

**Variation of a Sex Establishment Licence;  
My Amazing Fantasy, 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 My Amazing Fantasy made by Mr Jonathan Spencer and Mrs Joan Spencer

**2. Background Information**

- 2.1 An application to vary a Sex Establishment Licence in respect of My Amazing Fantasy has been made by Mr Jonathan Spencer and Mrs Joan Spencer for which no objections have been received. The application to vary the Sex Establishment Licence must be decided by members and cannot be made by an officer.

The Premise is licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and shall only be used only for the purposes of a Sex Shop as defined in Paragraph 4 of Schedule 3 and shall not be used, wholly or in part, for any other purposes during the period that the premises are licensed as a Sex Shop.

- 2.2 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.
- 2.3 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
- 2.4 Any variations that the authority may make by virtue of sub-paragraph (ii), above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

2.5 On 13 July 2011 Wiltshire Council resolved that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009 be adopted and shall apply within the Council's boundaries.

2.6 On 6 February 2012 the Licensing Committee resolved to adopt and implement the policy and regulations prescribing conditions for Sex Establishments from 1<sup>st</sup> March 2012 (third appointed day)

These regulations include the opening times of a licensed Sex Establishment as follows:

The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, except 10 - 4pm on the two Sundays preceding Christmas. The premises may only be open during the permitted hours prescribed in the regulations.

The permitted hours of opening, unless varied by special condition, shall be as follows: -

- Mondays 9:00 am to 9:00 pm
- Tuesdays 9:00 am to 9:00 pm
- Wednesdays 9:00 am to 9:00 pm
- Thursdays 9:00 am to 9:00 pm
- Fridays 9:00 am to 9:00 pm
- Saturdays 9:00 am to 9:00 pm

A copy of the Sex Establishment Licensing Policy is attached as Appendix 4

2.7 On 24<sup>th</sup> October 2013 an application to transfer, renew and vary the Amazing Fantasy's Sex Establishment Licence was received and accepted as a valid application. The Licence was previously in the name of Mr Simon Sternschuss.

2.8 The application to transfer and renew the Licence has been granted by an officer in accordance with the delegated powers in Schedule 3D, as no representations were received.

The application to vary is to move the times of opening back by 30 minutes, permit the shop to open every Sunday, and alter the interior of the premises.

The hours applied for are as follows:

Day	Hours
Monday	0930 to 2130
Tuesday	0930 to 2130
Wednesday	0930 to 2130
Thursday	0930 to 2130
Friday	0930 to 2130
Saturday	0930 to 2130
Sunday	1000 to 1800

Bank Holidays would be the same Hours as Sundays.

A copy of the application is attached as **Appendix 1**. Copy of previous layout attached as **Appendix 1A**.

- 2.9 The alterations to the interior of the premises have already been carried out, photos are attached as **Appendix 2 showing the revised layout**.

A location map of premises and surrounding area is attached as **Appendix 3**

- 2.10 The premise has been licensed as a Sex Shop since 2003 by the relevant authorities.

### **3. Consultation and Objections**

- 3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 7 days, starting on the day after the authority receives it and for a public notice to be 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, any persons who have made objections have been informed of the date, time and location of the hearing.

- 4.2 At the hearing all parties will have the opportunity to address the Committee and ask factual questions of other parties. The Licensing Committee may also

ask questions of all parties that they feel relevant to determine the application.

- 4.3 The Licensing Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation within 7 days.
- 4.4 If a licence is to be granted the Licensing Authority will aim to do this within 5 working days of the Committee's decision.

## **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.

Report Author: Linda Holland, Senior Licensing Officer, Tel: 01249 706410

Date of report: 21 November 2013

### **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 Application**
- 1A Premise interior layout plan**
- 2 Photos showing interior layout of premises**
- 3 Location plan of premises**
- 4 Wiltshire Council Sex Establishment Licensing Policy**