



Public Document Pack  
**Boston Borough Council**

**Chief Executive  
Rob Barlow**

Municipal Buildings  
Boston  
Lincolnshire PE21 8QR  
Tel: 01205 314200

Monday 26 January 2026

**Notice of meeting of the Regulatory & Appeals Committee**

Dear Councillor

You are invited to attend a meeting of the Regulatory & Appeals Committee  
on **Tuesday 3rd February 2026 at 2.00 pm**  
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow  
Chief Executive**

**Membership:**

Chairman:	Councillor Lina Savickiene
Vice-Chairman:	Councillor Stuart Evans
Councillors:	Richard Austin BEM, John Baxter, James Cantwell, Neil Drayton, Anne Dorrian, Paul Gleeson, Andy Izard, Jonathan Noble, Helen Staples, Suzanne Welberry and Stephen Woodliffe

Quorum 3

**Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.**

**This meeting may be subject to being recorded.**

**Agenda**

**Part I - Preliminaries**

**A Apologies for Absence**

To receive apologies for absence.

**B Declarations of Interest**

To receive declarations of interests in respect of any item on the agenda.

**C Minutes**

To sign and confirm the minutes of the last meeting.

(Pages 1 - 2)

## **D Public Questions**

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on 29<sup>th</sup> January 2026.

## **Part II - Agenda Items**

### **1 Application for the grant of a Sexual Entertainment Venue Licence (Pages 3 - 190)**

(A report by Christian Allen, Assistant Director – Regulatory)

### **2 Exclusion of the Public and Press**

To consider resolving that under Section 100(A)(iv) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended).

Appendix 3 - Application form

Appendix 5 - Decision notice – Premises Licence application

Appendix 8 - Representations from interested parties

Appendix 8a - Plan of local objectors

## **Notes:**

Please contact Democratic Services ([demservices@boston.gov.uk](mailto:demservices@boston.gov.uk)) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

## **Alternative Versions**

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314591.

The procedures for the hearing appear overleaf.

## **Hearing Procedure– Sexual Entertainment Venue**

The Applicant and their legal adviser (if any), Senior Licensing Officer, Responsible Authorities and members of the public are invited into the room.

The Committee deals with the Preliminaries.

The Chairman invites introductions.

1. The Legal Advisor explains the following procedures:
  - The Senior Licensing Officer presents her report.
  - Members of the Committee ask any questions of the Senior Licensing Officer in respect of the information they have received.
2. The Applicant is invited to address the Committee to present their case and can call any witness in support of their case.
  - Responsible authorities and interested parties who have made representations can in turn ask questions of the Applicant.
  - Members of the Committee can ask questions of the Applicant and any witness. The Senior Licensing Officer has the same right.
  - The Applicant or representative will then be offered the opportunity of asking question of their witnesses in order to clarify any point raised in questioning.
3. The Responsible Authorities (in turn) are invited to address the Committee to present their case and can call any witness in support of their case.
  - Applicant can ask questions of the Responsible Authorities.
  - Members of the Committee can ask questions of the Responsible Authorities in respect of the information they have received. The Senior Licensing Officer has the same right.
  - The responsible Authorities will then be given an opportunity to ask their witness further questions to clarify any points raised in questioning.
4. Interested parties who have made a representation and who have registered to speak (if any) are invited to address Committee in turn to present their case and can call any witness in support of their case.
  - After each interested party has addressed the Committee, the Applicant can ask questions of the Interested Parties.
  - Committee members may ask questions of each interested party.
  - Applicant will be asked by the Chairman if in light of the objections if they wish to amend or withdraw their application in any way.

5. Chairman to invite closing submissions from Senior Licensing Officer, Applicant, Responsible Authorities and Interested Parties – no new issues should be introduced at that stage.
6. The Chairman asks the Legal Advisor whether there are any other matters to be raised or resolved before the Committee retires to begin its deliberations.
7. The Chairman advises that the Members of the Committee will consider the report in private and make their decision. The Legal Advisor will remain with them, but will at no point take part in the deliberations; the Legal Advisor will give legal advice if required and the decision notice will contain details of this advice.
8. The Applicant, the Responsible Authorities, any Interested Parties and the Senior Licensing Officer will then be asked to leave the room. Any members of the public will be escorted from the public gallery.
9. Once a decision has been made the decision and the reasons for the decision will be formally notified in writing to all parties by the Senior Licensing Officer within 5 working days.



## Boston Borough Council

Minutes of a meeting of the **Regulatory & Appeals Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Tuesday, 11th March, 2025 at 2.00 pm.

### **Present:**

Councillor Chris Mountain, in the Chair.

Councillors Councillor Lina Savickiene (Vice-Chairman), John Baxter, James Cantwell, Neil Drayton, Stuart Evans, Paul Gleeson, Patricia Marson, David Scoot and Stephen Woodliffe.

Officers:

Senior Licensing Officer and Democratic Services Officer.

### **6 Apologies for Absence**

Apologies for absence were received from Councillor Richard Austin BME and Councillor Helen Staples.

### **7 Declarations of Interest**

No declarations of interest were received.

### **8 Minutes**

The minutes of the meeting held on 17<sup>th</sup> December 2024 were approved and signed by the Chairman.

### **9 Public Questions**

No questions were received.

### **10 Animal Welfare Licensing Policy**

The Senior Licensing Officer presented a report which provided information about the responses received following the consultation on the proposed Animal Welfare Licensing Policy.

The Regulatory & Appeals Committee convened on 17<sup>th</sup> December 2024 to consider a draft Animal Welfare Licensing Policy which set out the principles which the Council would apply when accepting applications, inspecting premises, making decisions on applications, and exercising its' statutory duty in the monitoring of licensed premises. The Committee determined to commence consultation and invite representation on the proposed policy, with any comments being referred to a future meeting of the Regulatory & Appeals Committee for consideration.

The consultation commenced 6<sup>th</sup> January 2025 and ran for a period of six weeks with stakeholders and the general public invited to submit comments. At the close of the consultation period, three comments had been received. Copies of those comments were

attached at Appendix 1 within the report. The final draft of the policy was attached at Appendix 2 within the report.

Members discussed the report and commented as follows:

- On questioning the low-level response to the public consultation exercise, the Senior Licensing Officer advised that the consultation had been sent to all licence holders and had also been available on line for members of the public to comment.
- Referencing the ongoing procedure to require DBS checks, a number of members agreed the continuation, voicing support of the need to protect the animals and ensure their safety.
- The chairman sought a vote on the continuation of undertaking DBS checks on all applicants which was carried unanimously.

**The recommendation was moved by Councillor David Scoot and seconded by Councillor James Cantwell**

**RESOLVED:**

**That Full Council be recommended to approve the proposed Animal Welfare Licensing Policy, attached as Appendix 2 within the report, for adoption and publication.**

The Meeting ended at 2.11 pm.



<b>Report To:</b>	Regulatory & Appeals Committee
<b>Date:</b>	Tuesday 3 <sup>rd</sup> February 2026
<b>Subject:</b>	Application for the grant of a Sexual Entertainment Venue Licence
<b>Purpose:</b>	To determine an application for the grant of a Sexual Entertainment Venue Licence
<b>Key Decision:</b>	No
<b>Portfolio Holder:</b>	N/A
<b>Report Of:</b>	Christian Allen, Assistant Director – Regulatory
<b>Report Author:</b>	Anna McDowell, Senior Licensing Officer
<b>Ward(s) Affected:</b>	Frampton
<b>Exempt Report:</b>	Yes – in part – parts of appendices 3, 5, 8 and 8A to this report are exempt by virtue of Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 because they contain information relating to an individual and which is likely to reveal the identity of an individual.

