



## Licensing Sub-Committee

**Date:** Tuesday, 9 January 2024  
**Time:** 2.00 pm  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

**Members (Quorum: 3)**  
Susan Cocking, Les Fry and Cathy Lugg

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services  
Meeting Contact 01305 224877 [john.miles@dorsetcouncil.gov.uk](mailto:john.miles@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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### Agenda

Item		Pages
1.	<b>ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING</b>	3 - 6
	To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**4. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

**5. NEW PREMISES LICENCE APPLICATION FOR 8 EAST STREET, BLANDFORD** 7 - 58

An application has been made for a new premises licence for 8 East Street, Blandford, for the sale of alcohol, on and off the premises. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

**6. RENEWAL OF SEXUAL ENTERTAINMENT LICENCE FOR WIGGLE, WEYMOUTH** 59 - 120

An objection to the renewal of the sex entertainment venue in Weymouth has been received and must be heard by a Sub-Committee prior to determination.

**7. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There are no exempt items scheduled for this meeting.**



## **THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

### Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

### Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

### Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

### **FOOTNOTE:**

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

## LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee
  - the council officers present
  - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. The Chairman will:
  - advise when the sub-committee’s decision will be confirmed in writing.
  - Inform those present of their right to appeal to the Magistrates’ Court.

## **NOTE**

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

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## Licensing Sub Committee

9 January 2024

### New premises licence application for 8 East Street, Blandford

#### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** Cllrs Quayle and Lacey-Clarke

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Kathryn Miller  
Job Title: Senior Licensing Officer  
Tel: 01305 252214  
Email: Kathryn.miller@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** An application has been made for a new premises licence for 8 East Street, Blandford, for the sale of alcohol, on and off the premises. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

**Recommendation:** The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

The steps that the Sub-Committee may take are:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions;

- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

**Reason for Recommendation:** The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

## 1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council’s licensing functions must be carried out with a view to promoting the four licensing objectives of:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

## 2. Details of the application

- 2.1 An application has been made for a new premises licence for 8 East Street, Blandford, and has been submitted to the Licensing Authority by Karl Hopton. The application and floor plan can be found at Appendix 1.
- 2.2 The description of the premises within the application form is:

“A small 10 square metre room adorned with wooden beams and period features. A small wash up area adjoins the main room and is separated by a toilet and washbasin. The main room has a small porch leading to the pavement.”
- 2.3 The application is to permit:

Supply of alcohol (on and off the premises)	
Monday to Thursday	1130-2130 hours
Friday and Saturday	1100-2130 hours
Sunday	1200-2130 hours



- 2.4 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These would need to be converted into enforceable conditions on a licence if it is granted and would include:

A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition.

Patrons will be discouraged from smoking out the front of the premises, notices will be displayed to remind them of this.

A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the "Challenge 25" policy. The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport

The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

### **3 Responsible Authorities**

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.

- 3.2 There were no representations received from any of the other Responsible Authorities.

#### **4 Representations from other persons**

- 4.1 There was one relevant representation received from a member of the public relating to the licensing objectives of the Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety. These e-mails can be found at Appendix 2.

The interested party also sent in photographs and videos in support of their representation, however, some of these cannot be included as they relate to areas that cannot be taken into consideration under The Licensing Act 2003 or they contain members of the public which cannot be shared due to data protection. Those that are relevant have been made available to the Sub Committee and the Premises Licence Holder.

- 4.2 There were also 14 representations received from members of the public in support of the application. These e-mails can be found at Appendix 3.
- 4.3 The representations contain some matters which are material considerations under planning but do not relate to the four Licensing Objectives. This would include any parts of the representations relating to the Highway, parking matters or amenity/need for a similar premises in the area. This application has been through the planning process, and these issues would have been considered at the time.
- 4.4 The relationship between planning and licensing is set out in paragraphs 6.2 to 6.5 of the Dorset Council Policy:

The use of premises for the sale or provision of alcohol, regulated entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to

determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

4.4 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of “other persons”:

“As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

4.4 The Guidance states at paragraph 9.4 what a “relevant” representation is;

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

## 5. **Considerations**

- 5.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing Authority should decide what actions are appropriate.

*“9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*

*9.43 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

*9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.”*

## 6 **Financial Implications**

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

## 7 **Environment, Climate & Ecology Implications**

None.

- 8 **Well-being and Health Implications**  
None.
- 9 Other Implications  
None.
- 10 Risk Assessment
- 10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
- Current Risk: Low  
Residual Risk: Low
- 11 Equalities Impact Assessment  
Not applicable
- 12 Appendices  
Appendix 1 – premises licence application and plan  
Appendix 2 – representation from interested party  
Appendix 3 – representations from interested parties (supporting application)
- 13 Background Papers  
[Licensing Act 2003](#)  
[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)  
[Dorset Council Statement of Licensing Policy 2021](#)

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## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Karl Richard Hopton

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>8 East Street</b>			
<b>Post town</b>	Blandford Forum	<b>Postcode</b>	Dt117dr
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£ 0	

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- |    |                                                      |                                     |                             |
|----|------------------------------------------------------|-------------------------------------|-----------------------------|
| a) | an individual or individuals *                       | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual *                  | <input type="checkbox"/>            |                             |
|    | i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
|    | ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
|    | iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
|    | iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) | a recognised club                                    | <input type="checkbox"/>            | please complete section (B) |





**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
25	1 1	20 23

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

A small 10 square metre room adorned with wooden beams and period features. A small wash up area adjoins the main room and is separated by a toilet and washbasin. The main room has a small porch leading to the pavement.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Max number 15 seated 5 standing
---------------------------------

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- |                                                                      |                            |
|----------------------------------------------------------------------|----------------------------|
| Provision of regulated entertainment (please read guidance note 2)   | Please tick all that apply |
| a) plays (if ticking yes, fill in box A)                             | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)                             | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)                        | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)                    | <input type="checkbox"/>   |

g) performances of dance (if ticking yes, fill in box G)

h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)	
Day	Start	Finish		
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)	
Tue				
Wed				
Thur				<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri				
Sat				
Sun				

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						



F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	1 130	213 0			
Tue	113 0	21 30			
Wed	113 0	21 30			
Thur	11 30	21 30			
Fri	110 0	21 30			
Sat	11 00	21 30			
Sun	120 0	21 30			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) Na		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Karl Richard Hopton
<b>Date of birth</b> ██████████

<b>Address</b> [REDACTED] [REDACTED] [REDACTED]	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> NDPA 1212	
<b>Issuing licensing authority (if known)</b> Dorset council	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

Na

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	1130	2130	
Tue	1130	2130	

Wed	113 0	213 0	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>
Thur	113 0	21 30	
Fri	110 0	21 30	
Sat	110 0	21 30	
Sun	120 0	21 30	

**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

The operation is a small specialised Traditional Cask Conditioned Alehouse with no spirits, cider, lager or keg beers. A discerning clientele has already been established by opening under TEN usage. I am a very experienced licensee and a Fellow of the British Institute of Innkeeping, fully trained with Bass and have held 2 licences under the 64 Act.

**b) The prevention of crime and disorder**

With 13 years experience in the Criminal Justice system and a former (certified) Police trainer, I am proactive and assertive to all issues relating to C&D. My policy is one of zero tolerance and no second chance options, A camera is being installed for the the prevention of public safety and identification, as the establishment is very small I inspect the toilet facilities on a regular basis and proactively use chemical dissolving products if necessary on all appliances, however the clients that I am already establishing are of a much older generation and my experience will act in conjunction with this demographic. No smoking directly outside the building already and I have signs enforcing this. I don't allow diverse debate and gathering of customers outside the establishment. I have a keen eye and a enquiring mind, having worked in 4 Category A Prisons I can normally tell which substance a person uses by their features.

**c) Public safety**

The building has a large beam which covers the bar area, this is low – 6 feet. Yellow and black warning signs are placed in strategic areas, a soft head protector covers the lowest point. There is a step up to the toilet facilities, this has 2 yellow and black - mind the step signs up and down. The building being small has one Fire Exit and a powder fire appliance, there are no heat producing appliances in the building.

**d) The prevention of public nuisance**

Smoking is strictly prohibited directly outside the building – this has been in force since 21/11/23, being a daytime demographic and given age of clients this is deemed as low risk. However a neighbour polite notice is in place. No music and minimum noise combined with early closing hours will underpin the objective.

**e) The protection of children from harm**

I have a parent child policy in a seated position in force. Children (max 2) will be accompanied to the facilities by an adult, inside or outside the door depending on age. A challenge 25 poster and policy is already in place. As the accommodation is small and the nature and age of Cask Ale drinkers being older this will support the objectives. If (future plans) allow me to employ staff then staff will be trained and registered with the British Institute of Innkeeping, as a Fellow myself this training will be mandatory. As no meals are served children will not be allowed alcohol whatsoever. However water and soft drinks are available.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**



**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	Karl R Hopton
Date	06/11/ 2023
Capacity	Owner and DPS

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications**

**from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in  
the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

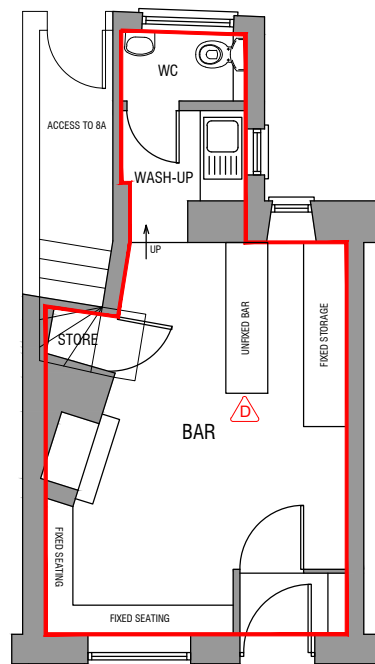
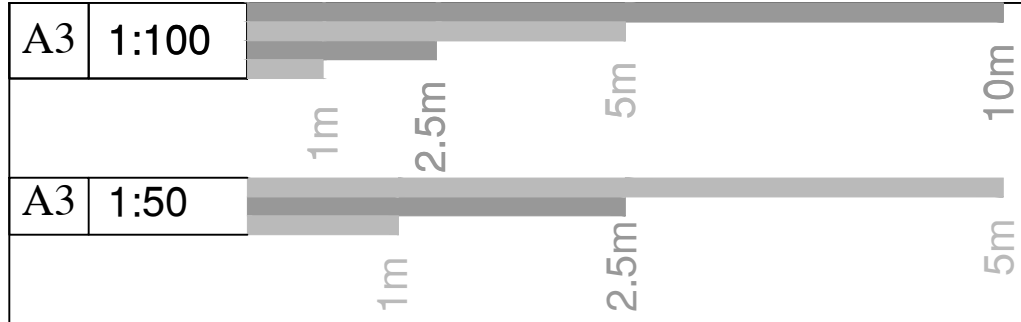
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

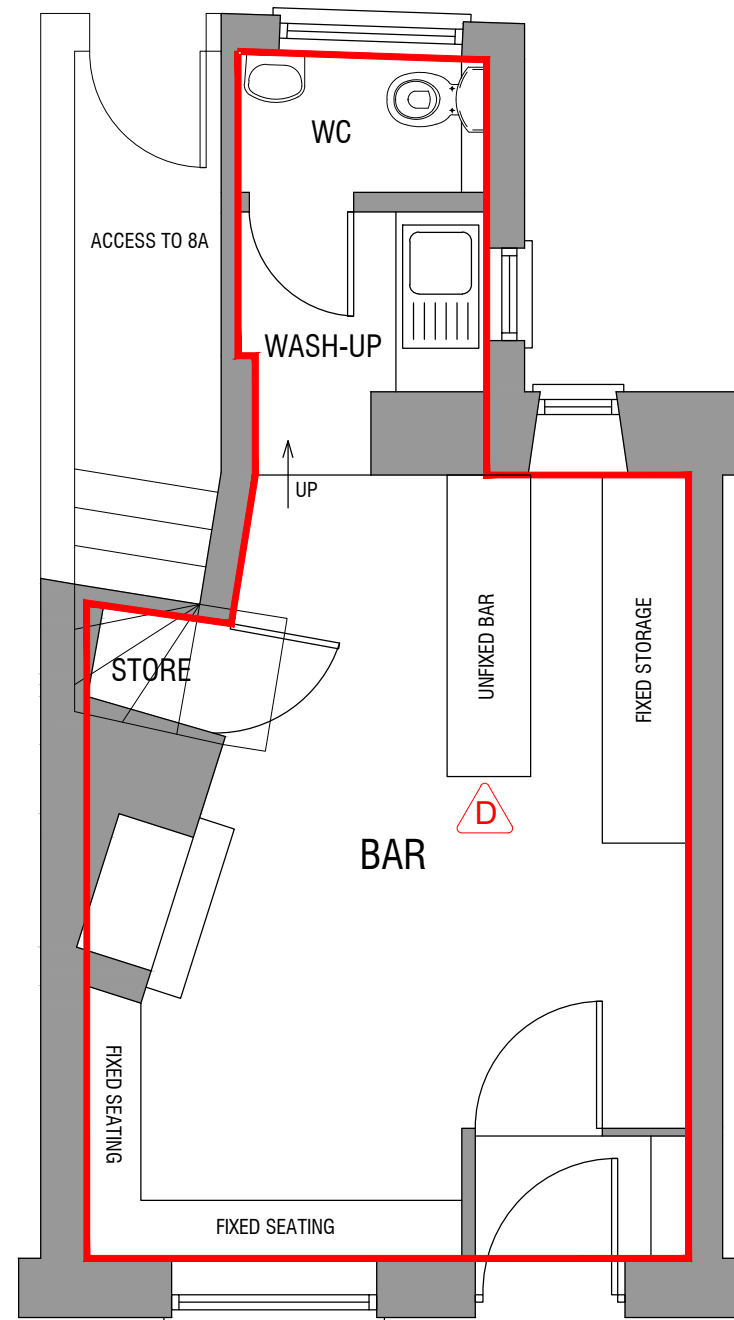
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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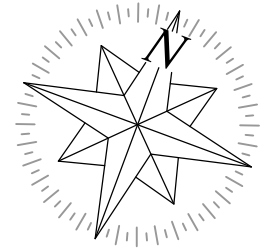




