



Licensing Sub-Committee

Date: Monday, 13 January 2025
Time: 10.30 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)
Craig Monks, Kate Wheller and Derek Beer

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

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Meeting Contact 01305 224877 john.miles@dorsetcouncil.gov.uk

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Agenda

Item		Pages
1.	ELECTION OF CHAIR AND STATEMENT FOR THE PROCEDURE OF THE MEETING	3 - 6
	To elect a Chair for the meeting and the Chair to present and explain the procedure for the meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	DECLARATIONS OF INTEREST	
	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. RENEWAL OF SEXUAL ENTERTAINMENT VENUE LICENCE FOR WIGGLE, WEYMOUTH.

7 - 66

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.

5. URGENT ITEMS

To consider any items of business which the Chair 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.

6. EXEMPT BUSINESS

There are no exempt items scheduled for this meeting.

General Licensing Sub-Committee

13 January 2025

Renewal of Sexual Entertainment Venue Licence for Wiggle, Weymouth

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllr J Orrell

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Kathryn Miller

Job Title: Senior Licensing Officer

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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 Police have not objected to the renewal application. The local ward member, the Town Council, and the fire authority have no issues with either the venue or the operator or the venue. One objection has been received from a member of the public but notwithstanding that objection officers consider that the renewal application should be granted.

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 in 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 have 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 Limited have 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 by virtue of the Regulations that established Dorset Council 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 from a member of the public. The Objection is included in full at Appendix 4.
- 3.2 The objection is based on four strands of argument: -
 - That the applicant is unsuitable to hold the licence.
 - That renewal of the licence would be inappropriate having regard to the character of the relevant locality .
 - That renewal of the licence would be inappropriate having regard to the use to which any premises in the vicinity are put
 - That renewal of the licence would be inappropriate having regard to the layout, character or condition of the premises.
- 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 to hold a licence.

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 As indicated in above paragraphs from the Policy the Police would normally be relied on as the expert authority on the suitability of applicants to hold a licence, and they have been consulted and have made no comments on the applicant or the application.

3.5 The objector refers to a fine paid for an unlicensed HMO (House in Multiple Occupation) in Hampshire, which they referred to in their objection last year. 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.

Suitability of premises

3.6 The objector has commented that there is no smoking area at the premises, however, businesses have no legal obligation to supply a smoking area for employees and/or staff. They do, however, have a legal obligation so provide a smoke free workplace.

Premises location unsuitable

- 3.7 The objector has raised a concern about the location as it is near to the beach. The current Policy is quite detailed about location.
- 3.8 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.

- 3.9 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 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.
- 3.10 The objector has stated that if the Council employs CSAS (Community Safety Officers); by refusing the licence, the Council would meet the Section 40A duty under the Equality Act to take steps to prevent sexual harassment of employees. The Team Leader who manages the CSAS Service has stated that these officers have not been subject to sexual harassment due to this premises having a sexual entertainment licence.

- 3.11 The Council is obliged to consider the Equalities Act in every decision it makes. 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, harassment and victimisation... and to foster good relations between the sexes. The extract is attached at Appendix 5.

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 satisfies all of the Mandatory Grounds on which the application would have to be refused.

- 4.2 The Mandatory Grounds for refusal of an application are that the applicant:

- a) is under the age of 18
- b) is for the time being disqualified from holding a sex establishment licence
- c) is not a body corporate, and is not resident or has not been resident in the UK or an EEA state for six months immediately preceding the date of the application
- d) is a body corporate which is not incorporated in the UK or an EEA state
- e) has in the period of 12 months preceding the date of the application 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

- 4.3 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 renewal of 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.

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

Not applicable

12 Appendices

Appendix 1 - The Law

Appendix 2 – Current licence

Appendix 3 - The Policy

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



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 ^{M1}Obscene Publications Act 1959 or section 5 of the ^{M2}Protection of Children Act 1978; or
 - (iii) in proceedings for condemnation under Schedule 3 to the ^{M3}Customs and Excise Management Act 1979 of goods which section 42 of the ^{M4}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 [^{F1}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”

[^{F2A} (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—
- [^{F3}(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]
 - [^{F4}(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 [^{F5}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 ^{F6}(1) Subject to ^{F7}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.

- ^{F8}(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](#))

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

- 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 [^{F9}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.
- [^{F10}(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.]
- [^{F10}(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 ^{F11}... give him a statement in writing of the reasons for their decision ^{F12}....

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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 ^{F13}the United Kingdom or ^{F14}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 ^{F15}the United Kingdom or ^{F14}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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- [^{F16}(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.
- [^{F17}(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 [^{F18}sexual entertainment venues,] sex cinemas and sex shops; and
 - (b) for different kinds of [^{F19}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
[^{F20}(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) [^{F21}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.
- [^{F22}(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, [^{F23}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 [^{F24}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 [^{F25}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 [^{F26}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

^{F27}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 [^{F28}level 5 on the standard scale].

Textual Amendments

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

- [^{F29}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 [^{F30}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—

^{F31}
...

“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

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

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 ^{M5}[^{F32}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.
- ^{F33}(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\(d\)](#)

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*

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

- [^{F34}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.

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.