## Summary

This is a report to consider an application for a Sexual Entertainment Venue (SEV) Licence at the Pool Shed, Marsh Farm Cottage, Frampton Roads, Frampton, Boston under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. In summary the applicant seeks a licence to provide pole dancing, lap dancing, striptease and live sex shows as a form of entertainment where participation is undertaken by customers attending the premises. In addition to this, pornographic films will be shown in part of the premises.

## Recommendations

That the Regulatory and Appeals Committee determine the application, in accordance with the Local Government (Miscellaneous Provisions) Act 1982, having regard to the council's policy in relation to Sexual Entertainment Venue Licensing, and Government Guidance.

## Reasons for Recommendations

The Council's Policy and Constitution requires that all new applications for Sexual Entertainment Venue licences are considered by the Regulatory & Appeals Committee.

## Other Options Considered

None

### 1. Background

- 1.1 This Report outlines an application for the grant of a licence for a Sexual Entertainment Venue by Mr and Mrs Wright. It also refers to the Council's Policy on the licensing of SEVs, provides other pertinent information specific to this application and summarises the licensing process.
- 1.2 The Council's policy requires that all new licence applications are determined by the Regulatory & Appeals Committee rather than by officers acting under delegated powers. A SEV licence is required by any premises providing relevant entertainment, (subject to certain exemptions).
- 1.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines a Sexual Entertainment Venue (SEV) as any premises 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. An audience may consist of just one person, e.g. in a private booth. A copy of Schedule 3 of the Act is attached at **APPENDIX 1**.
- 1.4 This Authority has adopted specific licensing requirements for SEVs which came into force in November 2011. The general effect of adopting the SEV licensing provisions is that in order to operate, a venue must hold a SEV licence. The Council policy sets a maximum number of sex establishments for the Borough of Boston at one. There are no other licensed premises within the Borough. A copy of the Council's SEV policy is attached at **APPENDIX 2**.
- 1.5 When considering an application for the grant of a licence the Local Authority will have regard to any observations submitted to it by the Chief Officer of Police. It will also have regard to any objections that have been received from anyone else during the consultation period. The Authority should also consider the Government Guidance and the Council's Policy.
- 1.6 Paragraph 12 of Schedule 3 of the 1982 Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence **must** not be granted:

- (i) To a person under the age of 18;
- (ii) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;

- (iii) To a person, other than a body corporate, who is not resident in a European Economic Area (EEA) State, or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (iv) To a body corporate which is not incorporated in an EEA state; or
- (v) 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 when the application is made, unless the refusal has been reversed on appeal.

According to the application none of the above applies in respect of the applicant in this case.

A licence **may be refused** where:

- (vi) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (vii) If the licence were to be granted 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 of such licence if he made the application himself;
- (viii) 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;
- (ix) That the grant of the licence would be inappropriate, having regard:
  - to the character of the relevant locality; or
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises in respect of which the application is made.

With respect to the character of the locality, the Council's policy states:

*"In considering the characteristics of a locality we shall take account of the density and proximity of:*

- *Residential accommodation*
- *Parks and children's play areas*
- *Other retail units (and their uses)*
- *Schools and nurseries*
- *Religious and communal buildings*
- *Alcohol or entertainment licensed premises.*

1.7 Committee members should be aware that purely moral objections or concerns cannot be taken into account and must not form part of the decision-making process.

1.8 The Council has the power to prescribe standard conditions for sexual entertainment venues. Conditions may relate to a number of matters including the following:

- hours of opening and closing;
- displays or advertisements;
- visibility of the interior of the establishment to passers-by.

1.8.1 SEV licences may be granted for a period of up to one year.

## **2. Report**

### **2.1 The application**

- 2.1.1 An application was received on 17 November 2025 from Mr Neil Wright and Mrs Michelle Wright for a new licence for a Sexual Entertainment Venue (SEV) at The Pool Shed, Marsh Farm Cottage, Frampton Roads, Frampton, Boston. A copy of the application is attached at **APPENDIX 3**.
- 2.1.2 In December 2025 the applicant met with Licensing Officers from the Council and Lincolnshire Police to discuss the application. It was determined during this meeting that the applicant does not intend to employ any performers to carry out relevant entertainment at the premises. Subsequently the application was amended to remove table dancing from the application, and it was confirmed that any relevant entertainment would be exclusively by way of consenting customers participating in those activities, with the audience consisting of other customers at the premises who may also join in with activities.
- 2.1.3 The amended application seeks authorisation for the provision of pole dancing, lap dancing, strip tease, and live sex shows during the following times:
- |                          |   |
|--------------------------|---|
| Wednesday & Thursday:    | 11.00 hours until 22.00 hours                   |
| Friday & Saturday:       | 11.00 hours until 02.00 hours the following day |
| Sundays & Bank Holidays: | 11.00 hours until 22.00 hours                   |
- 2.1.4 The applicant is required to submit additional information with the application, including information regarding any unspent convictions for the applicant, managers and any other persons who may receive financial gain from the business. This information did not reveal any unspent convictions for any of these parties.

### **2.2 The Premises and relevant history**

- 2.2.1 The property is in the parish of Frampton. Frampton is a rural village consisting of approximately 460 residential properties. The premises is located approximately 2½ miles from the nucleus of the village and sits in relatively close proximity to four neighbouring properties.
- 2.2.2 The proposed licensed premises is situated within a large warehouse on private property at Marsh Farm. The licensable area consists of two floors, with the ground floor containing a bar, dance floor, kitchen, pool room, sauna, shower and changing area, and an outdoor swimming pool. The first floor consists of a lounge area with a projector, and adjacent bedroom areas.
- 2.2.3 The internal areas of the premises cannot be viewed from outside the building with the exception of the rear façade which sits adjacent to a large agricultural field behind hedges that are approximately 2.5m tall (8ft). An outdoor swimming pool area is concealed by high walls leylandii hedges. A location plan and photographs of external views of the premises are attached at **APPENDIX 4**.
- 2.2.4 In April 2023 a Sub-Committee of the Licensing Committee convened to determine an application for a premises licence submitted under the provisions of the Licensing Act 2003. The application sought a licence for the sale of alcohol, provision of regulated entertainment and late-night refreshment. The hearing was held following the receipt of relevant representations. The Sub-Committee determined to grant the licence and

copies of the decision notice, and the premises licence are attached at **APPENDIX 5** and **APPENDIX 6**.

- 2.2.5 Where complaints are received in relation to any licensable activity authorised by the premises licence the licensing authority will investigate and take relevant action where appropriate in accordance with the provisions of the Licensing Act 2003.
- 2.2.6 Since the grant of the premises licence, the Council and Lincolnshire Police have not received any complaints in relation to the licensable activities authorised by the licence or any other disturbances connected with the premises.
- 2.2.7 Following the grant of the premises licence the number of swingers events significantly increased, and it was determined that the venue is now clearly operating as a commercial enterprise and that the activities being carried out are to an extent that they require a SEV licence. The applicants had previously held private swingers parties at the venue for a number of years without the requirement for a SEV licence.