**LICENSING PLAN**  
SCALE 1:100



**LICENSING PLAN**  
SCALE 1:50



**NOTES:**

GROSS INTERNAL FLOOR AREA - 23 SQ/M  
(TRADING AREA - 18 SQ/M)

**LEGEND**

FIRE EXTINGUISHER (POWDER)

A Fire Extinguisher added 07/11/23

REV: DETAILS: DATE:

Client:  
MR KARL HOPTON

Job Title:  
HERITAGE BRIDGE ALES, 8 EAST STREET,  
BLANDFORD, DT11 7DR

Drawing Title:  
LICENSING FLOOR PLAN

Scale @ A3: 1:50/100	Date: 03-11-2023	Drawn By: KH	Checked By: KH
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Project Number: 01-2023	Drawing Number: 01-2023-03	Revision: A
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## Licensing

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**Subject:** FW: Representation for 8 East St, DT11 7DR email 1/5

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**From:** [REDACTED]  
**Sent:** Thursday, December 7, 2023 12:16 PM  
**To:** Licensing [REDACTED]  
**Subject:** Representation for 8 East St, DT11 7DR email 1/5

[REDACTED]  
[REDACTED]  
Blandford  
[REDACTED]

To whom it may concern,

Representation regarding Premises Licence application for 8 East Street

I am writing to express my concerns regarding the proposed Premises Licence for 8 East Street, Blandford Forum. I have put as much detail as possible below; however, please do contact me if you would like more details.

1. Location: being at the start of East Street in the more residential section (See PIC 1.0)
  - This location, being in a mostly residential section of the street, increases noise, incidents of public nuisance (such as smoking) outside and to either side of the premises, which is directly below, to the side, front and rear of several private residential properties (See PIC 1.1)
  - If you look at pictures 1.2/3 VID 1.1, you will see, particularly at the rear, the proximity of the bar to the neighbouring properties. There is a loss of privacy, particularly at the rear window of the bar, with no attempt to mitigate this with such measures as secondary glazing/curtains/blinds. The 2 rear windows (kitchen/washing area and toilet), which are single glazed in any case, are open at all times during the bar's operating hours. There is no door separating the rear area from the main bar area, this allows operating and customer noise to travel into rear court yards and residents' front doors and windows. Since the bar has been open, an increase in noise level can be heard in the residential properties. This will only increase as the bar's clientele increases, and especially in the summer months, when residents may reasonably wish to enjoy their outside space in peace and quiet. Please see the videos provided. To be clear, the videos are not meant to represent the volume levels but merely the clarity of noise and transference to the outside space from the windows being open.

- There are 2 front doors to the bar, one of which is left open permanently during operating hours, and the other opened by customers and often left ajar, increasing the noise level to the front, side and opposite residential properties. With the proposed closing time of 9.30pm, in practice this would mean the bar closing at 10/10.30pm after patrons have finished their drinks and exited the premises, and all noise has ceased. Should you decide to grant this licence, an earlier closing time would be beneficial to the local community in minimising the public nuisance caused by the business. This would also fit in with the applicant's public nuisance statement of "being a daytime demographic".

The front of the property does border a commercial premises (BetFred), but noise levels from this business are non-existent, and trade levels very low in the later hours of the day.

- With this being a new premises/venture, any and all noise/disturbance will be noticed keenly by the local residents. This is not one of the many drinking establishments that has been in operation in the town centre for decades.
- There is a contrast to be noted between the proposed business at 8 East Street, and the opening of the Ginger Viking bar further up the street, in that those premises are bordered by a funeral home and a derelict house (see PIC 1.4) , and there is a large distance from the rear of the property to its nearest residential neighbours. This is very different from the situation at 8 East Street, which as previously mentioned has residential properties to the side, rear and above.
- I would also like to reference Louise Joyner of the Environmental Health Department and her statement surrounding noise levels and impact on neighbouring properties. (see PIC 1.5)
- **I believe this falls under the Licencing objective "prevention of public nuisance"**

## 2. Increase in 'antisocial behaviour':

Since the bar has opened, there has been an increase in various undesirable activities outside the residential properties and the bar. I work full time, and despite this I have regrettably noticed an increase in activities that negatively impact the local community. Some examples of this are:

- 
- Smoking outside the premises - although the landlord states in his application that customers are 'strictly forbidden' from smoking directly outside the bar, what this has meant in practice is that customers are instead smoking outside the neighbouring residential properties' windows and front doors. It would almost have been preferable for patrons to smoke directly outside the bar, as this

would restrict the disturbance and could be monitored by the applicant. Included in this are examples of patrons approaching the bar smoking, and throwing their cigarette butts into the gutter before entering. I have personally witnessed both these issues first hand.

- Parking - patrons have been parking on the double yellow lines outside the bar, and going in for an extended period of time. This is both illegal, and dangerous, as it is a busy and narrow one way road. Since recent redevelopment works on the road, there have been increased problems with delivery drivers and others parking on this stretch of double yellow lines, and the opening of this bar will only add to this problem. (see PIC 2.1-3)
- Patrons have also been parking their bikes outside the front of the bar, and against the 'A Board' placed outside the bar front. (see PIC 2.4-7) These bikes have remained in situ for extended periods of time, and have not been asked to be moved by the applicant. Under the council's own non-negotiable regulations, 'A Boards must allow a minimum of 1.8m free passage', which is not the case in this location. Having bikes parked against the 'A Board' reduces this passage space further and could force the public to enter the roadway. I also note that businesses must have a minimum of £5 million public liability insurance to erect an 'A Board'. Would the applicant be able to provide a copy of this dated from 21<sup>st</sup> October 2023 to confirm this insurance is in place.
- On 11<sup>th</sup> November 2023, a group of heritage steam vehicles were present outside the bar. Although I do not know the exact reason for their presence, they were parked directly outside the bar on the double yellow lines, including double parking into the highway (see PIC 2.8-12). Various pictures taken with the bar's advertising/signage on prominent display, and advertised on their social media page, suggest that this was at least condoned and accepted by the applicant, and certainly utilised to promote his business. The applicant's stated 'zero tolerance and no second chances' policy (as stated under the heading of 'prevention of crime and disorder' on his licencing application) whilst commendable, does not appear to be applied in practice, which raises concerns about the veracity of the other statements and assurances on the licencing application.

Individually these might be considered to be only small incidences; they have however all occurred in the 26 days the bar has been in operation, and the limited amount of time I have been around to witness and document them. This raises concerns about the applicant's commitment to upholding the 4 key licencing objectives moving forward.

- **I believe these incidences fall under the licencing objectives 'Prevention of Crime and Disorder', 'Prevention of public nuisance' and 'Public Safety' 'Protection of children from harm'.**

### 3. Suitability of the premises for a bar of the requested capacity:

- The proposed capacity of 15 seated and 5 standing in a 10 square metre room, leaves only ½ a square metre per person. This does not take into account tables, chairs etc which further lessen the available space. If you have not seen the room in person, it is a very small room and I would be interested to hear the relevant authorities'

assessment of the space to hold 20 people safely, with the premises only having one door, and rear windows that do not open sufficiently to allow egress.

- 
- I also note that the applicant originally stated on social media that there would be a capacity of 12, then 17, and now states 20 on his application. I do understand businesses can change as they learn about their space and what they can accommodate, but it seems that the proposed capacity has nearly doubled. This is concerning on public safety grounds should any incidents occur in or outside the bar.
- The premises attracts a significant number of patrons with dogs, including doggy prams, reducing space further and introducing a potential extra complication to any emergency situation. (see PIC 3.1-3)
- An informative document by Leicester Fire Service (see DOC 1.1) on occupancy rates and calculations give figures of 0.3m<sup>2</sup> for open standing bar areas, 1m<sup>2</sup> for seating areas in bars and bench seats divided by 450mm per person. Going by these numbers, a capacity of 10 or under would be more fitting for the space available. (Although I appreciate we are not in Leicester, these are based on national rules/guidelines. I was unable to locate similar documents on the Dorset & Wiltshire Fire Service website). There is no floor plan attached online with the application to look more closely at the number of seats/benches etc.
- Dorset & Wiltshire Fire Service do comment on the use of powder fire extinguishers (provided in 8 East Street) and potential risk from reduced visibility and respiratory issues to people in enclosed spaces.
- Living in a listed building area I do understand considerations are made with older buildings that struggle to comply with modern safety requirements, but this is often for long established businesses. Surely new ventures such as this should be held to the most modern standards of safety.
- **I believe these incidences could warrant looking at further, and fall under the licencing objective 'Public Safety'.**

#### 4. Breach of TEN licencing regulations

The premises' last approved TEN licence was for the days of the 16<sup>th</sup>-19<sup>th</sup> of November. The previous TEN ended 12<sup>th</sup> November. However on the 14<sup>th</sup> and 15<sup>th</sup> of November I observed the bar open and selling alcohol (see PIC 4.1-4 + 2.7. Time and date stamps are embedded in

the photos). I reported this to the licencing team who queried this with the applicant, who stated he was closed for business on both the dates in question. This is concerning, as it demonstrates two separate incidences of trading without a licence; not just minor breaches (opening/closing 30 mins earlier or later than permitted for example) but being open for the full trading day in the knowledge that he did not have a licence, and then not being truthful to the licencing authority when this was queried.

This goes further to raise concerns about the willingness of the applicant to adhere to the licencing conditions moving forwards, and indeed the reliability and truthfulness of any statements or assurances he makes.

**I believe this point falls under all 4 licencing objectives 'Prevention of Crime and Disorder', 'Prevention of public nuisance', 'Public Safety' and 'Protection of children from harm'.**

#### 5. Miscellaneous:

This final point, although not falling directly under the licencing objective 'Protection of children from harm', I believe is nonetheless worthy of mention. In the application, under section M (e), it is stated as part of the 'protection of children from harm' section, that ' no meals are served', and therefore this will help protect children from harm'. As seen on social media, the bar has started serving food (see pic 5.1-2) Whilst not an issue in and of itself, this does illustrate that within a week of this application being made, this statement was no longer accurate. Also in Section M (c) it states that "there are no heat producing appliances in the building", which appears not to be the case if food is being served hot. This again raises concerns around the future plans for the bar, and the veracity and transparency of the application, limiting the ability of the relevant authorities to assess the application accurately.

**In conclusion, I feel that the issues I have raised above illustrate concerns about the bar being granted its licence under the current conditions or at all and fall clearly under the 4 key licencing objectives.**

Yours faithfully,

██████████

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## Appendix 3

Rep 1

**From:** [REDACTED]  
**Sent:** Thursday, December 7, 2023 10:49 AM  
**To:** Licensing [REDACTED]  
**Subject:** Premises Licence application 067875

Hello,

I hope I'm not too late to comment on the Premises Licence application 067875 for 8 East Street, Blandford?

I only want to say that I was FOR the licence being granted.

When Karl was open with the TENS I had the pleasure of visiting a couple of times and thought that it was a wonderful, yet different friendly little bar. Initially taken aback by how small it is I could see the sense of serving just a few traditional real ales and not being open too late. (21:30 I believe??) Not too busy and not full of the *wrong* type of clientele, something, particularly the older generation, do consider before going out for a drink.

A very much welcome addition to the ever empty streets of Blandford. I wish Karl all the best for the future and hope to be returning for a pint and some pork scratchings soon !

Kind regards,

[REDACTED]  
[REDACTED]

Rep 2

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, November 28, 2023 9:23 PM  
**To:** Licensing [REDACTED]  
**Subject:** East Street Blandford

To whom it may concern

I am writing in full support of the application for an alcohol license for 8 East St, Blandford.