Subordinate Legislation Made

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



Licensing
County Hall, Dorchester, Dorset, DT1 1XJ
☎ 01305 221000
🌐 www.dorsetcouncil.gov.uk

Licence for a Sexual Entertainment Venue

Licence No 10463

Name and Address of Holder of Sexual Entertainment Venue Licence

Wellhot Limited

OJS Industrial Park Unit 1 Claybank Road, Portsmouth, Hampshire, PO3 5SX

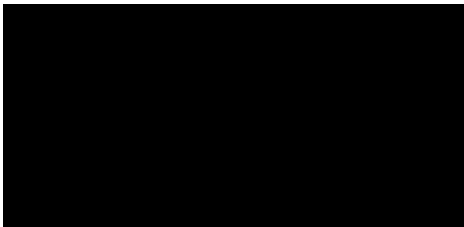
Premises Details

Wiggle

33
New Street
Weymouth
DT4 8DB

Permitted Hours

Valid from **15-12-2023** to **14-12-2024**



Head of Service

IMPORTANT NOTES

This licence is not transferable without the consent of the Council

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

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.

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Weymouth and Portland Borough Council Sex Establishment Policy 2016 to 2020

Index

1. Introduction
2. Scope of Legislation & Definitions
3. Application Process
4. Waiver Process
5. Consideration of the Impact of a sex establishment
6. Consultation Process
7. Determining and granting an application
8. Considerations based on location
9. Grounds for Refusal
10. Suitability of applicant
11. Duration of licences
12. Renewal of Licences
13. Legal implications
14. Appeals
15. The EU Services Directive

Appendices

- A Model Pool of Conditions re: sex entertainment venues
- B Model Pool of Conditions re: sex shops
- C Model Pool of Conditions re: sex cinemas
- D Membership rules for club cinemas

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:

PERSONS PRESENT	ATTENDANTS ON DUTY	STAFF ON CALL IN AN EMERGENCY
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.

Licensing

Subject: FW: Re Wiggle Weymouth

From: [REDACTED]
Sent: 28 November 2024 04:22
To: Licensing [REDACTED]
Subject: Re Wiggle Weymouth

Hi

This is my objection to the current application for a sex establishment licence for the sexual entertainment venue SEV trading as Wiggle strip club in Weymouth-

Suitability of applicant. As mentioned last year the applicant is unsuitable because of a fine paid for an unlicensed HMO in Portsmouth in Hampshire and because at time of writing his club in Southampton has work outstanding on a building control matter. Neither of these are listed in your policy for suitability of a licensee, but I would suggest it is perfectly reasonable to refuse a license on the basis of non compliance in another licensing area or requirement from a council department.

Suitability of location, neighbourhood. This location is in the vicinity of the esplanade. Last year the chair of licensing and I got our wires crossed as objected on the same grounds but the chair gave the impression that I was concerned about people stumbling across the actual premises, which I was, but I was also concerned about the premises drawing in people unsuitable to be in a family resort and liable to move around the neighbourhood of the strip club making a nuisance of themselves. Their own staff handbook filed in Portsmouth City licensing hearing refers to "obnoxious" "regulars", whilst a similar document for another very experienced operator FYEO warns staff of danger from customers away from the security provided at their workplace and warns against visiting late night bars after shift in case customers are still around. R v Newcastle on Tyne ex parte Christian Institute includes comments by a judge to the effect that a sex establishment will attract people of dubious morals and that this is why you would not want to license them at locations where, say, children are present. In this case of course many children visit the Esplanade and the beach.

Use to which other premises nearby are put includes at least one holiday home for which I have read a review saying that the noise from the club had kept her awake. In fairness though, a councillor I approached told me he had never had any noise complaints for this club but had had from other venues along the front. I think it is more likely that residents would complain to a councillor rather than holidaymakers do so. There are historic buildings further down the street and other things of interest to holidaymakers which will bring them into the area. From what I can gather the Weymouth Bowl and the Peninsular are earmarked for regeneration, and both are about five minutes walk away from the premises, so in the vicinity for the purposes of regeneration. The point is that if the regeneration is aimed at people that include women and children then the presence of a strip club is a deterrent to investment. Women want to be able to walk around an area safely at any time. If you have to park a distance from your home, holiday home or workplace you don't want to be encountering strip club customers in the street when you are on your way between the car and destination.

Suitability of premises-from memory of last year the plan doesn't show any area for smoking, which will mean people gathering in the street which may be noisy and will also be intimidating for anyone making their way through the throng on their way back to a holiday home in the old town area. As I tried to explain last year, someone who doesn't know the area will use a navigation aid on their phone after an evening out on the Esplanade for example and risk being sent past the club on foot.

You will be breaching your public sector equality duty by licensing a strip club, given that it will go against your duty to improve relations between the sexes. This club's website uses or has used images of a

manager standing in an overbearing manor over one of his staff who is wearing a costume which parodies a girl's school uniform hardly conducive to healthy relations between the sexes. If Weymouth uses CSAS officers then I would suggest that in refusing this license on the basis of location and breach of public sector equality duty, you will also meet s40A of the Equality Act which is the new duty this year to take proactive steps to prevent sexual harassment of your employees. You already have a the Pineapple Project to give women and girls outside of the home places of refuge from unwanted male attention, or sexual harassment in public places. How much better to support that work by stopping licensing an establishment that objectifies women and encourages the obnoxious behaviour mentioned in Wiggle's staff handbook above which damages relationships between men and women in the home, in public and in workplaces.

This is a reminder that there is no legal requirement to prove harm in a licensing refusal as your action can be proactive. There is also no presumption in favour of licensing sex establishments, unlike that in Licensing Act 2003 applications. Lastly, the committee can make a different decision than last year, even if the circumstances remain identical to last year according to R v Birmingham City Council ex parte Sheptonhurst Ltd.

Kind regards

██████████

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:²²

‘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.’

²² 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:²³
- ‘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.²⁴ 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.

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

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