

# Licensing Sub-Committee

**5 August 2020**

**Local Government (Miscellaneous Provisions) Act 1982 –  
Application to vary a sex shop licence for My Amazing Fantasy,  
Weymouth**

## **For Decision**

**Portfolio Holder:** Cllr A Alford, Customer, Community and Regulatory Services

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

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

Report Author: Kathryn Miller

Title: Licensing Officer

Tel: 01305 252214

Email: Kathryn.miller@dorsetcouncil.gov.uk

**Report Status:** Public

**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 for the promotion of the licensing objectives.

**Reason for Recommendation:** The Sub-Committee must take into account the oral representations and information given at the hearing.

### **1. Executive Summary**

An application to vary a sex shop licence has been made by Nick Honeybun to vary two conditions from the conditions attached to the licence.

Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

- 2. Financial Implications**  
The applicant will have the right to appeal any decision of the Licensing Sub Committee to the magistrate's court.
- 3. Climate implications**  
Not applicable
- 4. Other Implications**  
None
- 5. Risk Assessment**  
Having considered the risks associated with this decision, the level of risk has been identified as:  
Current Risk: Low  
Residual Risk: Low
- 6. Equalities Impact Assessment**  
Not applicable
- 7. Appendices**  
Appendix 1 – Current sex shop conditions  
Appendix 2 – Plan of premises  
Appendix 3 – Renewal/variation application  
Appendix 4 – Representation from Weymouth Town Council  
Appendix 5 – Representation from an interested party
- 8. Background Papers**  
Current Weymouth & Portland Sex Establishment Policy  
Current sex shop licence conditions  
[Local Government \(Miscellaneous Provisions\) Act 1982 Schedule 3](#)  
[EHRC - Guide to the Human Rights Act for Public Authorities](#)
- 9. Details of variation of current conditions**
  - 9.1 An application has been received from Mr Nick Honeybun to renew and vary two conditions attached to the sex shop licence at My Amazing Fantasy, 1 Ranelagh Road, Weymouth, Dorset, DT4 7JD. The current conditions are attached at appendix 1.
  - 9.2 The variation is to amend two conditions from the existing licence;
    - a) 29. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.

b) 43. An LCD display unit (no bigger than 23" screen) can be used internally to identify products

9.3 The variation is sought to amend the conditions to:-

a) 29. The entrance lobby be arranged as to allow the opening of the front internal door to allow circulation of air and to arrange the internal layout of the premises that will prevent passers-by from seeing licensed products when this door is open. Plan of premises is attached at appendix 2.

b) 43. A television screen of any size to be used in the window display to advertise non sex related articles.

9.4 The renewal/variation application form is attached at appendix 3.

9.5 There were no objections made to the renewal of the sex shop licence by any responsible authority or interested party and this has been granted.

9.6 No representations have been received from any of the responsible authorities.

9.7 Two representations have been received objecting to the variation application. One is from the Weymouth Town Council attached at appendix 4, who have stated that:-

a) "The above application was considered by the Weymouth Town Council Planning and Licensing Committee on Tuesday 16<sup>th</sup> June 2020. Please see below the Council's representation:

b) Members voted to object to the use of a TV or any size to be used in the window display. Committee Members also felt that the lobby must be set up to prevent passers-by from seeing licensed products.

9.8 The second is from a local resident and is attached in full at appendix 5. The representation is in support of the decision and reasons given by Weymouth Town Council to object to the variation of the two conditions.

9.9 The premises has held a sex shop licence at 1 Ranelagh Road, Weymouth, Dorset, DT4 7JD for a number of years and overall the premises has operated in a responsible manner, however, there has been one recent issue that was reported to the Licensing Authority in February 2020. A complaint was received from Weymouth Town Council that a large television screen was being in used in the window of the premises to advertise female underwear.

9.10 The matter was investigated by the council and it was found that two television screens approximately 50-55 inches were in the window approximately 50-55 inches displaying advertisement of female underwear.

9.11 The officer spoke to the employee at the premises and explained that the televisions screens were too big. He pointed out that they were breaching condition number 43 on their licence and they could only have one television screen up to 23 inches in their window and they needed to be taken down immediately.

9.12 Having taken into account the representations and the evidence presented at the hearing the sub-committee may:

- a) make the variation specified in the application ;or
- b) make such variations as they think fit; or
- c) refuse the application

9.13 The Sub Committee could impose terms, considerations or restrictions other than those specified in the application if it is deemed appropriate and the applicant is given the reasons for this.

9.14 The Local Government Miscellaneous Provisions Act 1982 states that the layout, character or condition of the premises are material considerations when deciding to grant the application.

9.15 Members need to be minded what these conditions are seeking to achieve. With regards to the opening of the lobby doors, the condition is there to stop anyone seeing inside the premises.

**Footnote:**

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.