This establishment brings a unique offering to Blandford, unlike anything that I have experienced in wider Dorset. This type of venture fits perfectly in a characterful Georgian town that is looking to promote individuality and independent businesses to its town centre.

The product is superb - and yet very different from what other licensed operators are offering - and the knowledge and experience of the applicant is second to none.

If this is turned down I genuinely believe that Blandford will be the poorer for it.

To reiterate, I fully support the application.

Kind regards

[REDACTED]  
[REDACTED]

Rep3

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, November 29, 2023 6:11 PM  
To: Licensing [REDACTED]  
Subject: Heritage Bridge Ales, 8 East Street, Blandford

Dear Sir,

I write in support of the license application of Mr Karl Hopton for the above business. Mr Hopton intends to provide traditional real ales and utilise a small premises that might otherwise remain unused. I am a resident of Weymouth and have taken the time and effort to travel to Mr Hopton's business thereby bringing business to Blandford and I am sure I am not the only person to do so. I would urge you to support this application for a license.

Yours faithfully,

[REDACTED]

Rep 4

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 4, 2023 1:56 PM  
To: Licensing [REDACTED]  
Subject: Heritage Bridge Ales license application East St, Blandford Forum

Dear sirs

I write in support of the above application

This is a micro venture of unusual creativity and value to the town and its community It will be supplying unusual craft ales that are not otherwise easily available in Dorset It has heritage memorabilia that are of museum quality and of historical value The applicant is an experienced landlord of impeccable character and I firmly believe that this venue will be an asset to the town. It will have a tourist value, extend the footfall down to the far end of East street and enhance the small trader/craft ambience of this part of town

[REDACTED]

[REDACTED]

Sent from my iPhone

Rep 5

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, November 28, 2023 7:30 PM  
**To:** Licensing [REDACTED]  
**Subject:** 8 east street

To whom it may concern

I recently found a very small quaint place for a coffee or a drink in east street blandford and as an ex licensee myself I thought how charming it was that a small business had come to blandford to sell real ales and bring people together , the owner Karl Hopton was very hospitable and knowledgeable and we want to congratulate blandford on this new find , what a truly special place for the community, it appears to be closed now waiting for its its full licence but I would highly recommend this lovely little place

If you wish to talk to me about my visit please do so as I was very impressed

Kindest regards

[REDACTED]

Rep 6

**From:** [REDACTED]  
**Sent:** Tuesday, November 21, 2023 9:26 AM  
**To:** Licensing [REDACTED]  
**Subject:** 8 East Street Blandford

Sirs,

I wish to add my support to this application.

This is not the type of establishment that will attract the sort of noise one might expect from licensed premises.

The proprietor is concentrating on the heritage aspect of the English brewing history (you will find no lagers here!)

As such his clientele is and will be responsible mainly middle aged people who pop in to savour a heritage beer.

Micro pubs are booming in the UK, often taking over derelict shops and breathing more life into the high street.

The concept of such premises is that people just call in for a short period of time, chat to others and move on. There is no loud music associated with such venues nor large groups of rowdy drinkers.

I have travelled twice from West Bay by public transport (incidentally spending money in your other shops) to savour a specialist beer and meet other like minded people. I am 75 and I was hoping to

continue doing so and can assure you that one of the main reasons for doing so is that it is not the sort of establishment that one stereotypes with alcohol.

Thank You

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Rep 7

**From:** [REDACTED]  
**Sent:** Monday, December 4, 2023 10:57 AM  
**To:** Licensing [REDACTED]  
**Subject:** Heritage Bridge Ales: Licence application support.

To: [REDACTED]

To whom it may concern.

I write with intention to support the licensing application for Heritage Bridge Ales, 8 East St, Blandford DT11 7DR.

This is a wonderful venture. I am also very familiar with the small Burton-on-Trent Bridge Brewery that owns it. The Heritage bit relates to their association with the Bass Museum Brewery, closed by Coors Beverage when they bought Bass. It serves up to 5 cask beers supplied by the heritage Brewery direct, all served from the barrel. Their heritage premium ale is Masterpiece (White Shield in cask), not available anywhere else..

It is a haven for the discerning real ale drinker (No other alcoholic drinks available). **Also no TVs, No wi-fi and no music.**

Before they were forced to close they were experimenting with providing traditional pub food as a "Casserole of the Day", in a take-away container if you so desired.

I can not see any reason why this small venture should be objected to. It's quiet, refined and run by a landlord of many, many years experience coming from a brewing family and if that is not enough, HM prison service and with the military.

As a lifelong craft beer drinker, who loves the social atmosphere of the old pubs this is a godsend.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Rep 8

**From:** [REDACTED]

**Sent:** Friday, December 1, 2023 9:10 PM

**To:** Licensing [REDACTED]

**Subject:** Licence application for 8 East Street, Blandford Forum

Dear Sir,

I am writing in support of the licensing application from Mr Karl Hopton for the premises at 8 East Street, Blandford Forum.

In the short time that the premises were operating under a temporary licence Mr Hopton has provided a much needed facility for the town of Blandford. I am not aware of any disturbances or excessive noise at the premises during that time. I am reluctant to use the expression 'real ale', but as a drinker of real ale myself I appreciate the excellent products that Mr Hopton serves. The ales are traditionally brewed in Burton on Trent (the historical home of true British beer) and due to Mr Hopton's vast experience in the licensing trade the ales are looked after and served in the best possible condition. On my visits the vast majority of the other drinkers could be described, like myself, as somewhat 'senior' in terms of age.

In view of the number of licensed premises that have closed down over the last few years in the town I think we should welcome a new watering hole with open arms. Especially as it would be catering for a niche market that many of the other Blandford pubs fail to address. Or, certainly not with the quality of Mr Hopton's.

One other point is that, in addition to having a drink, customers almost always enjoy an intimate atmosphere in this small alehouse where enjoyable conversations tend to include everyone present.

Lastly, I have every confidence that, due to his extensive experience in both the licensing trade and the prison service, Mr Hopton is ideally suited to run a law abiding alehouse that would be a fine asset to both local residents and to visitors alike.

I sincerely hope that you find Mr Hopton's application suitable and see fit to issue the requested licence.

Yours faithfully,

[REDACTED]

[REDACTED],

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rep 9

**From:** [REDACTED]

**Sent:** Monday, December 4, 2023 8:38 AM

**To:** Licensing [REDACTED]

**Subject:** Pub licence application - 8 East St, Blandford Forum

Hi,

I write with intention to support the licensing application for Heritage Bridge Ales, 8 East St, Blandford DT11 7DR.

As a fan of pubs that allow and expect convivial conversation and debate between those who would not normally expect such things in a town pub, I would love to see this small establishment prosper. Smaller establishments are extremely rare within this area and, from my experience, do not present a threat to the well-being of the citizens living near the pub, nor to the town in general. The pub has been a success thus far; almost everyone I've mentioned it to has either visited it or wants to, because it's a small venue and meeting others is remarkably easy.

I do think that the property needs a clearly delineated smoking area, and, since the license application is up to 9:30pm on all days in a venue that holds twenty people at a real squeeze, I hope it could be managed directly in front of the pub in a marked area.

I've never felt the need to write in support of a license application before so I hope that this message will help the pub in its application for licensing.

[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

Rep 10

**From:** [REDACTED]

**Sent:** Monday, December 4, 2023 5:10 PM

**To:** Licensing [REDACTED]

**Subject:** 8 East Street, Blandford

Hello

Is there any way the application for a license for the above premises can be sped up?

Blandford has a range of public houses but none like this. It is an establishment with limited appeal (which is part of charm), and is run by an overly qualified publican who has an unrivalled passion for his trade.

We all know that Christmas is just around the corner, and I have a great many business contacts who I wish to introduce to this oasis of tranquility.

Equally, I am missing contact with a great many of the clientele, who don't have a great deal of years left to live

Please do give my pitiful plea some consideration.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rep 11

-----Original Message-----

From: [REDACTED]

Sent: Monday, December 4, 2023 10:54 AM

To: Licensing [REDACTED]

Subject: Heritage bridge ales

Dear sir I write in support of the planning application by heritage bridge ales 8 East St blandford. On my visits to the establishment I have found it a quiet and convivial atmosphere to enjoy a fine product Yours sincerely. [REDACTED]

Rep 12

From: [REDACTED]

Sent: Wednesday, December 6, 2023 7:38 PM

To: Licensing [REDACTED]

Subject: 8 East Street, Blandford Forum - Comment

**I would like to strongly support this application.**

I have visited this establishment previously, and strongly believe it to be an asset to the town.

- During my visits I have only ever seen an enthusiastic landlord, who truly believes in heritage beers, brewed and served in the traditional manner.
- I could barely hear a sound as I approached the frond door, but upon entering was met by a very warn reception and over a pint entered into convivial conversation with other users about various brewing methods and beers – sorry, ales.
- It is a very compact bar, and because of the likely clientele, do not believe it possible to cause any nuisance or noise – I have certainly never witnessed any noisy rowdy behaviour, and believe the landlord more than capable of maintaining a high standard establishment.
- I noted that the landlord asked a smoker to move round the corner away from the front door as the pavement is quite narrow.
- I noted that there was toilet and small kitchen area, all perfectly kept.
- Finally, I noticed there was no music.

I believe in these difficult times, as High Streets struggle, that ventures like this should be encouraged.

[REDACTED]

[REDACTED]

[REDACTED]



Rep 13

**From:** [REDACTED]

**Sent:** Monday, December 4, 2023 11:36 PM

**To:** Licensing [REDACTED]

**Subject:** Representation in support of Heritage Bridge Ales

Hi,

I write with intention to support the licensing application for Heritage Bridge Ales, 8 East St, Blandford DT11 7DR.

As a fan of pubs that allow and expect convivial conversation and debate between those who would not normally expect such things in a town pub, I would love to see this small establishment prosper. Smaller establishments are extremely rare within this area and, from my experience, do not present a threat to the well-being of the citizens living near the pub, nor to the town in general. The pub has been a success thus far; almost everyone I've mentioned it to has either visited it or wants to, because it's a small venue and meeting others is remarkably easy.

I do think that the property needs a clearly delineated smoking area, and, since the license application is up to 9:30pm on all days in a venue that holds twenty people at a real squeeze, I hope it could be managed directly in front of the pub in a marked area.

I've never felt the need to write in support of a license application before so I hope that this message will help the pub in it's application for licensing.

Best regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Rep 14

**From:** [REDACTED]  
**Sent:** Monday, December 4, 2023 9:21 PM  
**To:** Licensing [REDACTED]  
**Subject:** license for No. 8, East St. Blandford Forum.

To whom it may concern.

I am writing to very fervently endorse the application by Mr. Karl Hopton, of Heritage Bridge Ales, for the premises detailed above. I visited this establishment on 3 occasions during its temporary licensing. For a man in his eighth decade, it is exactly what I would want for from a small alehouse. Its size, the lack of large TV screens & piped music, meant that one could, & was encouraged to, engage with the other patrons in amiable conversation & debate. In none of the other town pubs is this the case. Mr Hopton manages it in an experienced affable manner, but there is no doubt who is 'the governor'. Consequently, I can not see that it is in any way a likely threat to crime & disorder, public safety, public nuisance or harm to the young, who are very unlikely to frequent it. Failure to grant the license would rob us older folk of what I think we would all love to frequent, & rarely do, a 'proper' ale house !

Yours sincerely [REDACTED]

[REDACTED]  
[REDACTED]

## Licensing Sub-Committee

9 January 2024

## Renewal of Sexual Entertainment Licence for Wiggle, Weymouth

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** Cllr J Orrell

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: Aileen.Powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** An objection to the renewal of the sex entertainment venue in Weymouth has been received and must be heard by a Sub-Committee prior to determination.

**Recommendation:** That the licence be renewed.

**Reason for Recommendation:** The premises has been licensed since 2011 and been under the control of Wellhot Limited since 2018. The local ward member, the Town Council, the police and the fire authority have no issues with either the venue or the operator.

### 1. Law

1.1 The licensing of Sexual Establishments falls under the Local Government (Miscellaneous Provisions) Act 1982 (the Act). Section 2 of the Act relates to the adoption of the provisions in a Council's area, and schedule 3 deals with the process of licensing a venue. The full text of the section and Schedule are attached at Appendix 1. Sexual Entertainment Venues were included into the provisions of the Act by virtue of the Policing and Crime Act 2009, prior to this the only control was under the Licensing Act 2003.

