

# AGENDA

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**Meeting:** Southern Area Licensing Sub Committee  
**Place:** Nadder Centre, Weaveland Road, Tisbury, SP3 6HJ  
**Date:** Wednesday 24 January 2018  
**Time:** 10.30 am  
**Matter:** Variation of a Sex Establishment License

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Please direct any enquiries on this Agenda to Lisa Moore of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Trevor Carbin  
Cllr Jose Green

Cllr Robert Yuill  
Cllr George Jeans (Sub)

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 6*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** (*Pages 7 - 34*)

To consider and determine an Application for a Variation of a Sex Establishment Licence in respect of Erotica-belle, 105 Fisherton Street, Salisbury, SP2 7SP made by AF Southern Ltd.

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## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairman welcomes all those present and introduces the Application.
3. The Chairman introduces the Members of the Sub Committee and invites all parties present (Applicant, Objectors and Officers) to introduce themselves.
4. The Chairman outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Objectors which are to be directed through the Chairperson.
9. Those who have made an objection to the application are invited to address the Sub Committee. .
10. Questions to Objectors by Members of the Sub Committee.
11. Questions to Objectors by the Applicant which are to be directed through the Chairperson.
12. Closing submissions by the Objectors in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairman either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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## WILTSHIRE COUNCIL

### SOUTHERN AREA LICENSING SUB COMMITTEE

24<sup>th</sup> JANUARY 2018

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**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 7<sup>th</sup> 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 23<sup>rd</sup> 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 17<sup>th</sup> 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.

Report Author: Hannah Hould  
Public Protection Officer (Licensing)

Date of report: 12<sup>th</sup> 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**

Local Government (Miscellaneous Provisions) Act 1982  
**SEX SHOP LICENCE**

**LN/000007843**

**ISSUING LOCAL AUTHORITY**

**Wiltshire Council**  
Where everybody matters

**PREMISES LICENCE ADDRESS**

**Erotica-Belle  
105 Fisherton Street  
Salisbury  
Wiltshire  
SP2 7SP**

**NAME OF LICENCE HOLDER**

**AF Southern Ltd**

**THE LICENCE IS VALID FOR THE FOLLOWING PERIOD**

**FROM:** 29th November 2016      **EXPIRES:** 28th November 2017

**DAYS AND HOURS OF OPENING**

Monday - Saturday 0900 - 2100  
Sunday 1000 -1800

Date of Issue: 24th November 2016

Signed: \_\_\_\_\_

**Licensing Officer**

These regulations are made by Wiltshire Council under the conferred powers of paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Separate conditions cover sexual entertainment venues and sex cinemas.

In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.

Definitions: -

**‘Sex Establishment’, ‘sex cinema’, ‘sex shop’, and ‘sex article’** shall have the same meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

**‘Premises’** means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a sex shop granted under the said Schedule 3.

**‘The Council’** means Wiltshire Council.

**‘Authorised Officer’** means any person authorised in writing by the Council.

1. Premises licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, shall 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. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday. The premises may be open only during the permitted hours prescribed in these regulations.
  - a) The permitted hours if 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
3. Over each entrance to the premises, the Licensee shall affix and maintain in a permanent position a notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous) Provisions Act 1982. Such a notice shall carry the full name of the licensee.
4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons less than 18 years of age.

5. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
6. 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.
7. 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
8. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
9. The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
10. The Licence Holder shall produce a list of all stock carried at the premises and shall make it available to a police officer or authorised officer of the Council or police on demand in respect of a sex shop.
11. All merchandise shall be clearly marked so as to show persons inside the premises the purchase price of each item in respect of a sex shop.
12. The Licence Holder or some responsible person nominated by him in writing for the purpose shall be in charge of and be at the premises during the whole time they are open to the public.
13. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
14. The Licence Holder shall inform the Council in writing within 14 days if he/she or an employee is convicted or cautioned for a criminal offence.