## **2.3 Representations**

- 2.3.1 Representations must be submitted within 28 days of the date of the application.
- 2.3.2 The committee should have regard to any observations submitted by the Chief Officer of Police and any objection(s) received from any other party
- 2.3.3 An objection has been received from Lincolnshire Police. This representation formalises the amendment of the application as detailed at paragraph 2.1.2 of this report and highlights issues with the relevance of the standard conditions to be applied to licences in accordance with the Council's policy. In principle Lincolnshire Police do not object to the grant of a licence but have requested a number of conditions that are more appropriate to the intended operation and request that the committee imposes these conditions and disapply those listed in the Council policy should a licence be granted. The police representation detailing those conditions is attached at **APPENDIX 7**.
- 2.3.4 Objections have been received from a number of individuals who have raised concerns relating to the premises. The identity of those objectors will not be disclosed in the public domain. However, members of the Committee will be provided with details to ensure that deliberations remain relevant to any potential impact from licensable activities caused by the business operation. The objections are of a similar nature and raise concerns in relation to some of the following points:
- Increased traffic through the village.
  - Alleged noise nuisance from vehicles travelling through the village late at night.
  - The suitability of such a premises within the village.
  - A possible perceived impact on property value.
  - Perceived reputational damage to the village by association.

A copy of representations received are attached at **APPENDIX 8**.

For members consideration, the locations of local objectors are shown on the plan attached at **APPENDIX 8A**.

- 2.3.5 Members will be able to discuss concerns raised during the meeting and officers and the Council's legal representative will be in attendance to answer any questions in relation to their relevance in terms of consideration in determination of the application.

- 2.3.6 The Council has also received three supporting e-mails from customers at the premises. Copies of the supporting e-mails are attached at **APPENDIX 9**.

## **2.4 Considerations**

- 2.4.1 Licensable activities authorised under the premises licence and any issues arising from the provision of them are to be dealt with in accordance with the Licensing Act 2003 and are not matters for consideration in relation to the application for a SEV licence.
- 2.4.2 In determining the application, the committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act it is unlawful for a public authority to act in a manner which is not compatible with the European Convention on Human Rights.

In particular The Home Office Sexual Entertainment Venues Guidance for England and Wales states:

*“When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights”.*

A copy of the Home Office Guidance is attached at **APPENDIX 10** and article 10 of the Human Rights Act 1998 is attached at **APPENDIX 11**.

## **2.5 Appeal provisions**

- 2.5.1 The following appeal provisions apply:
- 2.5.2 Where a licence is refused on the grounds listed in (i) to (v) of paragraph 1.7 of this report, the applicant shall not have a right to appeal unless the applicant seeks to show that the grounds did not apply to him.
- 2.5.3 Where a licence is refused on either of the grounds specified at (viii) and (ix) of paragraph 1.7 the applicant has no right of appeal.
- 2.5.4 If the licence is granted the licence holder, if aggrieved by any term, condition or restriction on or subject to which the licence is held, may appeal that term, condition or restriction.
- 2.5.5 Any appeal must be made to the Magistrates’ Court for the area within 21 days of receiving the decision of the committee in writing. If the licence is granted and an appeal is brought against the imposition of any term, condition or restriction, the licence shall be deemed to be free of it until the determination or withdrawal of the appeal.

## **3 Conclusion**

- 3.1 An application for the grant of a sexual entertainment licence has been received and must be determined by the Regulatory & Appeals Committee in accordance with statutory provisions, council policy and procedure.



- 3.2 The Committee must have due regard to objections received in respect of the proposed licensable activities. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 1.7.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

None

#### **Corporate Priorities**

None

#### **Staffing**

None

#### **Workforce Capacity Implications**

None

#### **Constitutional and Legal Implications**

The Local Government (Miscellaneous Provisions) Act 1982 sets out how applications for a SEV are to be dealt with. Relevant details from the Act are contained within the report and at Appendix 1.

Constitutionally the Committee has the function of determining this application and may impose conditions as detailed in this report. The Committee's decision can be appealed by the applicant to the Magistrates Court on grounds as set out in section 2.5 of this report.

#### **Data Protection**

The identity of objectors has been redacted where anonymity has been requested.

#### **Financial**

None

#### **Risk Management**

There is a theoretical risk of civil action against the Authority if it is found not to have exercised due diligence in licensing matters.

#### **Stakeholder / Consultation / Timescales**

A 28-day consultation period is applicable following the submission of an application for a SEV licence during which interested parties can lodge observations and objections.

#### **Reputation**

There is a risk that the Council's reputation could be damaged if the requirements of licensing legislation and the Council's Constitution are not implemented in the prescribed manner.

## **Contracts**

None

## **Crime and Disorder**

It is essential that premises licensed as SEVs under The Policing and Crime Act 2009 are subject to suitable controls to ensure there is no crime and disorder associated with the licensable activities or the premises.

## **Equality and Diversity / Human Rights / Safeguarding**

**Human Rights:** Under the Human Rights Act 1998, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

**Equality Implications:** The authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

**Safeguarding Implications:** The Council has a duty to provide the public with safe and secure licensed premises within the Borough.

## **Health and Wellbeing**

None

## **Climate Change and Environment Impact Assessment**

None

## **Acronyms**

None

## **Appendices**

Appendices are listed below and attached to the back of the report:

Appendix 1	Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
Appendix 2	SEV Policy
Appendix 3 *	Application form
Appendix 4	Location plan and external views of the premises
Appendix 5 *	Decision notice – Premises Licence application
Appendix 6	Premises licence granted under Licensing Act 2003
Appendix 7	Police representation
Appendix 8 *	Representations from interested parties
Appendix 8a *	Plan of local objectors
Appendix 9	Supporting e-mails from customers
Appendix 10	Home Office Sexual Entertainment Venues Guidance for England and Wales
Appendix 11	Human Rights Act 1998 – Article 10

**\* Appendices 3, 5, 8 and 8a are exempt by virtue of paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 because they contain information relating to an individual and which is likely to reveal the identity of an individual.**

## **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## **Chronological History of this Report**

None

## **Report Approval**

Report author: Anna McDowell, Senior Licensing Officer  
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Signed off by: Christian Allen, Assistant Director – Regulatory  
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**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 19 September 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### CONTROL OF SEX ESTABLISHMENTS

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

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

##### *Saving for existing law*

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

**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 19 September 2025. 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

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

#### Marginal Citations

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

#### Meaning of “sex establishment”

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

#### Textual Amendments

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

#### Meaning of “sexual entertainment venue”

[<sup>F2</sup>2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

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

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

“relevant national authority” means—

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

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

#### Textual Amendments

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

#### Meaning of “sex cinema”

- 3 (1) In this Schedule, “sex cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; or
  - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,
- but does not include a dwelling-house to which the public is not admitted.
- (2) No premises shall be treated as a sex cinema by reason only—
- [<sup>F3</sup>(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation]
  - [<sup>F4</sup>(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of [<sup>F5</sup>the Cinemas Act 1985].]

#### Textual Amendments

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

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

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



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- (a) sex articles; or
  - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity.
- (2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.
- (3) In this Schedule “sex article” means—
- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; and
  - (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies—
- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - (b) to any recording of vision or sound,
- which—
- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

#### *Miscellaneous definitions*

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

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

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

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*Requirement for licences for sex establishments*

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

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

- 8 <sup>F6</sup>(1) Subject to <sup>F7</sup>sub-paragraph (2) and] paragraph 12(1) below, the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.
- <sup>F8</sup>(2) No term, condition or restriction may be specified under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises, vehicle, vessel or stall.]

**Textual Amendments**

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

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

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

#### Textual Amendments

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

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

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- (10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- (11) Every notice under this paragraph which relates to premises shall identify the premises.
- (12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- (13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.
- [<sup>F10</sup>(14) A copy of an application for the grant, renewal or transfer of a licence under this Schedule shall be sent to the chief officer of police—
  - (a) in a case where the application is made by means of a relevant electronic facility, by the appropriate authority not later than 7 days after the date the application is received by the authority;
  - (b) in any other case, by the applicant not later than 7 days after the date of the application.]
- [<sup>F10</sup>(14A) In sub-paragraph (14) above “relevant electronic facility” means—
  - (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
  - (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.]
- (15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.
- (16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.
- (17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.
- (18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.
- (19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—
  - (a) before refusing to grant a licence, to the applicant;
  - (b) before refusing to renew a licence, to the holder; and
  - (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.
- (20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall <sup>F11</sup>... give him a statement in writing of the reasons for their decision <sup>F12</sup>....

