

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

24th JANUARY 2018

Variation of a Sex Establishment Licence; Erotica-belle, 105 Fisherton Street, Salisbury, SP2 7SP

1. Purpose of Report

- 1.1 To determine an application for a variation to a Sex Establishment Licence in respect of Erotica-belle, 105 Fisherton Street, Salisbury, SP2 7SP made by AF Southern Ltd.

2. Background Information

- 2.1 An application to vary a Sex Establishment Licence in respect of Erotica-belle has been made by AF Southern Ltd. Under the terms of the Council's Scheme of Delegation any application to vary a Sex Establishment Licence must be decided by members and cannot be made by an officer.
- 2.2 The Council has adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) act 1982. This allows the Council to control the operation of sex shops within the County, by requiring such shops to be licensed. The Premise is licensed as a Sex Shop under the provisions of Schedule 3, and shall only be used only for the purposes of a Sex Shop as defined in Paragraph 4 of Schedule 3. It shall not be used, wholly or in part, for any other purposes during the period that the premises are licensed as a Sex Shop.
- 2.3 Under the provisions in Schedule 3 the holder of a licence under the Schedule may at any time apply to the appropriate authority (Wiltshire Council) for any such variation of terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.
- 2.4 The appropriate authority:
- i) may make the variation specified in the application; or
 - ii) may make such variation as they think fit; or
 - iii) may refuse the application
- 2.5 Any variations that the authority may make by virtue of sub-paragraph (ii), above can include, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

- 2.6 On 6 February 2012 the Licensing Committee resolved to adopt and implement the policy and regulations prescribing conditions for Sex Establishments. The conditions attached to Sex Shop Licences, are attached as **Appendix 1**, along with the current licence.
- 2.7 A copy of the Council's adopted Sex Establishment Licensing Policy is attached as **Appendix 2**.
- 2.8 Wiltshire Council's licensing department has previously received complaints relating to the window displays and adverts at the premises, Erotica-belle. The licensee was, on each occasion, advised to comply with the following conditions attached to the licence:
- 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 sex article as defined.
 - The Licence Holder shall ensure that the premises has screening and 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.
- 2.9 On 7th September 2017 an application for a variation of the existing Sex Shop Licence, was submitted and accepted as a valid application.
- 2.10 The details of the variation applied for, are as follows:
- To allow clear window displays of items found on the High Street, changeable with season. You will not be able to see the licensed area from the street nor the products included in the licensed area from outside the shop. You will be able to see lingerie and clothing and also health products so I can fairly compete with the companies listed above and in line with the Competitions Act.
 - For the front section of the shop to sell items found on the High Street, for example, goods found in mainstream stores such as Boots, Debenhams, Clinton cards, scribbler etc. i.e. clothing, lingerie, health products, gifts and novelties.
 - For the rear section of the shop to be licensed as a sex shop only and come under the Local Government Miscellaneous Act (as amended) 1982. The whole shop will be over 18 for ease of ID checks for the non licensed area. The licensed area will be screened from the non licensed area by a wall. This wall will be used for stock on both the licensed area and the non licensed area providing extra retail and merchandise space.
 - Move the shop counter. The sales assistant is floating in the shop with no fixed till point but there will be a till pod in the licensed section where the internet hub will be based. In the modern retail environment we are moving into the staff members have tablets on them rather than be hidden behind a desk.

- 2.11 A copy of the application is attached as **Appendix 3**. The updated plan is attached as **Appendix 3a**. The current plan is attached as **Appendix 3b**.
- 2.12 A location map of premises and surrounding area is attached as **Appendix 4**.
- 2.13 The premise has been licensed as a Sex Shop since 2003 by the relevant authorities. Mr Jonathan Spencer, the director of AF Southern Ltd, has been the licence holder as an individual and now in the capacity of his company since November 2013.
- 2.14 In November 2013 the Council approved an application to vary the licence to change the opening hours of the shop Monday-Saturday; permit the shop to open every Sunday, and to alter the interior of the premises as detailed below:
- Licensed to open Monday to Saturday 09:00hrs-21:00hrs
 - Licensed to open on Sundays 10:00hrs -18:00hrs

And subject to the following conditions:

- The shop would not be permitted to open on Good Friday, Easter Sunday and Christmas Day.
- 2.15 On the 23rd September 2014, an application to change the name of the premises from 'My Amazing Fantasy' to 'Erotica-belle' was received and accepted.
- 2.16 The applicant is required under the Act to apply for a renewal of the licence each year on the date the licence was originally granted. An application to renew was received and accepted as a valid application on the 17th November 2017. This application was advertised in accordance with the statutory requirements and, following the end of the consultation period, the renewal application has been granted under delegated powers, as no representations were received.

3. Consultation and Objections

- 3.1 The application for the variation of this licence has been advertised, by the Applicant, in a local news publication and a public notice was posted on or near the premises for 21 days.
- 3.2 During the consultation period no representations have been received.

4. Legal Implications

- 4.1 The Applicant has been informed of the date, time and location of the hearing.
- 4.2 At the hearing the Applicant will have the opportunity to address the Committee. The Licensing Sub-Committee may also ask questions of the Applicant that they feel relevant to determine the application.

4.3 The Licensing Committee will communicate their decision at the end of the hearing and written confirmation will be provided within 7 days.

5. Right of Appeal

5.1 It should be noted that the Applicants may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

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Date of report: 12th January 2018

Background Papers Used in the Preparation of this Report

- **Local Government (Miscellaneous Provisions) Act 1982**
- **Policing and Crime Act 2009**
- **Wiltshire Council Sex Establishment Licensing Policy**

Appendices

- 1 Sex shop licence and attached conditions**
- 2 Sex Establishment Licensing Policy**
- 3 Variation application form**
- 3a New plan of premises**
- 3b Current plan of premises**
- 4 Location plan**