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## **Sex Establishment Licensing Policy**

### Guidance and Standard Conditions

# Licensing of Sex Establishments

## **Introduction**

- 1.1 This policy has been produced as a result of new provisions that allow the Council to regulate lap dancing and similar venues.
- 1.2 The Licensing Authority is responsible for developing and implementing this policy.
- 1.3 Wiltshire Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can regulate sex shops, sex cinemas and sexual entertainment venues in the County.
- 1.4 Should any change to the Standard Conditions make it necessary to update relevant parts of the policy document, the amended policy document will be consulted upon.
- 1.5 This policy supersedes all previous policies implemented by Wiltshire Council.

## **Purpose and Aim of the Policy**

- 2.1 This policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the public, applicants and other relevant organisations.
- 2.2 This policy also contains Standard Conditions which will be applied to the sex establishment which forms part of any granted licence.

## **Scope**

- 3.1 This policy relates to any premises wishing to operate as a sex establishment.
- 3.2 Not all premises will automatically require a licence. Where there is an exemption within the legislation this has been set out in this policy document.
- 3.3 Consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for Sex Establishment Licences.
- 3.4 When considering applications for a Sex Establishment Licence, in respect of premises that have previously operated without the requirement for a licence prior to the adoption of the legislation, in addition to this policy document the Licensing Authority must have regard to the Home Office guidance issued in March 2010 entitled 'Sexual Entertainment Venues – Guidance for England and Wales'.

## **Definitions**

### **4.1 Sex Shop**

The legislation defines a sex shop as:



- “(1) Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –
- (a) sex articles; or
  - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity.
- (2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.”

Sex articles are defined as:

- “(3) (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –
- (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies –
- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - (b) to any recording vision or sound, which –
    - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.”

#### 4.2 **Sex Cinema**

The legislation defines a sex cinema as:

- “(1) Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage -
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; or

- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

- (2) No premises shall be treated as a sex cinema by reason only –
  - (a) if they are licensed under Section 1 of the Cinemas Act 1985, or their use or purpose for which a licence under that section is required; or
  - (b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

#### 4.3 Sexual Entertainment Venue

The legislation defines a Sexual Entertainment Venue as:

- “2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- (2) In this paragraph “relevant entertainment” means –
- (a) any live performance; or
  - (b) any live display of nudity;
- which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (3) The following are not sexual entertainment venues for the purposes of this Schedule –
- (a) sex cinemas and sex shops;
  - (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being provided at that time –
    - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
    - (ii) no such occasion has lasted more than 24 hours; and
    - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

(4) – (12) refer to other matters and are not relevant to this policy.

(13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organizer.

(14) In this paragraph –

“audience” includes an audience of one;

“display of nudity” means –

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organization or management of –

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

And for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

Examples of “relevant entertainment” are:

- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shows
- Peep Shows
- Live Sex Shows

## **Application Process**

5.1 The application form and relevant documentation for the new licence, renewal or transfer must be completed and returned with the appropriate fee as set out in the Council’s fees and charges.

- 5.2 A copy of the application form and supporting documentation must be forwarded to the Chief of Police within 7 days of the date of the application being made.
- 5.3 Applicants must also make notice of the application by publishing an advertisement in a local newspaper which circulates within the area of the premises. The notice should clearly identify the premises to which it relates and should be published no later than 7 days from the date the application is made. There is an additional requirement for the notice of application to be displayed for 21 days on or near the premises in a place that is convenient for the public to read. The notice must contain certain information prescribed by the Licensing Authority.
- 5.4 the Council will carry out a consultation process where views are sought from: Wiltshire Council, Wiltshire Fire and Rescue Service, Council Divisional Members for the area of the premises and the Council's Planning Department.
- 5.5 Objections to the application for the grant, renewal or transfer of a licence shall be given in writing, stating the terms of the objection no later than 28 days from the date of the application.
- 5.6 Where notice of an objection is received by the Council they will give notice in writing to the applicant of the general nature of the objection before it is given due consideration.
- 5.7 Objections must be made in writing and should include the following:
- (a) the name and address of the person making the objection;
  - (b) the premises to which the objection relates
  - (c) the proximity of the premises to the person making the objection;
  - (d) the reasons for making the objections.
- 5.8 Objections should be relevant to the statutory grounds for refusal as set out in the Local Government (Miscellaneous Provisions) Act 1982 Act and listed in Paragraph 6.3..
- 5.9 The Licensing Authority will not consider objections that are frivolous or vexatious and decisions on these will be made objectively by Licensing Officers. Where objections of this nature are rejected, the objector will be notified in writing.