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#### Textual Amendments

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

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

#### *Refusal of licences*

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

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

#### Textual Amendments

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

#### *Power to prescribe standard conditions*

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



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

#### Textual Amendments

- F17** Sch. 3 para. 13(1A) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(b)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 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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**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 19 September 2025. 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

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

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

#### *Revocation of licences*

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

#### *Variation of licences*

- 18 (1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.
- (2) [<sup>F21</sup>Subject to sub-paragraph (4) below,] The appropriate authority—
- (a) may make the variation specified in the application; or
  - (b) may make such variations as they think fit; or
  - (c) may refuse the application.
- (3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.
- [<sup>F22</sup>(4) No variation is to be made under this paragraph in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]

#### **Textual Amendments**

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

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



**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 19 September 2025. 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

### Fees

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

#### Textual Amendments

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

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

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

### Enforcement

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

#### Textual Amendments

- F24** Words in Sch. 3 para. 22(1) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 11\(2\)](#) (with [reg. 5\(1\)](#))
- F25** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

**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 19 September 2025. 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

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

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

#### *Offences relating to persons under 18*

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

#### Textual Amendments

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

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

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

#### *Powers of constables and local authority officers*

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

#### Textual Amendments

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

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

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**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 19 September 2025. 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

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

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**Textual Amendments**

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

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

**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 19 September 2025. 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

### 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—
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
  - (b) 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;
  - (c) 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
  - (d) a holder of any such licence whose licence is revoked,
- may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to [<sup>F30</sup>a magistrates' court] .
- (2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.
- (3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.
- (4) In this paragraph—

<sup>F31</sup>  
...

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

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**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 19 September 2025. 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

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

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

#### Textual Amendments

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

**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 19 September 2025. 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*

[<sup>F34</sup>27A(1) This paragraph applies if—

- (a) premises are subject to a licence for a sexual entertainment venue; and
- (b) their use would be use as such a venue but for the operation of paragraph 2A(3)(b).

(2) This Schedule applies as if—

- (a) the premises were a sexual entertainment venue; and
- (b) the use or business of the premises was use as, or the business of, such a venue.

(3) But the appropriate authority must cancel the licence if the holder of the licence asks them in writing to do so.

(4) In this paragraph “premises” has the same meaning as in paragraph 2A.]

#### Textual Amendments

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

#### *Provisions relating to existing premises*

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

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

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



**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 19 September 2025. 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

- 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

**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 19 September 2025. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 3 para. 1(b)(ii) words substituted by [2006 c. 48 Sch. 14 para. 7](#)



## **POLICY IN RELATION TO SEX ESTABLISHMENT LICENSING**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009)**

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority's decisions. The policy will be reviewed regularly to reflect the needs of Boston Borough Council area.

[www.boston.gov.uk](http://www.boston.gov.uk)  
[licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)

**Draft Dated 26 April 2011 V.2**  
**Date adopted 1 November 2011**  
**Date published 2 November 2011**

**We can provide this information in other languages and  
Formats, for example in large print, in Braille, on CD or  
audio cassette. Please telephone 01205 314308.**

## **PART A - Sex Establishment Licensing**

<b>1.0</b>	<b>Preface</b>
1.1.	Boston Borough Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas and sexual entertainment venues in the Borough. In this policy, we refer to these as “sex establishments” unless we say otherwise.
1.2.	We do not make a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a Licensing Authority to administer and enforce the licensing regime in accordance with the law.
1.3.	The 1982 Act and the 2009 Act can be viewed at <a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a> .
1.4.	We consulted on this Policy between 5 July 2011 and 9 September 2011 and it was approved by our Regulatory & Appeals Committee on 11 October 2011 and adopted by Cabinet on 1 November 2011.
1.5.	<p>In developing this policy, we took into account the legal requirements of the 1982 and 2009 Acts and our duties under:</p> <ul style="list-style-type: none"><li>a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the District</li><li>b) The Regulators’ Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and</li><li>c) The provision of Services Regulations 2009 to ensure requirements are:<ul style="list-style-type: none"><li>i. Non- discriminatory</li><li>ii. Justified by an overriding reason relating to the public interest</li><li>iii. Proportionate to the public interest objective</li><li>iv. Clear and unambiguous</li><li>v. Objective</li><li>vi. Made public in advance, and</li><li>vii. Transparent and accessible</li></ul></li></ul>
<b>2.0.</b>	<b>The Boston Borough Council Area</b>
2.1.	Boston Borough Council is situated in the south of the county of Lincolnshire, which contains 7 district councils in total. The Council has a population of 61,000 (as detailed in the population projection by the Office for National Statistics – Feb 2010) and is the smallest district in the County in terms of population. In terms of area it is the second smallest, covering 139 square miles. The council area is mainly rural with an urban area comprising of Boston town itself.
2.2.	At the time of drafting this Policy, the Council licences one sex shop under the 1982 Act. The shop is located in Boston town centre. There is one premise authorised under the Licensing Act 2003 to provide entertainment that would require licensing as a sexual entertainment venue. This premise is also within Boston town centre.
<b>3.0.</b>	<b>Commenting on Licence Applications</b>

3.1.	Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences; the Police are a statutory consultee for all applications.
3.2.	Objections must be relevant to the statutory grounds for refusal that are set out in the 1982 Act.
3.3.	<p>We take the following approach to deciding applications:</p> <ul style="list-style-type: none"> <li>a) Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;</li> <li>b) Objectors can include residents'/ tenants' associations, community associations and trade associations. Councillors may represent interested parties, providing they do not also sit on the Regulatory &amp; Appeals Committee determining the application in question.</li> <li>c) We will give clear reasons for our decisions.</li> </ul>
3.4.	We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act) Decisions on whether objections are frivolous or vexatious will be made objectively by our Officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason.
3.5.	A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
3.6.	Objections will be considered by the full Regulatory & Appeals Committee; we give both applicants and objectors an equal opportunity to state their case in accordance with our protocol, which is available from the Licensing Section.
3.7.	<p>Objections should ideally:</p> <ul style="list-style-type: none"> <li>• Be made in writing (unless submitted electronically)</li> <li>• Indicate the name and addresses of the person or organisation making the representation</li> <li>• Indicate the premises to which the objection relates</li> <li>• Indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this</li> <li>• Clearly set out the reasons for making the objections.</li> </ul>
<b>4.0.</b>	<b>Exchange of Information</b>
4.1.	The Authority may from time to time exercise its powers under The Data Protection Act 1998 to exchange data and information with the Police and other partners to fulfil its statutory objective of reducing crime in the area.
4.2.	Details of applications and objections which are referred to a Regulatory & Appeals Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

4.3.	Where requested the names and addresses of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to Councillors on the Regulatory & Appeals Committee.
<b>5.0.</b>	<b>Compliance and Enforcement</b>
5.1.	This Authority will keep itself informed of developments as regards the work of the Better Regulation Executive and other Central Government bodies in its consideration of the regulatory functions of Local Authorities.
5.2.	Our approach to enforcement is set out in our enforcement policies, which are available on request.
5.3	It is desirable that the licence holder(s) join the Shopwatch/Pubwatch scheme or any subsequent scheme that replaces them.