### 2. Application

- 2.1 Wellhot Limited has applied to renew the Sexual Entertainment Venue (SEV) licence for Wiggle, 33 New Street, Weymouth, DT4 8DB. The current licence is attached at Appendix 2.
- 2.2 Wellhot has held the licence for this premises since 10 October 2018 when it was transferred to them.
- 2.3 The premises at this location has been a licensed SEV since May 2011.
- 2.4 The policy under which this should be considered is the Weymouth and Portland Borough Council Sex Establishment Policy 2016 to 2020 (the Policy) which is attached at Appendix 3 in full. This policy continues to be in effect whilst the new Dorset Council Policy is formulated and consulted on.
- 2.5 Section 12 of the Policy sets out how the Council will deal with renewals of SEV licences; -

On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the Council shall give due weight to the fact the licence was granted in the previous year and any years before that.

### **3. Objection**

- 3.1 One objection has been received to the renewal of the licence. The Objection is included in full at Appendix 4. The objector has stated that they live outside of the Dorset Council area.
- 3.2 The objection is based on four strands of argument: -
  - That the applicant is unfit.
  - That the premises is unsuitable.
  - The premises location is unsuitable.
  - The advertising of the premises is unsuitable.
- 3.3 The Policy sets out at paragraphs 10.1- 10.3 the matters that will normally be taken into account when considering whether an applicant is suitable.

#### **Suitability of applicant**

The Council wishes to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:

- Any convictions or cautions of the applicant.
- If a Company, any convictions or cautions of Directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed.
- The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be

licensed by the Council.

- The experience of the applicant and their knowledge of running a sex establishment.
- Any previous licence held by the applicant, whether in this Council's area or another.
- Any report or information submitted to the council by the Police, other consultees, and objectors.

The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

- 3.4 The objector refers to a tribunal case in Portsmouth from 2020. The Tribunal related to an unlicensed HMO. The outcome of such a matter is not a conviction or a caution, but a financial penalty that does not show up on the criminal record checks carried out on applicants for this type of licence. It is nevertheless a matter which the Sub-Committee can take into account.
- 3.5 The Police has been consulted and have made no comments on the applicant, his suitability or the application.
- 3.6 The comments made by the objector relating to the means of escape in the event of a fire have been referred to the fire authority who have responded that the matter is for inclusion in the Risk Assessment.
- 3.7 The applicant has confirmed that the area in question is part of his property and under his control.
- 3.8 The objector has raised a concern about the location as it is near to the beach. The current policy is quite detailed about location in paragraphs 8.1 and 8.2.

- 3.9 The Policy paragraphs 8.1 to 8.2 set out the considerations that will be made relating to the location of Sexual Entertainment Venues (SEVs)

**Considerations Based on Location**

There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children’s centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship
- Prime visitor locations such as Weymouth / Esplanade / Seafront / Harbourside
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks, and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration.
- Any premises of a similar nature to the above

It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

- 3.10 The premises is down a back street near to the sea front but not visible from the main tourist areas. The section of New Street that Wiggle is in mainly consists of back entrances to other premises, not tourist attractions, although it would appear that there are a restaurant and a few residential entrances as well. Google Street Views of New Street from either end can be viewed on Google Maps from the [Wiggle End](#) and from the [other end](#) of the street.
- 3.11 The objector has raised a matter of equality because there are no male performers.
- 3.12 The Council is obliged to consider the Equalities Act in every decision it makes. Issues normally raised under this heading relate to accessibility of patrons, not a lack of mixed performers. Indeed, there is nothing in the current policy to suggest that if a licence for a venue with male performers was applied for it would be treated any differently to a venue with female performers.
- 3.13 Philip Kolvin KC in his book Sex Licensing (Institute of Licensing) at paragraph 7.29 – 7.35 sets out the equality duty as having due regard to the need to eliminating discrimination, the performers, women being welcomed into the premises and the fears of women using the vicinity of the premises. No one has objected on those grounds. The extract is attached at Appendix 5.

- 3.14 The objector has raised an issue with the signage at the premises. A screen shot of the signs is attached at Appendix 6. The current license has a condition preventing advertisement of the premises. The Sub-Committee can reimpose this condition or modify it if the licence is renewed.
- 3.15 The signage is subject to the separate advertisement consent regime under planning legislation.
- 3.16 The objector has raised several issues relating to other Council's policies, and other objections to other applications, and other premises. None of these appear to relate to the application being considered.

#### **4. Grounds for Refusal of applications**

- 4.1 The Act provides specific grounds on which SEV applications can be refused. This is covered in detail in section 9 of the policy. The applicant does not fall within any of the Mandatory Grounds on which the application would have to be refused.
- 4.2 The Discretionary Grounds for refusal within the Act are:
- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
  - b) The applicant is merely a front for a person who would otherwise be refused a licence.
  - c) The number of sex establishments in the relevant locality exceed the number which the authority considers appropriate for the area.
  - d) The licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made.
- 4.3 For the reasons set out above, officers do not consider that the application should be refused under grounds a) or d). No information has been provided to suggest that ground b) applies.
- 4.4 This is the only SEV in Weymouth. Whilst the number of SEV under ground c) can be zero, officers do not consider that is the case here particularly given that this premises is an established SEV.

#### **5. Appeals**

- 5.1 There are limited grounds to appeal decisions. An applicant can only appeal refusals under the Mandatory Grounds for refusal if they do not as a matter of fact apply to them.

5.2 An applicant can appeal against refusals under the Discretionary Grounds a) and b) in paragraph 4.2 of this report, but there is no right of appeal against refusals under the grounds listed in paragraph 4.2 c) and d) relating to the location of the premises.

## **6. Financial Implications**

6.1 Certain decisions of the Sub Committee as outlined in paragraphs 4.1 and 4.2 of this report could lead to an appeal by the applicant that could incur costs.

6.1 The objector has no rights of appeal under the Act, any challenge by them would have to be by way of a Judicial Review.

## **7. Natural Environment, Climate & Ecology Implications**

None.

## **8. Well-being and Health Implications**

None

## **9. Other Implications**

None

## **10. Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **11. Equalities Impact Assessment**

Conditions can be imposed on the licence, such as those on the existing license to protect performers from harassment and threats to their dignity. There is no suggestion that women would be unwelcome at the premises and indeed the premises' advertising suggests the opposite. This is the only SEV in Weymouth and it is not in a prominent position or close to shops or other attractions. There is a restaurant next door and some residential entrances on the same street. This may impact on women and people with religious or other beliefs accessing neighbouring properties and it is noted that no complaints have been received about the operation of the SEV. Access to the ground floor of the premises is at level but the toilets are in the basement and are only accessible by stairs. Likewise, access to the first and second floors is by stairs only and so for these reasons people with limited mobility can only visit the premises in a limited way.



## **12. Appendices**

Appendix 1 - Relevant provisions of the 1982 Act

Appendix 2 - The Application

Appendix 3 - Dorset Council Sex Establishment Policy 2016-2020

Appendix 4 - The Objection

Appendix 5 – Extract from the Sex Licensing Book by Philip Kolvin KC

## **13. Background Papers**

Sex Licensing Philip Kolvin KC (2010, Institute of Licensing) isbn978-0-9555392-2-0

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# Local Government (Miscellaneous Provisions) Act 1982

## 1982 CHAPTER 30

### PART II

#### CONTROL OF SEX ESTABLISHMENTS

#### **2 Control of sex establishments.**

- (1) A local authority may resolve that Schedule 3 to this Act is to apply to their area; and if a local authority do so resolve, that Schedule shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- (2) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (3) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of Schedule 3 to this Act in the local authority's area.
- (4) The notice shall state the general effect of that Schedule.
- (5) In this Part of this Act "local authority" means—
  - (a) the council of a district;
  - (b) the council of a London borough; and
  - (c) the Common Council of the City of London.

**Changes to legislation:** Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 3 is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### CONTROL OF SEX ESTABLISHMENTS

##### Modifications etc. (not altering text)

- C1** Sch. 3 applied (24.7.1996) by [City of Westminster Act 1996 \(c. viii\), s. 3\(1\)](#)  
Sch. 3: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)
- C2** Sch. 3: power to apply with amendments (including the insertion of a new Sch. 3 para. 3A) conferred on a borough council (which has resolved, in accordance with s. 2 of this Act, that Sch. 3 shall apply to their area) by [Greater London Council \(General Powers\) Act 1986 \(c. iv\), s. 12\(1\)\(4\)](#) (coming into force in accordance with s. 12(2)(3)); and in Sch. 3 para. 3A, as so applied by a participating council, proviso (ii) is repealed by [London Local Authorities Act 1990 \(c. vii\), ss. 3, 5, 18, Sch. 1](#)
- C3** Sch. 3: power to apply with further amendments (including the insertion of a new Sch. 3 para. 3B) conferred on the City of Westminster and on any other borough council (which has resolved that Sch. 3 shall apply to their area with the amendments contained in [1986 c. iv, s. 12](#)) by [London Local Authorities Act 2007 \(c. ii\), s. 33\(2\)-\(7\)](#) (coming into force in accordance with ss. 1(4), 3, 33(1)) (as modified (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 4\(1\)-\(6\)](#) (with savings in [arts. 4\(7\)-\(9\)](#)))
- C4** Sch. 3: power to apply with the amendments made by [2009 c. 26, s. 27](#) (which amendments would otherwise be excluded) conferred (6.4.2010 for E., 8.5.2010 for W.) on a local authority (where that authority has, before the coming into force of [2009 c. 26, s. 27](#), resolved under s. 2 of this Act that Sch. 3 is to apply to the area of the local authority) by [Policing and Crime Act 2009 \(c. 26\), ss. 27, 116\(4\), Sch. 3 para. 2; S.I. 2010/722, art. 3\(b\)](#) (with [arts. 4-12](#)); [S.I. 2010/1375, art. 3\(b\)](#)
- C5** Sch. 3, so far as its provisions have effect by virtue of [1986 c. iv, s. 12](#), is repealed (with savings) (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 2\(1\)](#) (with [arts. 2\(2\)-\(6\)](#))

##### *Saving for existing law*

- 1 Nothing in this Schedule—
- (a) shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Schedule; or
  - (b) shall be taken into account in any way—
    - (i) at a trial for such an offence; or
    - (ii) in proceedings for forfeiture under section 3 of the <sup>M1</sup>Obscene Publications Act 1959 or section 5 of the <sup>M2</sup>Protection of Children Act 1978; or
    - (iii) in proceedings for condemnation under Schedule 3 to the <sup>M3</sup>Customs and Excise Management Act 1979 of goods which section 42 of the <sup>M4</sup>Customs Consolidation Act 1876 prohibits to be imported or brought into the United Kingdom as being indecent or obscene; or

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(c) shall in any way limit the other powers exercisable under any of those Acts.

**Marginal Citations**

- M1** 1959 c. 66.  
**M2** 1978 c. 37.  
**M3** 1979 c. 2.  
**M4** 1876 c. 36.

*Meaning of “sex establishment”*

2 In this Schedule “sex establishment” means a [<sup>F1</sup>sexual entertainment venue,] sex cinema or a sex shop.

**Textual Amendments**

- F1** Words in Sch. 3 para. 2 inserted (E.W.) (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 27\(2\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), [art. 3\(a\)](#) (with [arts. 4-12](#)); [S.I. 2010/1375](#), [art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395](#), [arts. 3-11](#))

*Meaning of “sexual entertainment venue”*

[<sup>F2A</sup>(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 so 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 for 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.

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- (4) The relevant national authority may by order amend or repeal sub-paragraph (3)(b).
- (5) But no order under sub-paragraph (4) may—
  - (a) increase the number or length of occasions in any period on which sub-paragraph (3)(b) as originally enacted would permit relevant entertainment to be provided; or
  - (b) provide for shorter intervals between such occasions.
- (6) The relevant national authority may by order provide for descriptions of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of this Schedule.
- (7) Any power of the relevant national authority to make an order under this paragraph—
  - (a) is exercisable by statutory instrument;
  - (b) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
  - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (8) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- (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 organiser.
- (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 organisation or management of—
    - (a) the relevant entertainment; or
    - (b) the premises;

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

“relevant national authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers;

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.]

#### Textual Amendments

- F2** Sch. 3 para. 2A and cross-heading inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(3\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### Meaning of “sex cinema”

- 3 (1) In this Schedule, “sex cinema” means 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—
- [<sup>F3</sup>(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation]
  - [<sup>F4</sup>(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 [<sup>F5</sup>the Cinemas Act 1985].]

#### Textual Amendments

- F3** Sch. 3 para. 3(2)(a) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 85\(2\)\(a\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)
- F4** Sch. 3 para. 3(2)(b) substituted by [Cinemas Act 1985 \(c. 13, SIF 45A\), s. 24\(1\), Sch. 2 para. 16\(b\)](#)
- F5** Words in Sch. 3 para. 3(2)(b) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 85\(2\)\(b\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)

#### Meaning of “sex shop” and “sex article”

- 4 (1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

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- (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.
- (3) In this Schedule “sex article” means—
- (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 of 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.

#### *Miscellaneous definitions*

- 5 (1) In this Schedule—
- “the appropriate authority” means, in relation to any area for which a resolution has been passed under section 2 above, the local authority who passed it;
  - “the chief officer of police”, in relation to any locality, means the chief officer of police for the police area in which the locality is situated; and
  - “vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.
- (2) This Schedule applies to hovercraft as it applies to vessels.