**Vexatious Objections** are generally taken to be one which is repetitive, without foundation or made for some other reason such as malice.

**Frivolous Objections** are generally taken to be one that is lacking in seriousness.

**Valid Objections** will be considered by the Licensing Committee to consider the application

### **Determination of an Application**

- 6.1 The Council will consider every application on its merits, following the appropriate consultation and in accordance with this policy.
- 6.2 The Act specifies a number of issues that should and should not be considered:

- (a) A Council cannot have regard to the morality of sex establishments.
- (b) Straightforward objections on the grounds that sex establishments should not be allowed, will not be taken into account when assessing applications.
- (c) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- (d) That if the licence was to be granted, renewed or transferred, the business to which it relates will be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she had made the application himself/herself.
- (e) That the grant or renewal of a licence would be inappropriate having regard to:
  - (i) the character of the relevant locality;
  - (ii) the existence of other similar businesses within the locality;
  - (iii) the use to which any premises in the vicinity are put;
  - (iv) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (f) No new sex establishment will be permitted if it will be situated within “inappropriate proximity”:
  - (i) near to housing;
  - (ii) near, or near to access routes to and from schools, play areas, nurseries, children’s centres or similar premises;
  - (iii) in shopping centres;
  - (iv) near places of worship;
  - (v) near a community facility or public building, including but not limited to swimming pools, leisure centres, public parks, youth centre’s/club and sheltered housing;
  - (vi) near historic buildings or tourist attractions.

“**Inappropriate proximity**” is defined as a distance of 200m in direct line of sight between the proposed establishment and any locations listed above, or 100m distance if there is no direct line of sight.

- (g) An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will take the following into account:
  - (i) previous relevant knowledge and experience of the applicant;
  - (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other council area;
  - (iii) any report about the applicant and management of the premises received from statutory objectors.

6.3 Section 12(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 prohibits the Licensing Authority from granting a licence:

- (a) “to a person under the age of 18; or

- (b) to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
- (c) to a person, other than a body corporate, who is not resident in a European Economic Area (EEA) state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate who is not in an EEA state; or
- (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a sex establishment licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.”

- 6.4 The Licensing Authority will give clear reasons for its decision.
- 6.5 Any sex establishment licence may be granted subject to conditions imposed by the Council; therefore an application should not be refused if conditions could adequately address any area of concern.
- 6.6 All licences will be subject to the Council’s Standard Conditions for sex establishments as at Appendix A.
- 6.7 in the event of conflict between Standard Conditions and Special Conditions contained in the sex establishment licence, the Special Conditions shall prevail.

#### **Grant of a Licence**

- 7.1 All applications for the grant of a new licence will be determined by the Licensing Committee, irrespective of whether objections are received.

#### **Renewal or Transfer of an Existing Licence**

- 7.2 Where no valid objections or observations have been received, the application will be considered under officer delegated powers.
- 7.3 If the officer is minded to refuse such an application it will be referred to the Licensing Committee.
- 7.4 Where valid objections are received the application will be determined by the Licensing Committee.
- 7.5 At a Licensing Committee hearing the applicants and any objectors/observers will be given an opportunity to address the Committee.