## **PART B – Sex Shops**

<b>6.0.</b>	<b>Sex Shops</b>
6.1.	<b>Significant Degree</b> Licenses for sex shops are required where there are 18R films being sold or where there is “a significant degree” of “sex articles”.
6.2.	<p>The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:</p> <ul style="list-style-type: none"> <li>a) The ratio of sex articles to other aspects of the business</li> <li>b) The absolute quantity of sales</li> <li>c) The character of the remainder of the business</li> <li>d) Turnover</li> <li>e) The nature of the display</li> <li>f) The nature of the articles</li> <li>g) Other factors which appear to be materially relevant.</li> </ul> <p>The Courts have indicated that no single factor is decisive when considering whether a shop sells sex articles to a significant degree. Significant degree cannot be prescribed by any rule of thumb so the Licensing Authority will decide on a case-by-case basis, which considerations are material to the individual case and what weight is to be attached to them.</p>
6.3.	There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.
6.4.	<p><b>Relevant Localities</b></p> <p>We can also refuse applications for new or renewed licenses where:</p> <ul style="list-style-type: none"> <li>a) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider</li> </ul>

	<p>appropriate for that locality.</p> <p>b) The grant or renewal of the licence would be inappropriate, having regard to</p> <ol style="list-style-type: none"> <li>i. The character of the relevant locality, or</li> <li>ii. The use to which any premises in the vicinity are put, or</li> <li>iii. To the layout, character or condition of the premises.</li> </ol>
6.5.	<p>We recognise that different parts of our Borough have different characteristics; the number or numbers of sex shops appropriate for a particular locality can be set by the Authority.</p> <p>In considering the characteristics of a locality we shall particularly take account of the density and proximity of:</p> <ul style="list-style-type: none"> <li>• Residential accommodation</li> <li>• Parks and children's play areas</li> <li>• Other retail units (and their uses)</li> <li>• Schools</li> <li>• Religious and communal buildings</li> <li>• Alcohol or entertainment licensed premises</li> </ul>
6.6.	<p>Our Licensing &amp; Appeals Committee made a resolution on 29 November 2002, with reference to sex shops within the Borough of Boston that the appropriate number of Sex Establishments, be <b>ONE</b>.</p>
6.7.	<p>We would consider representations from applicants as to why our view should be changed about the permitted number or any particular locality. Where this is likely to affect existing licence holders, we will give notice allowing time for the existing licence holders to make representations.</p>
6.8.	<p><b>Duration of licence</b></p> <p>We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.</p>
6.9.	<p><b>Waivers</b></p> <p>We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by our full Regulatory and Appeals Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).</p>
6.10.	<p><b>Application form</b></p> <p>We have a standard application form, including public notices, which are available on request from the Licensing Section.</p>
6.11.	<p><b>Licence Conditions</b></p> <p>We have adopted standard conditions for the operation of sex shops that are set out at <b>Appendix I</b> of this Policy. Where it is reasonable and necessary to do so, our Regulatory &amp; Appeals Committee will impose additional proportionate conditions on a licence.</p>
6.12.	<p><b>Fees</b></p> <p>Our fees are set each year and details are available from the Licensing Section.</p>

## **PART C – Sex Entertainment Venues**

<b>7.0.</b>	
<b>7.1.</b>	<b>Relevant Entertainment</b> Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.
<b>7.2.</b>	“Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or 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 an audience (whether by verbal or other means)”. An audience can consist of just one person, e.g. in a private booth.
<b>7.3.</b>	<p>In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:</p> <ul style="list-style-type: none"> <li>• Lap dancing</li> <li>• Pole dancing</li> <li>• Table dancing</li> <li>• Strip shows</li> <li>• Peep shows</li> <li>• Live sex shows</li> </ul> <p>Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003. Further information is available from the Licensing Section.</p>
<b>7.4.</b>	There are some specific grounds for refusing sex establishment licences set out in Paragraph 12 of Schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.
<b>7.5.</b>	<p><b>Relevant Localities</b> We can also refuse applications for new or renewed licences where:</p> <ul style="list-style-type: none"> <li>a) The number of sex entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider appropriate for that locality.</li> <li>b) The grant or renewal of the licence would be inappropriate, having regard to <ul style="list-style-type: none"> <li>i. The character of the relevant locality, or</li> <li>ii. The use to which any premises in the vicinity are put, or</li> <li>iii. To the layout, character or condition of the premises.</li> </ul> </li> </ul>
<b>7.6.</b>	If a number of premises is set for any locality within the borough then this Authority will indicate (in the table below) the locality, number of sex entertainment venues and the reason for the number.

Locality	Number of Sex Entertainment Venues	Reason
<i>Whole of Borough</i>	<i>One</i>	The reason for setting the limit on the number of Sex Entertainment Venues at one is as Boston council, we feel, within a rural area, we do not want to impede a business variety within the Borough but also feel we do not want to encourage businesses that do not fit in within our local environmental and rural society. The Council therefore consulted on the number of establishments and received no objection to its proposal to limit the number to one”

7.7.	<p>The above table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality Where this is likely to affect existing licence holders, we will give notice allowing time the existing licence holders to make representations.</p> <p>In considering the characteristics of a locality we shall take account of the density and proximity of:</p> <ul style="list-style-type: none"> <li>• Residential accommodation</li> <li>• Parks and children’s play areas</li> <li>• Other retail units (and their uses)</li> <li>• Schools and nurseries</li> <li>• Religious and communal buildings</li> <li>• Alcohol or entertainment licensed premises</li> </ul>
7.8.	<p><b>Duration of licence</b></p> <p>We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.</p>
7.9.	<p><b>Waivers</b></p> <p>We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.</p>
7.10	<p><b>Application form and operating schedule</b></p> <p>We have a standard application form, including public notices, which are available on request from the Licensing Section. As part of the application, the applicant will have to submit an Operating Schedule showing how the licensee will operate the premises, so as to comply with the standard conditions detailed at Appendix II of this document, together with a plan which must be in accordance with the requirements set out in Appendix 3.</p>

	<p>The operating Schedule will detail:</p> <ul style="list-style-type: none"> <li>• stewarding arrangements, including the means by which physical contact between the audience and performers will be prevented.</li> <li>• the appearance and content of each type of advertising material outside and inside the premises.</li> <li>• the means by which potential customers will be made aware of the nature of the performance.</li> </ul>
7.11.	<p><b>Licence conditions</b></p> <p>We have adopted standard conditions for the operation of sexual entertainment venues set out at <b>Appendix II</b> of this Policy. Where it is reasonable and necessary to do so our Regulatory &amp; Appeals Committee will impose additional proportionate conditions on a licence.</p>
7.12	<p><b>Licence conditions - private booths or performing areas</b></p> <p>There will be a presumption against granting consent for private booths or private performing areas on the premises, unless the Council are satisfied that the relevant risk assessments have been undertaken and adequate safety measures and assurances are in place.</p>
7.13.	<p><b>Fees</b></p> <p>Our fees are set out each year and details are available from the Licensing Section. We charge separate fees for applying for a licence, renewing a licence and for making major and minor variations to a licence.</p>



