

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:
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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