#### **Hearing Procedure**

- 8.1 Where the Council is required to determine an application by referral to a Licensing Committee, the applicant and objectors/observers will be advised of the date, time and venue of the hearing.
- 8.2 In preparation for the hearing, all parties will receive a copy of the Licensing Officer’s report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.

- 8.3 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.
- 8.4 The Licensing Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation within 7 days.
- 8.5 If a licence is to be granted the Licensing Authority will aim to do this within 5 working days of the Committee's decision.

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RECEIVED  
07 SEP 2017  
PUBLIC PROTECTION

CHEQUE RECEIVED  
£  
E. HEALTH

# Wiltshire Council

Where everybody matters

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

## Application for Variation of a Sex Shop Licence and/or Sex Cinema Licence

### Premises, Applicant and contact details:

Licensed Name of Premises EROTICA BELLE

Full Address of Licensed Premises 105 FISHERTON ST

SAWLEY SP2 7SP

Telephone Number [REDACTED]

Is the proposed Licence variation in respect of a Sex Shop, Sex Cinema or Both?

Sex SHOP

Name of Applicant JONATHAN SPENCER OF SOUTHERN LTD  
(NB this must be the current licence holder)

Full Address of Applicant 105 FISHERTON ST SAWLEY

SP2 7SP

Telephone Number (during normal office hours) [REDACTED]

Name and Address to which correspondence to be sent (if different from above)

AS ABOVE

Contact Telephone Number (during normal office hours) [REDACTED]

Contact e-mail address [REDACTED]

Section 3 Section 6

Details of Proposed Variation: (eg changes to licensed name, conditions, alterations or additions to the structures, lighting or layout of premises including any change in the permitted signs on display)

When do you want the variation to take effect? As soon as possible

Please detail the proposed variation (enclose any supporting documents and plan showing changes if relevant)

\*CLEAR WINDOW DISPLAYS OF ITEMS FOUND ON THE HIGH STREET CHANGABLE WITH SEASON

\*FRONT SECTION OF SHOP TO SELL ITEMS FOUND ON THE HIGH STREET - 1998 COMPETITIONS ACT.

\*REAR SECTION OF THE SHOP - LICENSED AS A PUB ONLY.

\*SHOP COUNTER MOUNT

Is there any information in this application which you would **not** wish to be seen by members of the public? Yes  No

If yes, state which information and the reasons why you would **not** wish it to be seen

Personal information for security reasons

Is there any further information which the Applicant would wish the Council to take into account

Section 7

Please read the checklist below and tick to confirm you have enclosed all of the required information/documents;

- I have made or enclosed payment of the fee
- I have enclosed any supporting documents/amended plan (if relevant)
- I have enclosed an amended scheme showing the exterior design of the premises (if relevant)

**DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused.**

Signature  .....

Name of Signatory ..... *Anna Taylor* ..... *Spencer* .....

Designation of Signatory ..... *Licence* .....

Date ..... *31 August 2017* .....