**Modifications etc. (not altering text)**

- C6** Sch. 3 para. 5 modified (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(4), Sch. 3 para. 2(4); [S.I. 2010/722, art. 3\(b\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(b\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))



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*Requirement for licences for sex establishments*

- 6 (1) Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.
- (2) Sub-paragraph (1) above does not apply to the sale, supply or demonstration of articles which—
- (a) are manufactured for use primarily for the purposes of birth control; or
  - (b) primarily relate to birth control.
- 7 (1) Any person who—
- (a) uses any premises, vehicle, vessel or stall as a sex establishment; or
  - (b) proposes to do so,
- may apply to the appropriate authority for them to waive the requirement of a licence.
- (2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.
- (3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 10(2) to (5) below and such particulars as the appropriate authority may reasonably require in addition.
- (4) The appropriate authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.
- (5) A waiver may be for such period as the appropriate authority think fit.
- (6) Where the appropriate authority grant an application for a waiver, they shall give the applicant for the waiver notice that they have granted his application.
- (7) The appropriate authority may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

*Grant, renewal and transfer of licences for sex establishments*

- 8 <sup>F6</sup>(1) Subject to <sup>F7</sup>sub-paragraph (2) and] paragraph 12(1) below, the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.

- <sup>F8</sup>(2) No term, condition or restriction may be specified under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises, vehicle, vessel or stall.]

**Textual Amendments**

- F6** Sch. 3 para. 8(1): Sch. 3 para. 8 renumbered as Sch. 3 para. 8(1) (1.10.2006) by virtue of [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), [Sch. 2 para. 26\(3\)\(a\)\(i\)](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), [arts. 1\(1\), 2](#))

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- F7** Words in Sch. 3 para. 8 inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(a)(ii)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)
- F8** Sch. 3 para. 8(2) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(a)(iii)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

- 9 (1) Subject to paragraphs 11 and 27 below, any licence under this Schedule shall, unless previously cancelled under paragraph 16 [<sup>F9</sup>or 27A below] or revoked under paragraph 17(1) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.
- (2) Where a licence under this Schedule has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person.

#### Textual Amendments

- F9** Words in Sch. 3 para. 9(1) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(4), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)

- 10 (1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.
- (2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—
- the full name of the applicant;
  - his permanent address; and
  - his age.
- (3) An application made by a body corporate or an unincorporated body shall state—
- the full name of the body;
  - the address of its registered or principal office; and
  - the full names and private addresses of the directors or other persons responsible for its management.
- (4) An application relating to premises shall state the full address of the premises.
- (5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- (6) Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.
- (7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- (8) Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.
- (9) The publication shall not be later than 7 days after the date of the application.

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- (10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- (11) Every notice under this paragraph which relates to premises shall identify the premises.
- (12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- (13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.
- [<sup>F10</sup>(14) A copy of an application for the grant, renewal or transfer of a licence under this Schedule shall be sent to the chief officer of police—
- (a) in a case where the application is made by means of a relevant electronic facility, by the appropriate authority not later than 7 days after the date the application is received by the authority;
  - (b) in any other case, by the applicant not later than 7 days after the date of the application.]
- [<sup>F10</sup>(14A) In sub-paragraph (14) above “relevant electronic facility” means—
- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
  - (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.]
- (15) 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 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.
- (16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.
- (17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.
- (18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.
- (19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—
- (a) before refusing to grant a licence, to the applicant;
  - (b) before refusing to renew a licence, to the holder; and
  - (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.
- (20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall <sup>F11</sup>... give him a statement in writing of the reasons for their decision <sup>F12</sup>....

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#### Textual Amendments

- F10** Sch. 3 para. 10(14)(14A) substituted for Sch. 3 para. 10(14) (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), 47(2) (with regs. 2, 5)
- F11** Words in Sch. 3 para. 10(20) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), 47(3)(a) (with regs. 2, 5)
- F12** Words in Sch. 3 para. 10(20) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), 47(3)(b) (with regs. 2, 5)

- 11 (1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.
- (2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

#### *Refusal of licences*

- 12 (1) A licence under this Schedule shall not be granted—
- (a) to a person under the age of 18; or
  - (b) to a person who is for the time being disqualified under paragraph 17(3) below; or
  - (c) to a person, other than a body corporate, who is not resident in <sup>F13</sup>the United Kingdom or <sup>F14</sup>an EEA state] or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in <sup>F15</sup>the United Kingdom or <sup>F14</sup>an EEA state]; or
  - (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- (2) Subject to paragraph 27 below, the appropriate authority may refuse—
- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;
  - (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would 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 made the application himself;

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- [<sup>F16</sup>(c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;]
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
- (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.
- (5) In this paragraph “the relevant locality” means—
- (a) in relation to premises, the locality where they are situated; and
  - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

#### Textual Amendments

- F13** Words in Sch. 3 para. 12(1)(c) inserted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **124**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Sch. 3 para. 12(1)(c)(d) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), **47(4)** (with regs. 2, 5)
- F15** Words in Sch. 3 para. 12(1)(d) inserted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **124**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Sch. 3 para. 12(3)(c) substituted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 27(5), 116(4) (with transitional provisions in Sch. 3); [S.I. 2010/722](#), art. 3(a) (with arts. 4-12); [S.I. 2010/1375](#), art. 3(a) (with transitional and saving provisions in [S.I. 2010/1395](#), arts. 3-11)

#### *Power to prescribe standard conditions*

- 13 (1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred by them.
- [<sup>F17</sup>(1A) No standard condition may be prescribed by regulation under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]
- (2) Regulations under sub-paragraph (1) above may make different provision—
- (a) for [<sup>F18</sup>sexual entertainment venues,] sex cinemas and sex shops; and
  - (b) for different kinds of [<sup>F19</sup>sexual entertainment venues,] sex cinemas and sex shops.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—
- (a) the hours of opening and closing of sex establishments;
  - (b) displays or advertisements on or in such establishments;

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- (c) the visibility of the interior of sex establishments to passersby; and
- [<sup>F20</sup>(d) any change from one kind of sex establishment mentioned in sub-paragraph (2)(a) above to another kind of sex establishment so mentioned.]
- (4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.
- (5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.
- (6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

#### Textual Amendments

- F17** Sch. 3 para. 13(1A) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(b)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(I), 2**)
- F18** Words in Sch. 3 para. 13(2)(a) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(a), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)
- F19** Words in Sch. 3 para. 13(2)(b) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(b), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)
- F20** Sch. 3 para. 13(3)(d) substituted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(c), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)

#### *Copies of licences and standard conditions*

- 14 (1) The holder of a licence under this Schedule shall keep exhibited in a suitable place to be specified in the licence a copy of the licence and any regulations made under paragraph 13(1) above which prescribe standard conditions subject to which the licence is held.
- (2) The appropriate authority shall send a copy of any licence granted under this Schedule to the chief officer of police for the area where the sex establishment is situated.

#### *Transmission and cancellation of licences*

- 15 —In the event of the death of the holder of a licence granted under this Schedule, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the appropriate authority may from time to time, on the application of those representatives, extend or further



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extend the period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

- 16 The appropriate authority may, at the written request of the holder of a licence, cancel the licence.

#### *Revocation of licences*

- 17 (1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence—
- (a) on any ground specified in sub-paragraph (1) of paragraph 12 above; or
  - (b) on either of the grounds specified in sub-paragraph (3)(a) and (b) of that paragraph.
- (2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.
- (3) Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

#### *Variation of licences*

- 18 (1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.
- (2) [<sup>F21</sup>Subject to sub-paragraph (4) below,] The appropriate authority—
- (a) may make the variation specified in the application; or
  - (b) may make such variations as they think fit; or
  - (c) may refuse the application.
- (3) The variations that an authority may make by virtue of sub-paragraph (2)(b) 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.
- [<sup>F22</sup>(4) No variation is to be made under this paragraph in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]

#### **Textual Amendments**

**F21** Words in Sch. 3 para. 18(2) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(c)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

**F22** Sch. 3 para. 18(4) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(d)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

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### Fees

- 19 An applicant for the grant, [<sup>F23</sup>variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

#### Textual Amendments

**F23** Word in Sch. 3 para. 19 inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(7\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### Modifications etc. (not altering text)

**C7** Sch. 3 para. 19: savings for effects of 2009 c. 26, s. 27(7) (W.) (with application in accordance with art. 3 of the amending S.I.) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\)\(Wales\) Order 2010 \(S.I. 2010/1395\), art. 9\(2\)](#)

### Enforcement

- 20 (1) A person who—
- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above; or
  - (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or
  - (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or
  - (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence,
- shall be guilty of an offence.
- 21 Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.
- 22 (1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to [<sup>F24</sup>a fine].
- (2) A person who, being the holder of a licence under this Schedule, fails without reasonable excuse to comply with paragraph 14(1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F25</sup>level 3 on the standard scale].

#### Textual Amendments

**F24** Words in Sch. 3 para. 22(1) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\), reg. 1\(1\), Sch. 4 para. 11\(2\)](#) (with [reg. 5\(1\)](#))

**F25** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)



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**Modifications etc. (not altering text)**

- C8** Sch. 3 para. 22(1): power to amend conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 143\(2\)\(b\)](#) (as added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 48\(1\)\(b\)](#))

*Offences relating to persons under 18*

- 23 (1) A person who, being the holder of a licence for a sex establishment—
- (a) without reasonable excuse knowingly permits a person under 18 years of age to enter the establishment; or
  - (b) employs a person known to him to be under 18 years of age in the business of the establishment,
- shall be guilty of an offence.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to [<sup>F26</sup>a fine] .

**Textual Amendments**

- F26** Words in Sch. 3 para. 23(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\), reg. 1\(1\), Sch. 4 para. 11\(3\)](#) (with [reg. 5\(1\)](#))

**Modifications etc. (not altering text)**

- C9** Sch. 3 para. 23(2): power to amend conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 143\(2\)\(m\)](#) (as added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 48\(1\)\(b\)](#))

*Powers of constables and local authority officers*

<sup>F27</sup>24 .....

**Textual Amendments**

- F27** Sch. 3 para. 24 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 7 para. 22, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2\(1\)\(m\)\(u\)](#)

- 25 (1) A constable may, at any reasonable time, enter and inspect any sex establishment in respect of which a licence under this Schedule is for the time being in force, with a view to seeing—
- (i) whether the terms, conditions or restrictions on or subject to which the licence is held are complied with;
  - (ii) whether any person employed in the business of the establishment is disqualified from holding a licence under this Schedule;
  - (iii) whether any person under 18 years of age is in the establishment; and
  - (iv) whether any person under that age is employed in the business of the establishment.
- (2) Subject to sub-paragraph (4) below, a constable may enter and inspect a sex establishment if he has reason to suspect that an offence under paragraph 20, 21 or 23 above has been, is being, or is about to be committed in relation to it.

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- (3) An authorised officer of a local authority may exercise the powers conferred by sub-paragraphs (1) and (2) above in relation to a sex establishment in the local authority's area.
- (4) No power conferred by sub-paragraph (2) above may be exercised by a constable or an authorised officer of a local authority unless he has been authorised to exercise it by a warrant granted by a justice of the peace.
- (5) Where an authorised officer of a local authority exercises any such power, he shall produce his authority if required to do so by the occupier of the premises or the person in charge of the vehicle, vessel or stall in relation to which the power is exercised.
- (6) Any person who without reasonable excuse refuses to permit a constable or an authorised officer of a local authority to exercise any such power shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding [<sup>F28</sup>level 5 on the standard scale].

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**Textual Amendments**

**F28** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

- [<sup>F29</sup>25A(1) A person acting under the authority of a warrant under paragraph 25(4) may seize and remove anything found on the premises concerned that the person reasonably believes could be forfeited under sub-paragraph (4).
- (2) The person who, immediately before the seizure, had custody or control of anything seized under sub-paragraph (1) may request any authorised officer of a local authority who seized it to provide a record of what was seized.
  - (3) The authorised officer must provide the record within a reasonable time of the request being made.
  - (4) The court by or before which a person is convicted of an offence under paragraph 20 or 23 of this Schedule may order anything—
    - (a) produced to the court; and
    - (b) shown to the satisfaction of the court to relate to the offence;to be forfeited and dealt with in such manner as the court may order.
  - (5) But the court may not order the forfeiture of anything under sub-paragraph (4) if it (whether alone or taken together with other things being forfeited which appear to the court to have been in the custody or control of the same person) is worth more than the amount of the maximum fine specified in paragraph 22(1).
  - (6) Sub-paragraph (7) applies if a person claiming to be the owner of, or otherwise interested in, anything that may be forfeited applies to be heard by the court.
  - (7) The court may not order the forfeiture unless the person has had an opportunity to show why the order should not be made.]