## **APPENDIX I**

### **BOSTON BOROUGH COUNCIL**

#### **REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX SHOPS AND SEX CINEMAS**

	<b>Definition</b>
<b>1.</b>	<p>In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:-</p> <p>(i) “Sex Establishment” “Sex Cinema” “Sex Shop” and Sex Article” shall have the meanings ascribed to them in the 3<sup>rd</sup> Schedule of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>(ii) “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said 3<sup>rd</sup> Schedule.</p> <p>(iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.</p> <p>(iv) “Approved” means approved by the Council in writing.</p> <p>(v) “The Council” means Boston Borough Council.</p> <p>(vi) “He” means he or she and “his” means his or her.</p>
	<b>General</b>
<b>2.</b>	<p>In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.</p>
<b>3.</b>	<p>The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the 3<sup>rd</sup> Schedule of the Local Government (Miscellaneous Provisions) Act 1982.</p>
	<b>Times of Operation</b>
<b>4.</b>	<p>Except with the previous consent of the Council a Sex Establishment shall only be open between 9.00am and 8pm Monday to Saturday inclusive.</p>
<b>5.</b>	<p>Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays or any Bank holidays or any public holidays.</p>

	<b>Conduct and Management of Sex Establishments</b>
6.	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 be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
7.	The Licensee or a responsible person nominated by him in writing, for the purpose of managing the Sex Establishment, and of who details have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.
8.	The name of the person responsible for the management of a Sex Establishment (the Licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
9.	The Licensee shall retain control over all portions of the Premises and shall not let, license or part with possession of any part of the premises.
10.	The Licensee shall maintain good order in the Premises.
11.	The Licensee shall ensure that there is no nuisance or annoyance to neighbouring residents or commercial occupiers arising from noise emanating from the premises.
12.	No person under the age of 18 shall be admitted to the Premises or employed in the business of the Sex Establishment.
13.	The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
14.	No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
15.	Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
16.	The Licensee shall comply with all statutory provisions and any regulations made there under.
17.	The copy of the licence and of these Regulations is required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. A copy of the licence, being at least A4 in size, is required to be displayed and shall be suitably framed A copy of these Regulations shall be retained in a clean and legible condition.
18.	A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
	<b>User</b>

19.	No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
20.	No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
21	Neither Sex Articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.
	<b>Goods available in Sex Establishments</b>
22.	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.
23.	All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
24.	The Licensee shall, without charge, display and make available in the Sex Establishment 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 by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.
	<b>External Appearance</b>
25.	The licence holder shall comply with any requirements relating to the external appearance of the licensed premises as the Council may consider reasonably necessary for the preservation of public amenity.
26.	Without prejudice to the generality of Regulation 19 above no advertisement, display, work, letter, model, sign, placard board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be displayed outside or on the exterior of the licensed premises or inside the licensed premises so as to be visible from outside such premises without the consent of the Council except:-  (i) as required by law or regulation; or  (ii) the name of the business carried on at the licensed premises; in not more than one place, in characters not exceeding 37cm in height.
27.	The licence holder shall ensure that the interior of the licensed premises shall not be visible to persons outside the premises.
	<b>State, Condition and Layout of the Premises</b>
28.	The Premises shall be maintained in good repair and condition.
29.	Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
30.	There shall be exhibited on the licensed premises a warning notice containing the following words and no others:

	<p style="text-align: center;"><b><u>“WARNING”</u></b></p> <p><b>NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE</b></p> <p>(a) the word “WARNING” must appear as a heading;</p> <p>(b) no pictures or other matter shall appear on the notice;</p> <p>(c) The notice must be so situated that no one could reasonably gain access to the licensed premises or any part of such premises without being aware of the notice and it must be easily legible by any person gaining such access.</p>
<b>31.</b>	<p>The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-</p> <p>(i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word “exit”.</p> <p>(ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked “private”.</p> <p>(iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.</p>
<b>32.</b>	<p>The external doors of the licensed premises shall be fitted with self closing door mechanisms and such mechanism shall be maintained in good working order. No external door shall be fixed in the open position at any time during which the premises are open for the serving of customers. A partition shall be erected inside the premises in such a position so that the interior of the premises and the contents cannot be seen when the front door of the premises is opened.</p>
<b>33.</b>	<p>The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.</p>
<b>34.</b>	<p>Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.</p>
<b>35.</b>	<p>All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.</p>
<b>36.</b>	<p>The Licensee shall provide and maintain satisfactory sanitary conveniences and personal washing facilities for any staff employed by him.</p>

	<b>Safety</b>
<b>37.</b>	The Licensee shall take all reasonable precautions for the safety of the public and employees.
<b>38.</b>	The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council or the Fire Prevention Officer.
<b>39.</b>	The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use, in accordance with the requirements of the Fire Prevention Officer.

## **APPENDIX II**

### **REGULATIONS PRESCRIBING STANDARD CONDITIONS** **APPLICABLE TO LICENCES FOR SEX ENTERTAINMENT VENUES AND** **STANDARD LICENCE CONDITIONS**

	<b>Definition</b>
<b>1.</b>	<p>In these Conditions save when the context otherwise requires the following expressions shall have the following meanings:-</p> <p>a) “Sex Establishment” and “Sex Entertainment Venue” shall have the meanings ascribed to them in the 3<sup>rd</sup> Schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009)</p> <p>b) “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.</p> <p>c) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.</p> <p>d) “Approved” means approved by the Council in writing.</p> <p>e) “The Council” means Boston Borough Council</p> <p>h) “He” means he or she and “his” means his or her.</p>
<b>2.</b>	Sexual entertainment shall only take place between xxxx and xxxx hours on the following days xxxx.
<b>3.</b>	A copy of this licence and these conditions shall be securely displayed and suitably protected against theft, damage or defacement in a prominent position where they can be easily read by all customers.
<b>4.</b>	The Licensee shall ensure that each performer is fully aware of the licence conditions and the House Rules. A register to evidence that each performer has been given a copy of these conditions and the House Rules and that they have read them, understood them and will comply with them must be maintained. This register must be made available to an authorised officer of the Council or a Police Officer upon request.
<b>5.</b>	The Licensee must remain in personal control of the premises at all times or nominate an individual in writing to the Council to direct activities within the premises. The nominated person must be aged 18 years or over.
<b>6</b>	There shall be provided door supervisors/stewards in such number as agreed in

	<p>writing with Boston Borough Council, sufficient to control entry of persons to the premises and for keeping of order in the premises when sexual entertainment is being provided. The aforementioned door supervisor and any other individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.</p>
7.	<p>No person being staff, performer, entertainer, visitor or customer under the age of 18 shall be admitted to any part of the premises whilst sexual entertainment is being performed or at any time whilst a rehearsal or audition for such entertainment is being conducted. A clear notice shall be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, saying :</p> <p>"NO PERSONS UNDER THE AGE OF 18 SHALL BE ADMITTED"</p> <p>Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The licensee must provide prominent notices at each entrance to the premises to this effect.</p>
8.	<p>Performers shall be aged not less than 18 years. The licensee must maintain adequate records of the names, addresses, national insurance number and dates of birth of performers and carry out identity checks. Adequate identity checks are the checking, photocopying and keeping of the photocopy of a passport, driving licence, national identity card or PASS card</p>
9.	<p>The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.</p> <ul style="list-style-type: none"> <li>a) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.</li> <li>b) The Licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the premises.</li> <li>c) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the premises is not visible from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from the outside of the premises.</li> </ul>
10.	<p>Performances of sexual entertainment shall not be the subject of any advertising involving the distribution of leaflets in the street, promotion by canvassers or by touting in the street.</p>
11.	<p>The Licensee shall ensure that no more than the permitted number of members of the public shall be present on the premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.</p>