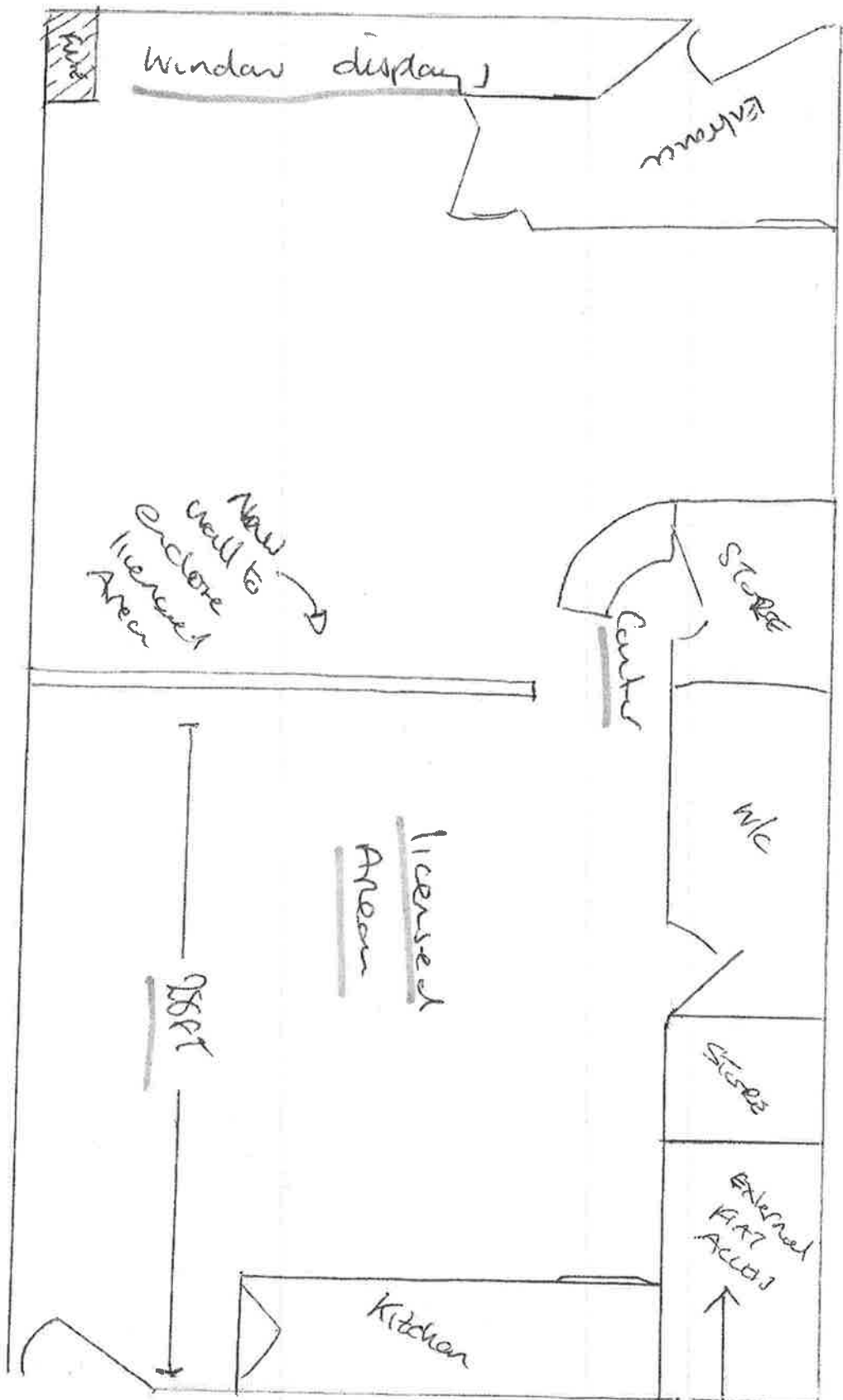
NOTE:

**Variation of Licence**

1. The application form, with relevant plans and fee should be returned to the Licensing Team
2. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements. As part of the application process you are required to post a notice on site for 21 days, from the date the application is lodged with the Council, setting out details. The pro-forma is available on Wiltshire Council website for your use. The notice must be posted up in a prominent position for the whole of that time and be easily read by passers-by.
3. You are also required to place a public notice in a local newspaper, at your expense. A specimen advertisement is available on Wiltshire Council website. It should appear in the publication within seven days of the application being lodged
4. Variation applications relate only to proposed changes to the hours, area etc of