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#### Textual Amendments

- F29** Sch. 3 para. 25A inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(8\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### Modifications etc. (not altering text)

- C10** Sch. 3 para. 25A: savings for effects of 2009 c. 26, s. 27(8) (W.) (with application in accordance with art. 3 of the amending S.I.) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\), art. 9\(3\)](#)

#### *Offences by bodies corporate*

- 26 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of a body corporate are managed by its members sub-paragraph (1) above shall apply to the acts and defaults of a member in connection with his function of management as if he were a director of the body corporate.

#### *Appeals*

- 27 (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say—
- an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
  - an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
  - a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
  - a holder of any such licence whose licence is revoked,
- may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to [<sup>F30</sup>a magistrates' court] .
- (2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.
- (3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.
- (4) In this paragraph—

<sup>F31</sup>  
...

“the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition

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or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

- (5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.
- (6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the <sup>M5</sup>[<sup>F32</sup>Senior Courts Act 1981] for the words "or the Gaming Act 1968" there shall be substituted the words "the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982".
- (7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.
- (8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.
- (9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—
  - (a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
  - (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.
- <sup>F33</sup>(10A) Sub-paragraph (10) does not apply if the grounds for refusing an application for the renewal of a licence are those set out in paragraph 12(3)(c) or (d) of this Schedule.]
- (11) Where—
  - (a) the holder of a licence makes an application under paragraph 18 above; and
  - (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.
- (12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

#### Textual Amendments

- F30** Words in Sch. 3 para. 27(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(a\)](#)
- F31** Words in Sch. 3 para. 27(4) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(b\)](#)
- F32** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

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**F33** Sch. 3 para. 27(10A) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(9\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### Marginal Citations

**M5** 1981 c. 54

#### *Premises which are deemed sexual entertainment venues*

- [<sup>F34</sup>27A(1) This paragraph applies if—
- (a) premises are subject to a licence for a sexual entertainment venue; and
  - (b) their use would be use as such a venue but for the operation of paragraph 2A(3)(b).
- (2) This Schedule applies as if—
- (a) the premises were a sexual entertainment venue; and
  - (b) the use or business of the premises was use as, or the business of, such a venue.
- (3) But the appropriate authority must cancel the licence if the holder of the licence asks them in writing to do so.
- (4) In this paragraph “premises” has the same meaning as in paragraph 2A.]

#### Textual Amendments

**F34** Sch. 3 para. 27A and cross-heading inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(10\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### *Provisions relating to existing premises*

- 28 (1) Without prejudice to any other enactment it shall be lawful for any person who—
- (a) was using any premises, vehicle, vessel or stall as a sex establishment immediately before the date of the first publication under subsection (2) of section 2 above of a notice of the passing of a resolution under that section by the local authority for the area; and
  - (b) had before the appointed day duly applied to the appropriate authority for a licence for the establishment,
- to continue to use the premises, vehicle, vessel or stall as a sex establishment until the determination of his application.
- (2) In this paragraph and paragraph 29 below “the appointed day”, in relation to any area, means the day specified in the resolution passed under section 2 above as the date upon which this Schedule is to come into force in that area.

#### Modifications etc. (not altering text)

**C11** Sch. 3 para. 28 excluded (W.) (4.5.2010) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\), arts. 3, 4](#)

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- 29 (1) This paragraph applies to an application for the grant of a licence under this Schedule made before the appointed day.
- (2) A local authority shall not consider any application to which this paragraph applies before the appointed day.
- (3) A local authority shall not grant any application to which this paragraph applies until they have considered all such applications.
- (4) In considering which of several applications to which this paragraph applies should be granted a local authority shall give preference over other applicants to any applicant who satisfies them—
- (a) that he is using the premises, vehicle, vessel or stall to which the application relates as a sex establishment; and
  - (b) that some person was using the premises, vehicle, vessel or stall as a sex establishment on 22nd December 1981; and
  - (c) that—
    - (i) he is that person; or
    - (ii) he is a successor of that person in the business or activity which was being carried on there on that date.

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**Modifications etc. (not altering text)**

**C12** Sch. 3 para. 29 excluded (W.) (4.5.2010) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\)](#), arts. 3, 4

*Commencement of Schedule*

- 30 (1) So far as it relates to sex cinemas, this Schedule shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and accordingly, until the day so appointed, this Schedule shall have effect—
- (a) with the omission—
    - (i) of paragraph 3 above; and
    - (ii) of paragraph 13(3)(d) above;
  - (b) as if any reference to a sex establishment were a reference only to a sex shop; and
  - (c) as if for paragraphs (a) and (b) of paragraph 13(2) above there were substituted the words “for different kinds of sex shops”.
- (2) Subject to sub-paragraph (1) above, this Schedule shall come into force on the day on which this Act is passed.
- (3) Where, in relation to any area, the day appointed under sub-paragraph (1) above falls after the day specified in a resolution passed under section 2 above as the day upon which this Schedule is to come into force in that area, the day so appointed shall, for the purposes of paragraphs 28 and 29 above, be the appointed day in relation to sex cinemas in the area.

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**Subordinate Legislation Made**

**P1** Sch. 3 para. 30(1): 13.10.1982 appointed by [S.I. 1982/1119](#), art. 2

# LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

# WPSEV0001

## LOCAL AUTHORITY



**Dorset  
Council**

Licensing Team  
Place Services  
Dorset Council  
County Hall  
Dorchester  
DT1 1XJ  
licensing@dorsetcouncil.gov.uk

## NAME & ADDRESS OF HOLDER OF SEXUAL ENTERTAINMENT VENUE LICENCE

**Wellhot Limited** OJS Industrial Park Unity 1 Claybank Road Portsmouth PO3 5SX

## PREMISE DETAILS

**Wiggle**

33 New Street, Weymouth, Dorset DT4 8DB

## PERMITTED HOURS

Monday to Sunday

**Open from**  
00:00

**Open to**  
23:59

## LICENCE DETAILS

**COMMENCES :** 16 Dec 2022

**EXPIRY :** 14 Dec 2023

## NOTES

THIS LICENCE IS NOT TRANSFERABLE WITHOUT THE CONSENT OF THE COUNCIL



**, STANDARD CONDITIONS ATTACHED TO THE ISSUE OF  
Sexual Entertainment Venue Licence WPSEV0001**

**1. DESIGNATED AREAS**

The authorised entertainment must only take place in designated areas approved by the Council.

**2. NO ADMITTANCE UNDER THE AGE OF 18 YEARS**

No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

'No persons under 18 years will be admitted.'

**3. PERFORMERS**

Performers shall not be aged less than 18 years. The Licensee must maintain and keep copies of the names, addresses and dates of birth of performers including identity checks. Normal proof of age documents accepted as for alcohol sales.

Performers shall only perform on the stage(s), to a seated audience or in other such other areas of the licensed premises as may be agreed in writing with the Council. ("the performance areas")

Performers and all staff must remain dressed in public areas except while performing in areas specified by the Council as where sexual entertainment may be provided.

Performers must re-dress at the end of each performance.

Performers must never be alone in the company of a customer except in the designated booths on the first floor of the premises.

Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.

Performers must not, when performing sit on or straddle a customer.

Performers must not when performing, place both of their feet or knees on the seat at any one time. For the avoidance of doubt performers may rest one foot or knee on the seat and/or lean on the seat with one or both hands.

Performers must not when performing, perform any act that clearly simulates any sexual act nor use any sex toy.

Performers must not when performing, intentionally touch the genitals of another dancer or to knowingly permit another dancer to intentionally touch their genitals.

Performers must not when performing, intentionally touch a customer at any time during the performance unless accidentally or due to a third party or for the purpose of restraint. For the avoidance of doubt if a performer has to intentionally touch a customer for the purpose of restraint, the touch should only be made above the customer's chest or on their limbs and only with the performer's hands.

Performers must not when performing act in a lewd manner or use suggestive or sexually graphic language at any time.

Performers must not engage with the customer in any act of, or communication likely to lead to an act of prostitution or solicitation, even if the Performer has no intention of carrying out the act.

**4. CCTV**

CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.



## **5. PATRONS**

The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides or on their knees before a dancer can start a table dance.

Customers must remain seated during the entire performance of a private dance.

During times when performances of sexual entertainment are taking place, customers may only dance in areas specifically designated by the Council as being separate from the areas for performance of sexual entertainment.

Customers must remain dressed at all times.

## **6. DOOR SUPERVISORS**

There shall be at least 1 door supervisor per 100 persons on the premises when the authorised relevant entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

## **7. NO NUDITY VISIBLE OUTSIDE**

Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

## **8. ADVERTISING**

There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

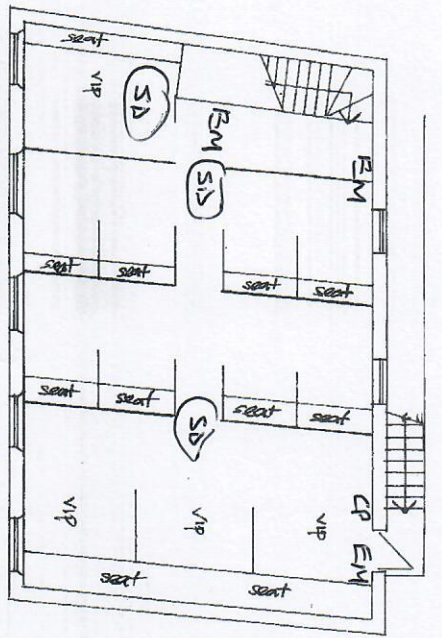
## **9. HOUSE RULES**

The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

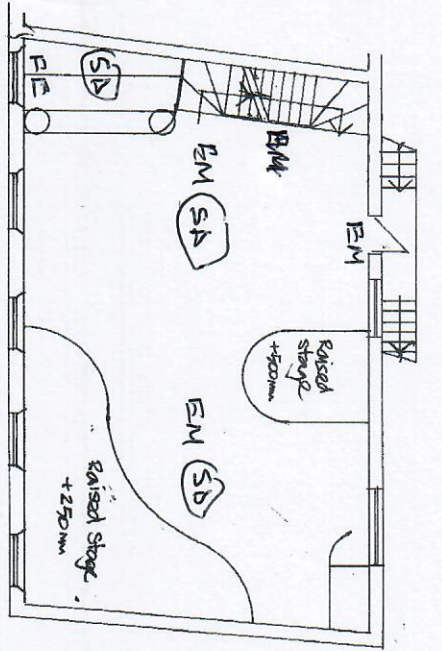
## **10. CHANGING ROOMS/FACILITIES**

Secure private changing facilities must be provided for the performers (to include private toilet and washing facilities and/or shower facilities, the numbers and design of facilities to be approved prior to installation).

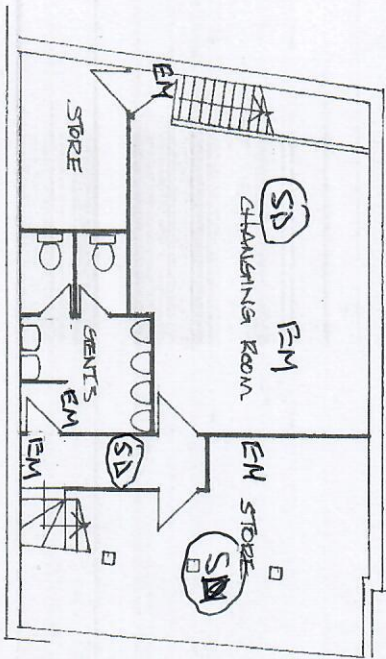
No persons other than performers and authorised staff shall be permitted in the changing room/s.