<b>12.</b>	Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council. There shall be no private booths or private performing areas provided on the premises (unless specifically permitted in writing by the Council).
<b>13.</b>	Performances of sexual entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose.
<b>14.</b>	There must be in place policy to ensure the safety of the performers when they leave the Premises after a period of work.
<b>15.</b>	No performer shall be allowed to work if they appear to be under the influence of intoxicating liquor and/or drugs.
<b>16.</b>	Performers shall be provided with changing room(s), including hot and cold washing facilities and a toilet that shall be located so as to be separate and apart from public facilities. No person other than performers and authorised staff shall be permitted in the changing room(s).
<b>17.</b>	Performers must remain clothed in public areas and all other areas except while performing in areas approved by the Council as where sexual entertainment may be provided.
<b>18.</b>	Performers must dress fully at the end of each performance.
<b>19.</b>	Performers must never be alone in the company of a customer except in an area open to the public within the Premises.
<b>20.</b>	The Licensee is to ensure a sufficient number of staff are employed inside the premises whilst sexual entertainment is provided to supervise the performers and customers
<b>21.</b>	Performers must not perform nude unless in a supervised area or within five metres of a floor supervisor.
<b>22.</b>	<p>The Licensee must ensure that during performances to which this Licence relates:</p> <ul style="list-style-type: none"> <li>a) The sexual entertainment shall be restricted to dancing and the removal of clothes, there shall be no other form of sexual activities including an act that clearly simulates any sexual act.</li> <li>b) Performers may not use inappropriate, suggestive or sexually graphic language at any time;</li> <li>c) Performers must never intentionally touch the genitals or breasts of another performer or to knowingly permit another performer to intentionally touch their genitals or breasts;</li> <li>d) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;</li> <li>e) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.</li> </ul>
<b>23.</b>	<p>The Licensee must ensure that during performances to which this Licence relates :</p> <ul style="list-style-type: none"> <li>a) Customers may not dance at any time except in areas specifically designated</li> </ul>



	<p>by the Council as being separate from areas for sexual entertainment.</p> <p>b) Customers must remain appropriately clothed at all times.</p>
<b>24.</b>	Apart from that permitted under Condition (25) below, there shall be no physical contact between any member of the audience or any performer(s).
<b>25.</b>	The only time any physical contact shall be allowed between a performer and a customer is when the performer introduces herself/himself with a formal handshake or when a gratuity or tip is placed in the garter or armband. Other than that, there shall be no contact.
<b>26.</b>	No performer shall accept or give any telephone number, email address, address, contact information or business card or note from or to members of the audience.
<b>27.</b>	The licensee, management or anyone concerned in providing the approved entertainment shall not encourage or permit the encouragement of the audience to throw money or otherwise give gratuities to the performers except as permitted by condition (22) above.
<b>28.</b>	The Licensee shall provide a copy of the House Rules to the Licensing Authority for approval. The House Rules shall be provided in English and in the languages agreed by the Licensing Authority. The current key languages other than English being Polish, Lithuanian, Latvian. Portuguese and Russian.
<b>29.</b>	<p>On arrival, each customer shall be provided with a copy of the House Rules which shall include:</p> <ul style="list-style-type: none"> <li>a) No person under the age of 18 years shall be admitted to the premises.</li> <li>b) The only time any physical contact will be allowed between a performer and a customer is when the performer introduces herself/himself with a handshake or when a gratuity or tip is placed in the garter or armband. Other than that, there shall be no contact.</li> <li>c) No member of the audience shall throw money or otherwise give gratuities to the performers except as permitted in section (b) above.</li> <li>d) There shall be no physical participation by any member of the audience.</li> <li>e) No customer shall accept from or give to any performer any telephone number, email address, address, contact information, business card note or similar.</li> </ul>
<b>30.</b>	<p>The House Rules (minimum A4 in size) shall be securely displayed at all times in such a manner that they can be easily read by the customers and performers and suitably protected against theft, damage or defacement, in at least the following locations.</p> <ul style="list-style-type: none"> <li>a) At the point of entry (to include a copy in the additional languages detailed by Boston Borough Council).</li> <li>b) At the point of payment</li> <li>c) Above each urinal</li> <li>d) At each bar</li> <li>e) In the performers changing area (to include a copy in the additional languages detailed by Boston Borough Council).</li> <li>f) At the entrance to the performance area</li> <li>g) In each private booth should provision of such booths have been authorised by the Council</li> </ul>

<b>31.</b>	<p>The Licensee shall ensure that working CCTV is installed (both internally and externally). The CCTV to be maintained to the satisfaction of Lincolnshire Police, and the licensee to ensure that any images are:</p> <ul style="list-style-type: none"> <li>a) retained for a period of at least 31 days, and</li> <li>b) made available on request to a Police Officer or Authorised Officer of the Council.</li> </ul>
<b>32.</b>	No still or moving photographic or video recordings other than under condition (31) above shall be made of any performance of an approved entertainment.
<b>33.</b>	The Licensee shall provide, in a timely fashion, copies of any documents reasonably required by an Authorised Officer of the Council in relation to compliance with this licence.

## **APPENDIX III**

### **Application for a Licence for Sexual Entertainment Venue (SEV)**

#### **Plan of the Premises**

The licence application must be accompanied by a scale plan of the premises, which meets the detailed requirements described below. The recommended scale of the plan is 1:100. Any different scale must be agreed with the Licensing Authority prior to the submission of the licence application.

The plan must show

1. The layout of the premises including:
  - The area where the entertainers will perform,
  - The means of access to and egress from the performance area,
  - The performers' dressing room, including toilet facilities
  - The seating layout for the customers,
  - The cloakroom
  - The bar or bars
2. The extent of the boundary of the premises outlined in red,
3. The extent of the public areas outlined in blue,
4. Uses of different areas of the premises (e.g. performance area, reception etc),
5. Structures of objects (including furniture) which may impact of the ability of individuals to use exits or escape routes without impediment,
6. Location of points of access to and egress from the premises,
7. Any parts used in common with other premises,
8. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor,
9. Position of CCTV cameras,
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same,
11. The location of any public conveniences, including toilets for use by persons with disabilities.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of fire safety and any other safety equipment.

15. The location of any kitchen on the premises.
16. The location of emergency exits.
17. The plan must also show how the premises lie in relation to the street.

## What do you want to do?

Use indicate what you would like to do (please tick the appropriate box):

- a) Apply for a SEV licence in respect of an existing premises that is currently licensed to provide lap or pole dancing (or other similar sexual entertainment) under the Licensing Act 2003 ☐

If so, please provide details (e.g. the existing premises licence reference number):

- b) Apply for a SEV licence in respect of a new SEV premises ☒

17 NOV 2025

Are you aware of any premises licence, issued under the Licensing Act 2003, which exists in relating to the premises to which this SEV licence application relates (e.g. a premises licence which authorises the sale of alcohol, late night refreshment etc)?

YES ☒ NO ☐ If YES, provide details (e.g. the premises licence reference number)

32UBA22027

If 'NO' do you intend to apply for a premises licence under the Licensing Act 2003?

YES ☐ NO ☒ N/A ☒

## Section B – General Information (including applicant details)

Name of Premises:

CHUNKY MUFFINS THE POOL SHED

Address of Premises (including post code):

REAR MARSH FARM COTTAGE  
FRAMPTON ROADS  
FRAMPTON  
BOSTON Lincs PE20 1AY

Telephone number of the premises:

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

An individual or individuals..... ☒ (Answer Question 7)

A person other than an individual(s) ..... ☐ (Answer Question 8)  
(i.e. a partnership, limited company etc)

7. Individual Applicants (fill in as applicable):

Applicant 1

Full Name:

NEIL WRIGHT

Postal Address (including post code)

MARSH FARM COTTAGE, FRAMPTON ROADS, FRAMPTON  
BOSTON Lincs PE20 1AY

Date of Birth:

Daytime Contact

Telephone Number:

Email Address (optional):

Applicant 2

Full Name:

Postal Address (including post code)

Date of Birth:

Daytime Contact

Telephone Number:

Email Address (optional):

*Please use a separate sheet if there are more than 2 applicants*

8. Applicants other than an individual person (fill in as applicable):

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

Name:

Address (including post code)

Registered Number (where applicable):

Description of applicant:

(e.g. partnership, company)

Telephone Number:

Email Address (optional):

9. Name, address (including post code), telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant:

10. Address (including post code) to which communications are to be sent:

MARSH FARM COTTAGE  
FRAMPTON ROADS  
FRAMPTON  
BOSTON  
Lincs PE20 1AY

11. What is the nature of the applicant's interest in the premises?

Please state whether it is:

a) freehold; or ☒ If freehold go to question 14.

b) leasehold: ☐ If leasehold answer questions 12 and 13.