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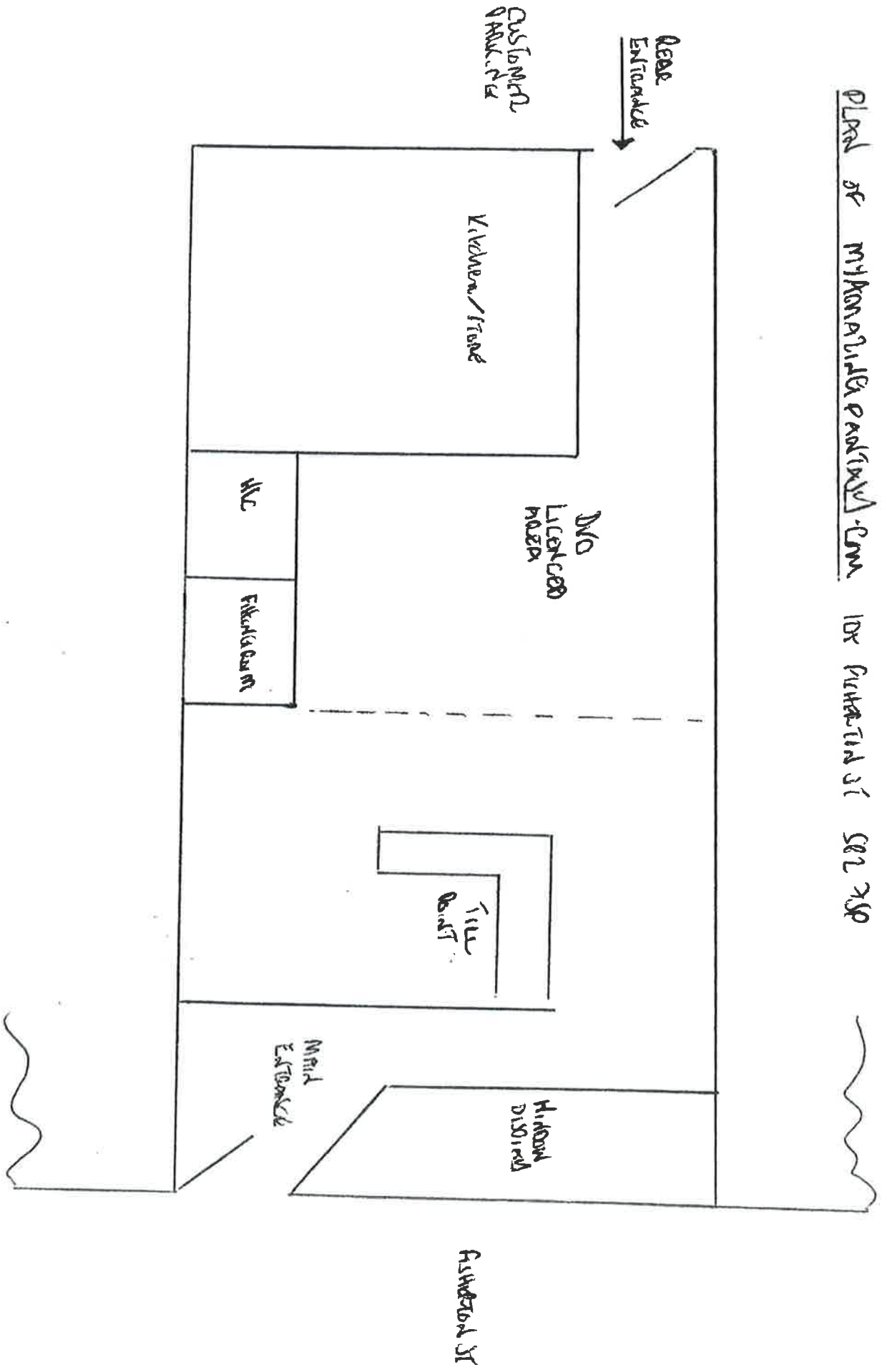
Kshetra street



