

BIRMINGHAM CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982

SECTION 2 AND SCHEDULE 3
(Control of Sex Establishments)

CONDITION OF LICENCE FOR A SEX CINEMA

INTRODUCTION

1. In these conditions "The Council" shall mean the Birmingham City Council and all enquiries concerning this licence shall be directed to Licensing Section, P.O. Box 17013, Birmingham, B6 9ES. Telephone 0121 303 9896.
2. These conditions are imposed by the Council pursuant to its powers under paragraph 13 (1) of the above Act and apply to all sex establishments licensed as a "Sex Cinema" as defined by the Act save and insofar as they do not conflict with any special conditions forming part of the licence, nor with the provisions of the Act itself or with any other legislation which may from time to time be enforced in relation to the licensing and management of cinematograph, video display and similar establishments and to such conditions or regulations as may be made in relation to such establishments by virtue of such legislation by Parliament or the Council.
3. These conditions are only applicable to a "Sex Cinema" as defined by the Act and separate conditions exist in relation to a "Sex Shop" (also as so defined).

OPENING HOURS

1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours of 9 am and 11 pm on any week day (including Saturday) provided that if the Sex Cinema is operated as part of a licensed "Sex Shop" then it shall not be open for any greater number of hours or at different hours to those for such shop itself.
2. The licensed premises shall not be so open or used at all on Sundays, Good Friday, Christmas Day or any other general or public holiday.

LICENSED NAME

1. The Council at the time of granting the licence in respect of the premises appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 2 below.
2. An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EMPLOYEES AND MANAGEMENT STAFF

1. The licence holder shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and dates of birth of all persons employed within the licensed premises whether upon a full or part basis and shall upon request by an authorised Officer of the Council make such records available for inspection to them.
2. The licence holder shall at all times provide the Council with written notification as to the names, addresses, and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licence holder's absence.

RESPONSIBILITY OF THE LICENCE HOLDER

The licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

EXTERNAL APPEARANCE OF PREMISES

1. The interior of the premises shall not be visible to passers-by and to that intent the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
2. The windows, doors fascia board, walls and all external parts of the premises including roof shall not contain any form of writing, sign or display save for:-
 - (1) The address of the premises.
 - (2) The licensed name of the premises (as explained in paragraph 3 hereof).
 - (3) The form of warning notice required to be displayed by virtue of

the provision of Section 1 (6) if the Indecent Displays (control) Act 1981.

- (4) A notice stating the opening hours of the establishment.
 - (5) In the case of a licence granted to a body corporate:-
 - (a) If the licence name is not the same as the full name of the body corporate then such corporate name and:-
 - (b) If the premises are also the body's registered office for the purposes of the Company's Acts then an indication in a form acceptable to the company that such is the case.
 - (6) The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises.
3. The lettering used in respect of such permitted items:-
- (a) Shall be of such a colour and style as may be approved by the Council.
 - (b) In the case of the permitted items numbered 1, 2, 3, and 5 the lettering used shall not exceed one foot in height for each letter provided also that if different sizes of letter are used in respect of different items that are used in respect of item 6 shall not exceed the height of any other lettering.

VARIATION OF CONDITIONS

The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case.

NOTE:- (not forming part of the conditions)

The attention of all licensees is drawn to the provision of the Cinematograph Amendment Act 1982 as respects the obtaining of a licence under that Act and to the Obscene Publications Act 1961 and the Indecent Displays (Control) Act 1981.