

**Consultation Responses**  
**Wiltshire Council Draft Policy and Regulations**  
**Licensing of Sex Establishments**

11 Responses received (2 after the deadline had closed) All responses have been considered.

The comments are briefly outlined below, with details of the relevant part of the Local Government (Miscellaneous Provisions) Act 1982 and The Draft Policy.

**1. Minety Parish Council and Steeple Ashton Parish Council:** no comments offered;

**2. Durrington Town Council: Tisbury Parish Council:**

a) Request for: Town and parish Councils to be notified of any applications or changes to a licence in their area.

Legislation (Act) requires:

Notice of application must in all cases be given by publishing an advertisement in a local newspaper circulating in the local authority area. The publication must not be later than 7 days after the date of the application.

Where the application is in respect of premises, notice must in addition be displayed for 21 days beginning with the date of application on or near the premises and in a place where the notice can conveniently be read by the public.

An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.

The Act does not require any further consultation; *however the policy proposes that views will be sought from Wiltshire Fire and Rescue, Council ward members, Wiltshire Police, the Council planning department.*

Officer Recommendation: No changes to the policy because adequate provision already provided by the Act and consultation process; Nationally not included in the consultation process

### **3. Pewsey Parish Council:**

- a) As above but also asked if massage parlors are included in the Policy:

*Massage parlors do not fall under the definition of a "Sex Establishment" the Meaning of a Sex Establishment under the act is a sex cinema or a sex shop.*

Officer Recommendation: As this is also clearly stated within the policy, no further definition required.

### **4. Limpley Stoke Parish Council:**

- a) More democratic process, parish council to be considered a Key stakeholder not relegated to an interested party.

- b) Clearer understanding needed of who can object and on what basis

*The Act states: Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his/ her objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application*

*The policy clearly states the grounds on which a person cannot object, the application process as outlined in the policy defines what would be considered an inappropriate location.*

Officer Recommendation: As adequate provision made within the act and policy, No further guidance needed, or amendment to the policy necessary.

### **5. Melksham without Parish Council:**

- a). Reservations expressed that the consultation procedure is inadequate. The Parish council wish to be informed by letter, they also state that the procedure should be more than 1 letter or notice. They suggest it should be advertised for at least 2 weeks in to newspapers.

The Act does not require any further consultation; *however the policy proposes that views will be sought from Wiltshire Fire and Rescue, Council ward members, Wiltshire Police, the Council's Planning Department.* The Act only requires the application to be advertised only once in a local newspaper to propose anything different would be contrary to the legislation.

Officer Recommendation: No changes to the policy because adequate provision already provided by the Act and consultation process.

## **6. Salisbury District Council Licensing Committee:**

a). Resolved that: The Policy to take into consideration the existence of other similar businesses within a specific area, the impact that may be created on the character of an area, protect areas against proliferation.

*The policy states: That the grant or renewal of the licence would be inappropriate having regard to: The character of the relevant locality; or The use to which any premises in the vicinity are put; or The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.*

*No new licensed sex shop will be permitted if it will be situated within "Inappropriate proximity" to:*

*Near to housing.*

*Near, or near to access routes to and from, schools, play areas, nurseries, children's centres or other similar premises.*

*In family shopping areas.*

*Near places of worship.*

*Near a community facility or public building, including but not limited to swimming pools, leisure centres, public parks, youth centres/club and sheltered housing*

*Near historic buildings or tourist attractions.*

Officer Recommendation: That the policy is amended to include the following after the words *the character of the relevant locality*, "The existence of other similar businesses within the locality".

## **7. Westbury Town Council:**

a). Question asked: Does the policy require the statements included the draft licensing Policy at 1.6 and 1.7? These states:

b) 1.6 The policy statement remains in existence for a period of 3 years during which it is kept under review and revised as appropriate. Any major changes are preceded by public consultation.

Officer Recommendation: The Policy to be reviewed if there are any significant changes in legislation or legislative frame work, therefore no set review timescale is necessary.

c) 1.7 The policy must be published before the Authority carries out any function in respect of individual applications made under the terms of the (Licensing) Act.

The Act requires the local authority to publish a notice that they have passed a resolution for two consecutive weeks in a local newspaper.

Officer Recommendation: No requirement under the Act to publish the policy

d) Should there be a statement on the Wiltshire Council area?

Officer Recommendation: To include the statement from the Licensing Act policy.

e) Paragraph 4.b is ambiguous. Should the word 'and' be there?

*The policy states:*

*Straightforward objections on the grounds that sex establishments should not be allowed and will not be taken into account in assessing applications for such premises.*

Officer Recommendation: The word "and" be removed

## **8. Malmesbury Town Council:**

a) Raised various matters of typography which have been addressed:

b) With reference to section 4 parts f and g, it would seem that no- where would be suited to the establishment of a sex shop or cinema?

Officer Recommendation: The act allows the council to adopt its own policy, the question is one for the Implementation Executive to decide if they feel that the limitations place on a suitable locations are too harsh?

c) Annex A part 2: These are ridiculous constraints. They should be allowed to trade exactly as any other retailer or cinema.

d) Annex A part 3: Restricting a cinema to these hours is really inappropriate

The Act permits the appropriate authority to make regulations prescribing standard conditions which included conditions regulating the hours of opening and closing of sex establishments.

The Act also permits the authority to make different provisions for Sex Cinemas and sex shops; and  
For different kinds of sex Cinemas and sex shops

*The policy is proposing the following restrictions on opening hours:*

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

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

<i>Mondays</i>	<i>9:00 am to 9:00 pm</i>
<i>Tuesdays</i>	<i>9:00 am to 9:00 pm</i>
<i>Wednesdays</i>	<i>9:00 am to 9:00 pm</i>
<i>Thursdays</i>	<i>9:00 am to 9:00 pm</i>
<i>Fridays</i>	<i>9:00 am to 9:00 pm</i>
<i>Saturdays</i>	<i>9:00 am to 9:00 pm</i>

Officer Recommendation: The implementation Executive to agree or disagree with the proposed hours for Sex Shops, currently no sex cinemas licensed in the Wiltshire area, however it is recommend these should be allowed to open longer. Each applicant should be considered on its own merits.

e) Annex A part 9: Sex Cinema can't sell soft drinks or popcorn to its customers?

*The policy is proposing no refreshment of any kind shall be served in a licensed premises.*

Officer Recommendation: The paragraph to only apply to Sex Shops.

f) Annex A part 10: Firstly we are a metric society, not 3 inches, 10 centimetres, the sizes seems harsh.

Officer Recommendation: Amend to include metric reference.

g) Would like Town and Parish Council's to be included in the consultation process.

See response at

h) Inappropriate Proximity should be increased to 300 meters.

Officers Recommendation: Implementation Executive to decide whether distance to be increased.

9) Stockton Parish Council:  
Not relevant to consultation process.