105 Kshetra st VALUATION

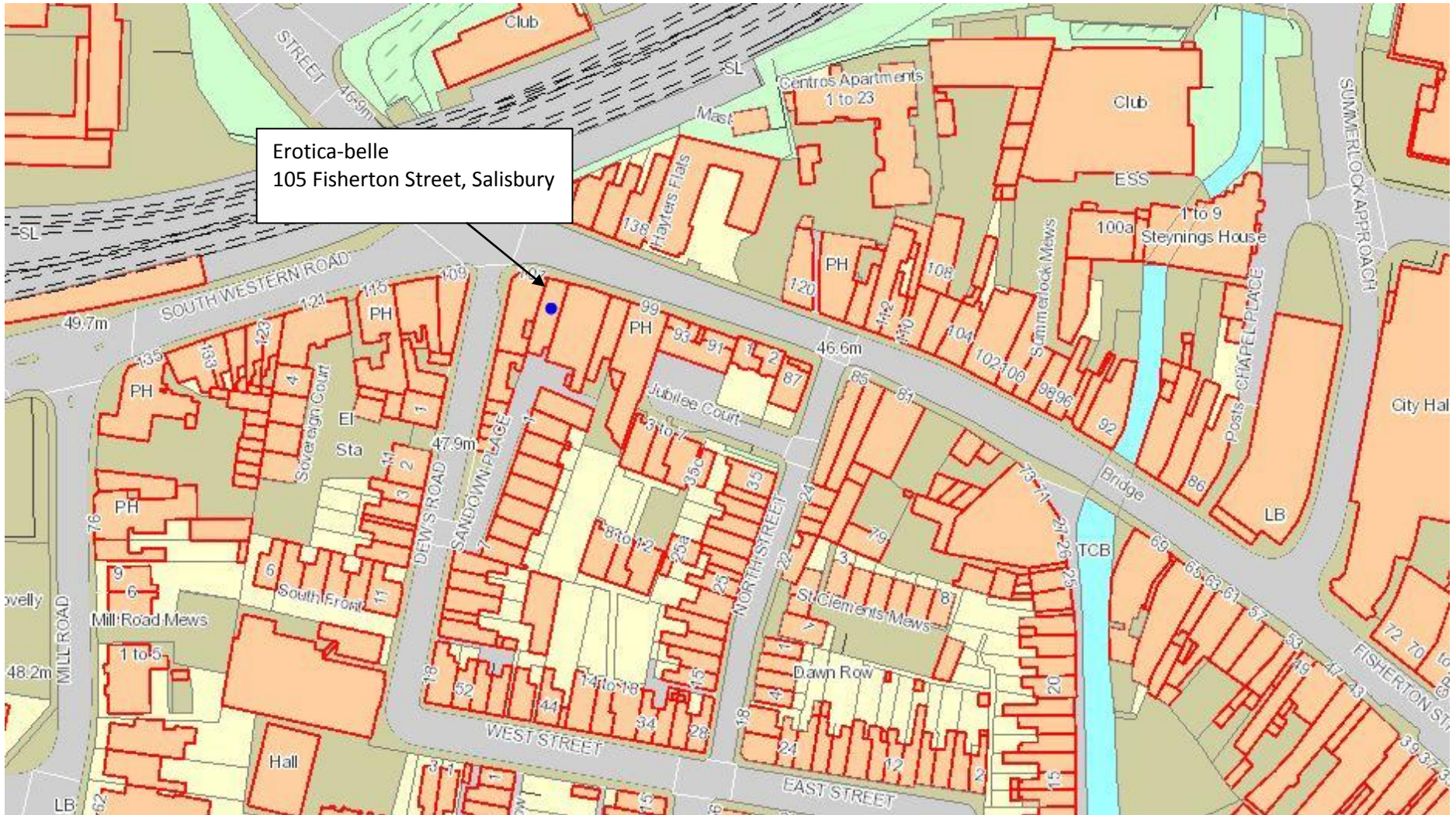
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Plan of MYKONALIA PAKISTAN PVT. LTD. 10x FUTURE IN JI SEC 250



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Erotica-belle  
105 Fisherton Street, Salisbury

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