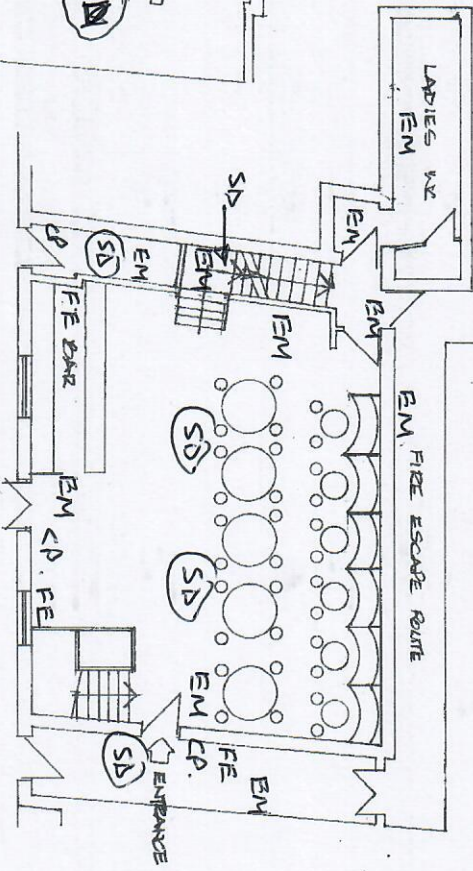
SECOND FLOOR



FIRST FLOOR

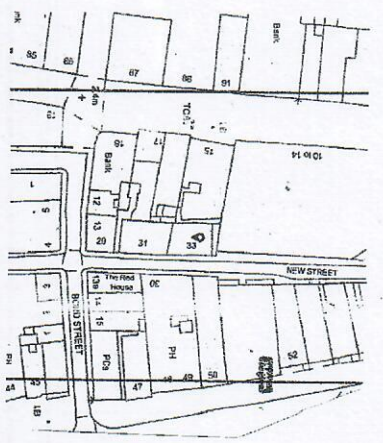


BASEMENT



GROUND FLOOR

- EM Emergency Light
- SD Smoke detector
- CP Call point
- FE Fire Extinguisher



LOCATION PLAN  
Scale 1:1250  
OS WC W20163216

<p><b>DEREK TREAGUS ASSOCIATES</b>  <b>ARCHITECTURAL SERVICES</b>          No3 The Townhouse, 20 Nelson Road, Southsea,          Hampshire PO5 2AS          Email: derek.treagus@bt.com</p>	
Project	LICENSE PLAN FOR 33 NEW STREET, WEYMOUTH, DORSET.
Client	Mr P Ojia
Subject	Floor Plans
Date	Nov 2018
Scale	1:100 @ A3
Rev	Dwg. No. 18/766/01
<ul style="list-style-type: none"> <li>• Copyright reserved.</li> <li>• All dimensions are to be site confirmed and should not be scaled unless for Printing purposes.</li> <li>• Verify all queries with the office.</li> </ul>	

## Weymouth and Portland Borough Council Sex Establishment Policy 2016 to 2020

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13. Legal implications
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### 1 Introduction

- 1.1 Weymouth and Portland Borough Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendments made to Schedule 3 by S.27 of the Policing and Crime Act 2009 with regard to sex establishments. The Council will apply this policy to sex establishments within its area to ensure consistency of decision making and enforcement. Each application for grant, variation, transfer or renewal will however be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.2 There are 3 different types of sex establishment licensable under the above Act. These are sex shops, sex cinemas and sexual entertainment venues. If one premises operated as more than one of these establishments, a separate licence for each activity is required.
- 1.3 No sex establishment, as defined by Schedule 3, can operate unless it has consent from the Council or the requirement for a licence has been waived by the Council.

- 1.4 The Council will have regard to a number of factors and conditions when determining any premises application or variation, etc. for sexual entertainment. These factors and conditions are outlined in this document.

## **2. Scope of Legislation & Definitions**

- 2.1 A sex establishment according to the Local Government (Miscellaneous Provisions) Act 1982 as amended is a sex shop, sex cinema or sexual entertainment venue.
- 2.2 A sex shop is defined as ‘any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in sexual activity.

There is no definition of significant degree.

- 2.3 A sex cinema is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of, deal with, or relate to sexual activity.
- 2.4 A sexual entertainment venue is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as any live performance or live display of nudity which is of such 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 an audience (whether by verbal or other means). An audience can consist of one person.

The following forms of entertainment would generally be understood to fall within the definition; Lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.



### **3. Application Process**

3.1 The process for an application under the provisions of the LGMPA 1982 is as follows:

- The applicant must be over the age of 18 and not disqualified from holding such a licence
- The applicant must submit to the Council an application containing information as may be reasonably required by the authority. A copy of the application form can be requested from the Council
- A copy of the application must be served on Dorset Police within 7 days after the date of the application. The application must be advertised within 7 days in a local newspaper
- The application must be advertised by way of a public notice on the premises for 21 days beginning with the date of the application, on or near the premises in a place where it can be conveniently read by members of the public
- The applicant must submit to the Council the required fee

3.2 The Council will therefore require a completed application form containing the following information:

- The name and home address of the applicant
- Details of any business partners or other staff involved in the business
- If a company, the registered name and address of the company, the names of directors and shareholders of the company
- If the shareholder, or a shareholder of the company is another company then details may be required as to the membership of that company
- If the premises are a leasehold, information about who holds the lease and if it is a head lease or sub-lease

3.3 The Council will also require a criminal record check (standard disclosure) issued within the last month. This would apply to the applicant and all of the directors if the applicant is a company. The cost of any criminal record checks will be paid by the applicant.

3.4 Each application will also require a statement showing how the applicant will operate the premises, together with a location plan of the premises in relation to buildings within 100 metres and an internal detailed layout plan including the location of all exits and entrances (Scale 1:50)

As well as exits/entrances internal plans should contain:

- Sex shops – the location of the sales counter and the location of any rooms to which the public do not have access

- Sex cinemas – the location of the screen/s and the seating layout for customers
- Sexual entertainment venues – the location and height of any stages/raised areas or areas where performances take place and the seating layout for customers

The statement, plan, views of the Police and Business Licensing Manager or other duly authorised Officer, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee or Sub-Committee when determining the application.

#### **4. Waiver Process**

- 4.1 Upon written application, Weymouth and Portland Borough Council may waive the requirement to a licence in any case where it considers a licence would be unreasonable or inappropriate.
- 4.2 Each application for waiver will be considered on its own merits taking into account the type of activity, frequency, circumstances and controls.

#### **5 Consideration of the Impact of a sex establishment**

- 5.1 In considering applications for the grant of a sex establishment licence or variation the Council will consider the potential adverse impacts particularly to local residents.
- 5.2 Any person is entitled to object to an application for grant / renewal / variation / transfer of a sex establishment. They must do so, in writing, stating in general terms the grounds of the objection, no later than 28 days after the date of the application. All objections will be openly copied to Members of the Licensing Committee or Sub-Committee for their use when considering any application.

The Council are required to have regard to relevant objections and police observations.

#### **6 Consultation process**

- 6.1 Before a sex establishment licence is granted varied or renewed the Council will consult with any person it deems necessary to enable it to make an informed decision. In particular, the Council will consult the following:

- Dorset Police
- Dorset Fire and Rescue Service
- Ward Councillors
- Town Councils
- Other Council departments such as Environmental Health and Planning
- Local residents

6.2 The Council may take into consideration the following:

- Type of activity
- Duration of the activity
- Layout and condition of the premises
- Use and character of the surrounding premises in the vicinity i.e. residential/commercial
- Potential impacts on crime and disorder
- Potential impacts on people who may be vulnerable as a result of their gender, disability, race, age, religion and belief or sexual orientation.
- Cumulative impact of premises within the vicinity

This list is not exhaustive.

## **7 Determining and granting an application**

7.1 In determining any contested applications for sex establishments, the Council's Licensing Committee or Sub Committee shall have regard to the relevant matters in the legislation and this policy. Each case will be assessed on its own merits and individual circumstances may be taken into consideration.

7.2 Contested applications may be heard by a Committee or Sub Committee of the Council except in the following cases:

- The Business Licensing Manager or other duly authorised Officer has deemed all objections as frivolous and/or vexatious and is therefore satisfied that the application should be granted
- The Business Licensing Manager or other duly authorised Officer has decided to grant the licence subject to the attachment of suitable conditions, following mediation between applicant(s) and objector(s).

7.3 Once arrangements have been made to hear an application, the applicant will be informed in writing of the date, time and place of the hearing. They will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague.

## **8 Considerations Based on Location**

8.1 There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children's centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship
- Prime visitor locations such as Weymouth Esplanade/Seafront/Harbourside
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration
- Any premises of a similar nature to the above

8.2 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

## **9 Grounds for Refusal**

9.1 The Act provides Local Authorities with two grounds for refusal, mandatory grounds and discretionary grounds. Where an application falls within a mandatory ground for refusal the Council shall have no discretion but to reject the application.

9.2 The Mandatory grounds for refusal within the Act are as follows:

- The applicant is a person under the age of 18;
- The applicant is a person who is for the time being disqualified following the revocation of a licence; or
- The applicant is a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence of the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.3 The discretionary grounds for refusal within the Act are as follows:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason



- The applicant is merely a front for a person who would otherwise be refused a licence
- The number of sex establishments in the relevant locality exceed the number which the authority consider appropriate for the area.
- The licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made

9.4 The Council will therefore consider each application on its merits in relation to the above grounds.

## **10 Suitability of applicant**

10.1 The Council wishes to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:

- Any convictions or cautions of the applicant
- If a Company, any convictions or cautions of Directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed
- The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be licensed by the Council
- The experience of the applicant and their knowledge of running a sex establishment
- Any previous licence held by the applicant, whether in this Council's area or another
- Any report or information submitted to the council by the Police, other consultees and objectors

10.2 The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

10.3 Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

## **11 Duration of Licences**

11.1 Licences shall be issued for a maximum period of one year but can be issued for a shorter term if deemed appropriate.

## **12 Renewal of Licences**

12.1 On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the Council shall give due weight to the fact the licence was granted in the previous year and any years before that.

## **13 Legal implications**

When considering its functions, a local authority has to bear in mind the Human Rights Act and the Crime and Disorder Act 1998. It is considered that the policy meets the requirements of both these Acts.

## **14 Appeals**

The following persons have the right of appeal to the Magistrates Court within 21 days from the date of notification of the decision:

- Applicants for grant, renewal, transfer or variation whose application is refused
- A licence holder who is aggrieved by conditions
- A licence holder whose licence is revoked

N.B. There is no right of appeal against refusals on grounds that:

- There are sufficient sex establishments in the locality
- Grant has been deemed inappropriate having regard to the character of the locality, use to which the premises are put, layout, character and condition of premises.

## **15 The EU Services Directive**

Tacit consent does not apply to an application for a new sex establishment licence as local residents and the Police have a legitimate interest in the outcome of sex establishment applications. If an application is not processed within a defined period of time it will not be deemed granted.

**APPENDIX A**  
**MODEL POOL OF CONDITIONS**

**RE: SEXUAL ENTERTAINMENT VENUES**  
**Premises and Performers**

**DESIGNATED AREAS**

- 1) The authorised entertainment must only take place in designated areas approved by the Council.

**NO ADMITTANCE UNDER THE AGE OF 18 YEARS**

- 2) No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

“No persons under 18 years will be admitted”

**PERFORMERS UNDER 18 YEARS**

- 3)
  - a) No performers or other employees on the premises during the authorised entertainment shall be under 18 years of age.
  - b) The proprietor/director of the company is to ensure that, prior to engagement, all performers for approved adult entertainment shall provide documents of proof that they are over 18 years of age. Copies of such documents shall be retained on the performers' file held at the premises.

**NO PHYSICAL CONTACT**

- 4) There must be no sexual physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

## **PERFORMANCE**

5)

- a) No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
- b) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience
- c) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation
- d) No performance shall be visible to any person outside the premises (eg. through windows or open doors)
- e) Sex toys must not be used and penetration of the genital area by any means must not take place

Lap dancers must not:

- Show their genitals or anus
- Sit on customer's laps (dry ride)
- Climb onto the furniture provided for patrons

Podium dancers must not:

- Entice other dancers onto the podium
- Interfere with their undergarments (if worn) in such a way as to show their genitals or anus

## **CCTV**

- 6) CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

### **PATRONS**

- 7) The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

### **DOOR SUPERVISORS**

- 8) There shall be at least 1 door supervisor per 100 persons on the premises when the authorised relevant entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

### **NO NUDITY VISIBLE OUTSIDE**

- 9) Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

### **ADVERTISING**

- 10) There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

### **HOUSE RULES**

- 11) The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

## **CHANGING ROOMS/FACILITIES**

- 12) a) Secure private changing facilities must be provided for the performers (to include private toilet and washing facilities and/or shower facilities, the numbers and design of facilities to be approved prior to installation).
- b) No persons other than performers and authorised staff shall be permitted in the changing room/s.

## **APPENDIX B**

### **MODEL POOL OF CONDITIONS RE: SEX SHOPS**

#### **GENERAL**

1. The grant of a licence for a sex shop shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

#### **TIMES OF OPERATION**

2. Except with the previous consent of the Council, a sex shop shall not be open to the public before 08:00 and shall not be kept open after 20:00 on any Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. It may not open before 10:00 or close later than 16:00 on any permitted Sunday.

#### **CONDUCT AND MANAGEMENT OF SEX SHOPS**

3. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the licensing authority in writing within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request from the licensing authority.
4. The Licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the sex shop in the Licensee's absence and of whom details have been supplied and approved in writing by the licensing authority shall be in charge of and upon the premises during the whole time they are open to the public.
5. The name of the person responsible for the management of a sex shop, whether the Licensee or a manager approved by the licensing authority shall be prominently displayed within the sex shop throughout the period during which that person is responsible for its conduct.
6. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex shop in the Licensee's absence and the names and addresses of those employed in the sex shop. The Register is to be completed each day within 30 minutes of the sex shop opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

7. The Licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Criminal Record Check (basic disclosure) at least annually and copies of the checks shall be made available to the Council.
8. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.
9. No person under the age of 18 shall be admitted to the premises or employed in the business of a sex shop, and a notice to this effect shall be displayed in the lobby between the double doors leading into the shop so that they are visible before entering the shop but not visible from the outside.
10. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the licensing authority.
11. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the premises. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
12. The Licensee shall maintain good order in the premises.
13. The Licensee shall ensure that during the hours the sex shop is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee of the sex shop.
14. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in the shop in a clean and legible condition.



