

## DECISION NOTICE

### Southern Area Licensing Sub-Committee

**Meeting held 24<sup>th</sup> January 2018, in respect of an Application to vary a Sex Establishment Licence for Erotica-belle, 105 Fisherton Street, Salisbury, SP2 7SP**

The Southern Area Licensing Sub-Committee has considered the request to vary the Sex Establishment Licence for these premises, by amending the extent and layout of licensed area and by the amendment of existing conditions relating to the display of items in the windows of the premises.

#### **Decision**

The Sub-Committee has resolved:-

1. to amend Condition 6 to allow the display of approved advertisements within the shop window. Condition 6 to be amended to read as follows (additional wording underlined):-

*6. The Licence Holder shall not display any advertisement, model, sign, notice, device, representation, drawing, or writing which is visible to persons outside the premises except as permitted by these Regulations or under the Act or with the approval of the Council and no such advertisements shall be displayed wherever visible which depict any sex article as defined.*

2. to amend Condition 7 to allow the display of non-sex articles within the window of the premises, provided that the rest of the interior of the premises is not visible from outside the premises. Condition 7 to be amended as follows (additional wording underlined):-

*7. Subject to 7A, the Licence Holder shall ensure that the premises has screening and/or obscured windows, doors and other openings so that the interior of the licensed premises and the displays of articles for sale at the premises shall not be visible to persons outside the building.*

*7A The display of items within the windows of the premises shall be permitted on the following conditions:-*

- a) *Opaque screens shall be placed behind any window displays so as to ensure that no part of the rest of the interior of the premises is visible from outside the premises.*
- b) *Window displays must not include any sex articles, as defined in the Act and must be approved by Wiltshire Council.*

**Reasons:**

The current licence conditions prevented any window displays at the premises and also prevented any advertising on the premises, other than that prescribed or allowed in the legislation.

The Sub-Committee were informed that the Premises sold a range of non-sex items, such as lingerie, which were also sold by other retailers within the city. They accepted that the current restrictions on window displays and advertising put the Applicant at a commercial disadvantage compared to those other retailers. They also accepted that fully obscured windows did make the premises less attractive to potential customers.

The Sub-Committee were also informed that the Applicant operated a number of sex shops in other towns. Those shops were allowed to have window displays and advertising, subject to various restrictions. In particular, the displays and advertising were subject to the approval of the relevant local authority and the interior of the shop premises, beyond any window displays remained obscured to persons outside the premises. The Sub-Committee noted that these arrangements seemed to be operating reasonably successfully in those other towns.

The Sub-Committee therefore considered that it would be appropriate to amend the existing licence conditions to allow controlled window displays and advertising within those displays, as set out in the agreed variations. They did not consider it appropriate to amend the extent of the licensed premises, so as to limit it just to the rear section, particularly as the premises would still be operating as a single business.

The Applicant has a right of appeal against the decision of the Licensing Sub-Committee. Any appeal must be made to the Magistrates Court within 21 days of notification of this decision. If an appeal is made, then the variations set out in this decision do not come into effect until that appeal has been determined or abandoned.