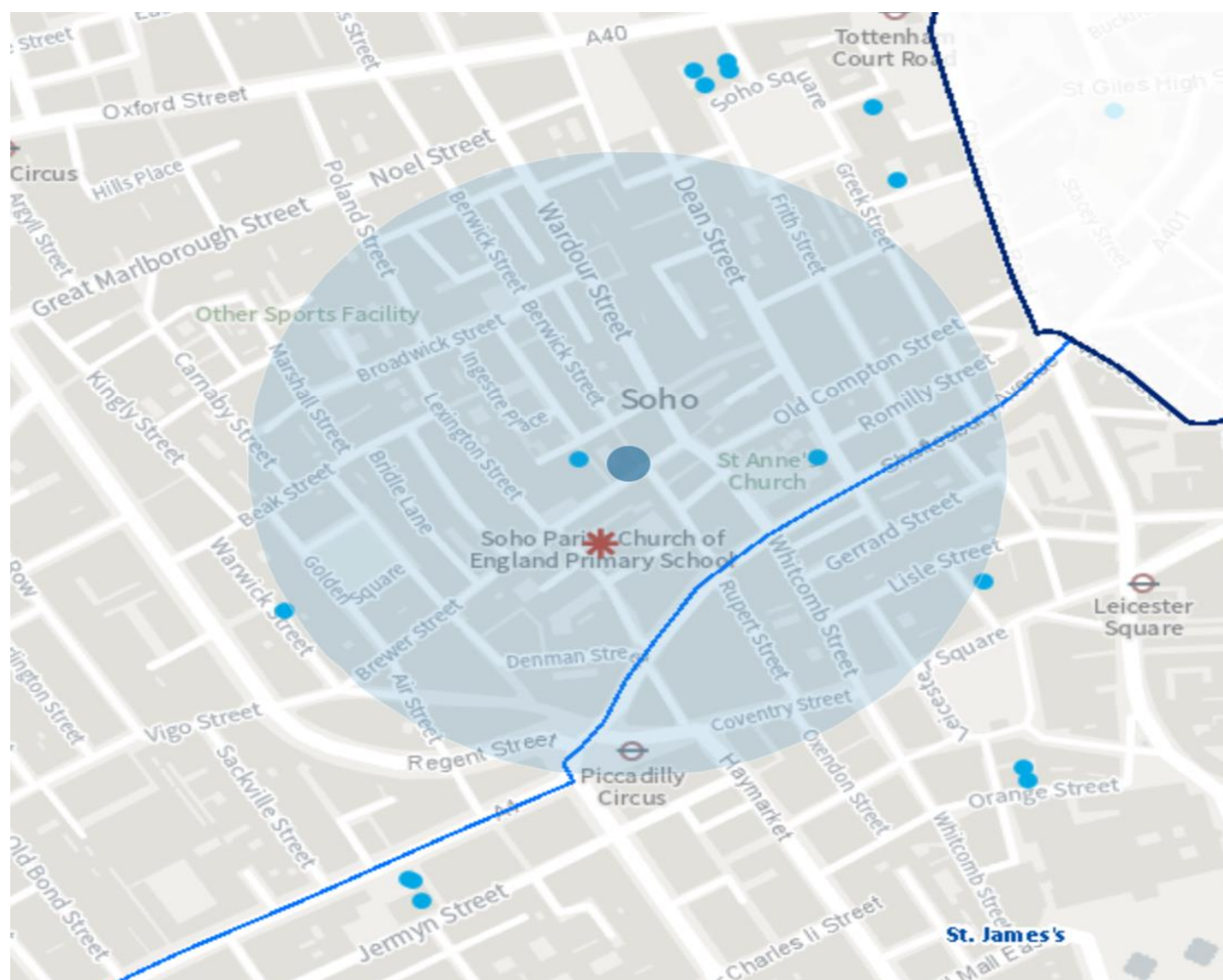
All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

Standard Condition 30:

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.

Standard Condition 31:

No film or video 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 film so certified.



Number of Faith Groups within 300 metres of the premises – 2

Number of Schools within 300 metres of the premises - 1