## **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

15. In the case of licensed premises which are a vessel or stall, the Licensee shall not move the licensed vessel or stall from the location specified in the licence unless the licensing authority is given not less than 28 days notice in writing of such intended removal along with such fee as may be deemed reasonable. This requirement shall not apply to a vessel or stall that habitually operates from a fixed location but is regularly moved (whether under its own propulsion or otherwise) from another place as is specified in the licence.
16. In the case of a business conducted from fixed premises, no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the licensing authority.

## **USE**

17. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
18. No change of use of any portion of the premises from that approved by the licensing authority shall be made until the consent of the licensing authority has been obtained.
19. No change from a sex shop to a sex cinema shall be effected without the consent of the licensing authority.

## **GOODS AVAILABLE IN SEX SHOPS**

20. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
21. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex shop.
22. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the licensing authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

23. The Licensee shall, without charge, display and make available in the sex shop such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the licensing authority. Such literature is to be displayed in a prominent position.

### **EXTERNAL APPEARANCE**

24. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Weymouth and Portland Borough Council, except for those signs or notices that are required to be displayed by these licence conditions.
25. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
26. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
27. No window shall contain any sign, advertising material, goods or display without the written consent of the Borough Council.

### **STATE, CONDITION AND LAYOUT OF THE PREMISES**

28. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex shop.
29. The premises shall be maintained in good repair and condition.
30. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the licensing authority.
31. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
32. The external doors to the sex shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
33. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a

lobby, which has two sets of doors, one opening to the street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.

34. The Licensee shall make provision in the means of access both to and within the sex shop for the needs of members of the public visiting the premises who are disabled.
35. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
36. The licensee shall take all reasonable precautions for the safety of the public and employees.
37. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
38. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with prior approval of the licensing authority.
39. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.

## APPENDIX C

### MODEL POOL OF CONDITIONS RE: SEX CINEMAS

#### DISPLAY OF TARIFF OF CHARGES

- 1) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

#### SEATING

- 2)
  - a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council
  - b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
  - c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

#### STANDING AND SITTING IN GANGWAYS

- 3)
  - a) In no circumstances shall persons be permitted to:-
    - (i) Sit in any gangway; or
    - (ii) Stand in any gangway which intersects the seating; or
    - (iii) Stand or sit in front of any exits.
  - b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

#### WHEELCHAIRS

- 4) **PLEASE NOTE:** In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

## **SPECIAL RISKS AND SPECIAL EFFECTS**

- 5) Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

## **MINIMUM LIGHTING**

- 6) The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

**PLEASE NOTE:** At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for cinemas published by the British Standards Institution

## **FILM CATEGORIES**

- 7) The categories U, PG, 12, 15 and 18 have the following effect:-

U	Universal - suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children
12	Passed only for persons of 12 years and over
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
Restricted (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

## **EXHIBITION OF FILMS**

- 8) No film shall be exhibited at the premises unless:
- (a) it is a current news-reel; or
  - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

## **RESTRICTED (18) FILMS – COUNCIL’S CONSENT**

- 9) Films in the RESTRICTED (18) category may be shown at the premises only with the Council’s prior written consent and in accordance with the terms of any such consent.

## **UNCLASSIFIED FILMS**

- 10) Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council’s prior written consent has been obtained and in accordance with the terms of any such consent.

## **AGE RESTRICTION NOTICE**

- 11) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

**PLEASE NOTE:** Where films of different categories are shown the notice shall refer to the oldest age restriction.

## **CATEGORY NOTICES**

- 12) Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium. For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.

## **OBJECTION TO EXHIBITION OF A FILM**

- 13) No film shall be exhibited at the premises:-
- (1) which is likely:-
    - (a) to encourage or to incite crime; or
    - (b) to lead to disorder; or
    - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
    - (d) to promote sexual humiliation, degradation or violence.
  - (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
  - (3) which contains a grossly indecent performance thereby outraging the standards of public decency

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

## **POSTERS, ADVERTISEMENTS, ETC.**

- 14) Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

## **FLAMMABLE FILMS**

- 15) No flammable films may be upon the premises without the prior consent of the Council in writing.

## **RULE RELATING TO TELEVISION EXHIBITIONS – ENTERTAINMENTS UNSUITABLE FOR SOME AUDIENCES**

- 16) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

**RESTRICTED 18 CATEGORY – ADDITIONAL CONDITIONS FOR ‘CLUB’ CINEMAS (SHOWING FILMS IN THE RESTRICTED 18 CLASSIFICATION)**

17) (a) No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

(b) When the programme includes a film in ‘restricted 18’ category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

**CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME**

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the ‘restricted 18’ category are being exhibited).

(c) All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

(d) Tickets shall in no circumstances be sold to persons other than members.

(e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

**RULES WHICH APPLY TO SEX CINEMAS WHERE THERE ARE SPECIAL CIRCUMSTANCES**

\* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons



## **ATTENDANTS – NUMBERS IN CINEMAS**

18) (a) In the case of cinemas which are not equipped with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone provided that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons.

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be the following scale:

<b>PERSONS PRESENT</b>	<b>ATTENDANTS ON DUTY</b>	<b>STAFF ON CALL IN AN EMERGENCY</b>
Up to 250	1	0
251 to 500	1	1
501 to 750	1	2
751 to 1000	2	3
1001 to 1500	3	3
1501 to 2000	3	4

(c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

**NOTE:** For the purpose of this rule:

(i) “Floor” means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.

(ii) “Zone” means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.

(iii) “Staff alerting system” means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises

(iv) A member of staff is not “on call” if:

- (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
- (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation
- (c) they are more than 75 metres from:-
  - (i) the position to which they are required to go on alerting signals being activated;
  - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

## **APPENDIX D**

### **MEMBERSHIP RULES FOR CLUB CINEMAS**

The membership rules for club cinemas where restricted (18) films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

This is my objection to the renewal of the SEV license for Wiggle Weymouth.

Director of Wellhot Ltd Jaspal Ojla was fined by Portsmouth Council for not having an HMO license. When this fine was appealed by his letting agent ( and by him initially, before being withdrawn by Mr Ojla, as his legal representative was good enough to point out at a previous hearing on other premises) the judgement mentions that the HMO was dangerous because it didn't have fire extinguishers in a large 11 or 12 bedroom HMO. The applicant is therefore unsuitable to hold an SEV license because this involves being entrusted with the safety of people on the premises as both customers and working there. In addition the license doesn't allow nudity to be shown in any advertising, which google street view shows has been allowed.

Furthermore, the apparent fire escape route out of the back and through a small alley to safety does not appear to be under the control of the applicant as it is not on the submitted plan of the premises, so he should be asked what right he has to use it and insist on it being kept clear.

In addition the location is unsuitable as it is near the beach, which people attend in a state of undress. Although moral objections to strip clubs are not usually allowed, Rv Newcastle on Tyne Ex Parte Christian Institute makes clear that objections on the basis of the customers attracted into the area by the presence of a sex establishment, can be considered. People who pay good money to spend time in a small booth with a naked woman dancing for them are arguably not the type of people that are wanted in a resort promoting a family orientated holiday industry based around the beach.

Nearby BCP, Bournemouth Christchurch and Poole's policy on licensing sex establishments was quashed earlier this year for reasons including Equality Act compliance. I would ask the committee to consider whether licensing a club which appears to offer only female performers is in accordance with the Equality Act. Also whether licensing such a club is fulfills your duty to promote good relations between the sexes given the potential damage to relationships which may be done by attending as a customer or performer. A previous objection to a different strip club in Bournemouth some years ago with a different operator spoke along the lines of the pastoral damage he had seen as a parish priest by impressionable people being lured away from their partners. This was not a moral objection but an objection to the damage which he said could be caused by licensing a strip club. In the High Court case quashing BCP's sex establishment policy it was stated that objections on the basis of wider damage done to women and girls by licensing strip clubs had been dismissed as moral when in fact the issue of damage should have been allowed and considered. For example, you can't object to a license for alcohol being granted on the basis an objector considers drinking alcohol to be immoral, but you can object on the basis of the damage to health that drinking alcohol might cause.

I would also ask the committee to consider any public health implications of licensing sex work, given that this form of performing, if it involves full nudity in a small booth, may place a mental strain on the performers. I am not an expert on mental health. I am also not suggesting any sex work other than the licensed activities, takes place at this premises. However, during negotiations on a license variation application by the applicant in Bournemouth this year it emerged that a council officer and a police officer had observed breaches of the SEV Sexual Entertainment Venue terms. The variation was asking to remove

a requirement for drug testing of performers which had been imposed about 10 years ago when police and council officer had observed drug taking and other breaches of the SEV license in Bournemouth.

The applicant is also unsuitable as it emerged during the negotiations mentioned above that access to the female toilets had been via the men's toilets walking past the urinals. I don't think someone who could run somewhere whose toilets were set up like this should be licensed to run a strip club, where the safety and dignity of the performers and customers is paramount.

Neither the committee members nor officer if the decision is made on delegated power need to see evidence of customers of Wiggle behaving inappropriately and impacting on holidaymakers or residents. Prevention and deterrence can be the motivation for making a decision in licensing. *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016* If this objection is out of time I ask the committee or officer to exercise discretion to allow it out of time.

If the committee or officer will not allow it, I ask that it be included in the background documents used by an officer to make a delegated decision if the decision is made by an officer.

I am not a resident of Weymouth so possibly don't have any right as such to lobby the councillors elected by residents of Weymouth, nor the members of the licensing committee. As a resident of Poole, also in Dorset I am sure that my representations will not carry as much weight as those of a resident of Weymouth, but still intend to make them if this objection is not allowed.



also re-offending. In some respects this duty may be tangential to the role of sex licensing authorities, particularly since the alcohol element of sex establishments will in any event be controlled under the Licensing Act 2003. However, where there is evidence that premises may be a contributor to anti-social behaviour, the duty is a rigorous one – the authority must use its licensing powers with due regard to do all it reasonably can to prevent it.

### E. EQUALITY

- 7.29 Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. The role of gender equality is not well understood, and is far less well carried through, in licensing processes. However, gender equality may well influence decision-making under the LGMPA.
- 7.30 First, authorities may use the licensing process – and in particular the attachment of conditions – to protect performers from harassment and any threat to their dignity, by requiring proper supervision and facilities.
- 7.31 Second, any suggestion that women would be less welcome in premises than men can be met by a protective condition.
- 7.32 Third, and most significantly, the fears of women using the vicinity of premises may be reflected in decisions as to the location of such facilities. The importance of gender in relation to town centre planning was underlined in a research report for the Office of the Deputy Prime Minister:<sup>22</sup>

‘Women, children and men use towns and cities in different ways, and thus face different problems. A good quality environment for women should be attractive, easy to use, convenient and safe and meet their specific needs. Women are particularly concerned about issues of personal safety and security, the provision of facilities and the detailed design of buildings and spaces particularly in residential areas, public buildings, shopping areas and city and town centres. Many women feel vulnerable, in getting around, as users of public transport and as pedestrians, and their movement is often constrained by fear of attack. This is particularly true for older women and women with children travelling alone.’

<sup>22</sup> Planning and Diversity: Research into Policy and Procedure (ODPM, 2004). <http://www.communities.gov.uk/documents/planningandbuilding/pdf/148175.pdf>.

Environments that work well during the day can feel hostile at night.’

- 7.33 These concerns are directly reflected in the Royal Town Planning Institute’s Gender and Spatial Planning Good Practice Note, which states:<sup>23</sup>
- ‘In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs make women feel threatened or uncomfortable.’
- 7.34 If a woman, whether objectively justified or not, fears to use a part of the town centre characterised by sex establishments, this may be argued to amount to discrimination, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant, these considerations ought properly to be taken into account by authorities at the decision-making stage, and possibly also at the policy-making stage.
- 7.35 Of course, the equality duty is not confined to sex. It extends to religion or belief and disability.<sup>24</sup> There may well be views expressed by faith groups as to the location, prominence or number of sex establishments in their locality, which ought to be duly weighed. And the needs of disabled customers may be reflected in decisions as to access and layout.

### F. CONCLUSION

- 7.36 Decisions on sex licensing are taken in a complex local government world in which corporate priorities are driven by a number of different statutes. It is necessary for the licensing authority to equip itself with knowledge as to the network of control within which it operates, so as to make compliant decisions which advance those priorities.

<sup>23</sup> <http://www.rtpi.org.uk/download/3322/GPN7.pdf>.  
<sup>24</sup> S 149(7) Equality Act 2010.



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