12. If leasehold, please state the name, address and postcode of the landlord:

13. To the applicant's knowledge, has the landlord consented to the use of the premises as a sexual entertainment venue?

YES ☒ NO ☒ If YES, what evidence is available to support this?

~~OWNER APPLICATION~~

## Section C – Operation of the Business (Operating Schedule)

As part of the application, you must submit the following Operating Schedule showing how you will operate the premises, so as to comply with the Council's standard licence conditions. In particular the Operating Schedule must detail:

- stewarding arrangements, including the means by which physical contact between the audience and performers will be prevented.
- the appearance and content of any advertising material outside and inside the premises.
- the means by which potential customers will be made aware of the nature of the performance.

A copy of the standard conditions is available by contacting the Licensing Section.

14. Under what name will the business be known?

CHUNKY MUFFINS

15. What is the nature of the entertainment to be provided?

- |                |                                     |
|----------------|-------------------------------------|
| Lap dancing    | <input checked="" type="checkbox"/> |
| Pole dancing   | <input checked="" type="checkbox"/> |
| Table dancing  | <input checked="" type="checkbox"/> |
| Strip shows    | <input checked="" type="checkbox"/> |
| Peep shows     | <input checked="" type="checkbox"/> |
| Live sex shows | <input checked="" type="checkbox"/> |

16. Please describe the arrangements for the welfare of staff who are to work in the premises, particularly those involved in any performances:

WHEN THERE IS A PERFORMANCE THERE WILL BE AN SIA APPROVED SECURITY GUARD TO WATCH OVER CUSTOMERS AND MEMBERS OF PUBLIC. ADVERTISEMENT WILL BE ON ADULT ONLY WEBSITE AND POSTERS INSIDE THE BUILDING. CUSTOMERS WILL BE MADE AWARE OF THE NATURE OF THE PERFORMANCE FROM ONLINE ADVERTISEMENT AND INTERVAL POSTERS. ENTERTAINMENT WILL BE ~~FOR~~ CUSTOMERS ~~& EXTERNAL COMPANIES HIRED FOR EVENTS~~. CUSTOMERS WILL ONLY TAKE PART IN THE ENTERTAINMENT/PERFORMANCES IF CONSENT IS GIVEN.



17. Please describe the stewarding arrangements, including the means by which physical contact between the audience and performers will be prevented:

~~THE SIA SECURITY GUARD WILL ENSURE THERE IS NO PHYSICAL CONTACT BETWEEN THE AUDIENCE AND PERFORMERS.~~

18. Please describe the appearance and content of any proposed advertising material outside and inside the premises. This description must include any proposed advertisements or displays to be exhibited, providing examples where available, including those to be displayed on the front, façade or fascia of the premises; on leaflets; or on the internet:

THE OPENING TIMES AND ANY THEMED NIGHTS WILL BE WRITTEN ON THE INTERNET WEB SITE.  
THERE WILL BE SMALL A4 SIZED POSTERS DISPLAYED IN THE CLUB FOR UPCOMING EVENTS. THERE IS A PICTURE OF A MALE + FEMALE ON THE POSTERS AND JUST WRITING ON THE WEBSITE  
CHRISTMAS PARTY FLYER ENCLOSED

19. Please describe the means by which potential customers will be made aware of the nature of the performance:

ON THE INTERNET AND INTERNAL FLYER.  
DETAILS ARE ALSO GIVEN BY PRIVATE  
MESSAGING.

20. What means will be taken to:

- a) Prevent the interior of the premises being visible to passers-by?

FULLY ENCLOSED BY BRICK SURROUNDING  
AND NOT VISIBLE FROM PUBLIC ROAD

- b) Prevent under 18s gaining entry to the premises?

PREMISES LICENSE FOR OVER 21'S ONLY ID CHECKS  
TAKEN IF APPEAR TO BE UNDER 25 DRIVING LICENSE  
ID CARDS

21. Please use this space to provide any other relevant information on how you will operate the premises, so as to comply with the Council's standard licence conditions:

THE PREMISES IS A SWINGING CLUB AND THERE ARE  
RULES BY WHICH THE CUSTOMERS ABIDE BY. ~~THESE~~  
!

22. Give details of the proposed opening hours (hours and days of the week):

~~TUESDAY~~ WEDNESDAY THURSDAY 11AM - 12PM  
FRIDAY SATURDAY 11AM - 2AM.  
SUNDAY 11AM - 10PM  
CLOSED MONDAY AS PER ALCOHOL LICENCE.

23. Will the premises require any seasonal or other variations in relation to hours (e.g. longer or different hours for New Years Eve or Bank Holidays)?

BANK HOLIDAYS

24. Are the whole of the premises described in response to Question 4 above to be used under the SEV licence?

YES ☒ NO ☐

25. If the answer to question 24 above is 'NO' please state:

a) which part of the premises is to be used for the purposes of the SEV licence:

b) the use to which the remainder of the premises are put:

c) the names and addresses of those who are responsible for the management of the remainder of the premises:

26. Are the premises which are to be used for the purposes of the SEV licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

YES ☒ NO ☐

27. If the answer to question 26 above is 'NO' please state the applicant's proposals for affording such access:

RAMP PROVIDED FOR ENTRY

28. Private Booths and Private Performing Areas – applicants are reminded that there will be a presumption against granting consent for private booths or private performing areas on the premises, unless the Council are satisfied that the relevant risk assessments have been undertaken and adequate safety measures and assurances are in place.

Do you wish to provide private booths or private performing areas?

YES ☐ NO ☒

If 'YES' provide details including the proposed control measures and assurances that you will undertake in order to ensure the safety of performers, customers, etc. This should include copies of your fully completed risk assessments detailing the risks and the measures taken to negate / reduce those risks:

29. Has the premises benefitted from the infrequent events exemption in the 1982 Act (as amended by the Policing and Crime Act 2009) to allow relevant sexual entertainment without a SEV licence?

YES ☐ NO ☒ N/A ☐

If YES, please give full details (including dates, times and type of entertainment):

## Section D – Other Matters

30. Please provide details of those persons involved in the management of the SEV premises in the absence of the licence holder:

Forename	MICHELLE	Surname	WRIGHT	Former name (if any)		Permanent address	MARSH FARM COTTAGE FRAMPTON ROAD BOSTON LINCS PE20 1AY	Date of birth	
----------	----------	---------	--------	-------------------------	--	-------------------	--	---------------	--

31. In respect of all persons listed in this SEV licence application give details of their occupations during the 5 years immediately prior to the application being made.

These must include the names and addresses of all employers and the nature and dates of employment.

Forename	Surname	Permanent address during period of relevant employment	Employer's name and address	Description or nature of work	Period of employment from / to
WRIGHT	NEIL	MARSH FARM COTTAGE FRAMPTON ROAD BOSTON Lincs PE20 1AY			
WRIGHT	MICHELLE	MARSH FARM COTTAGE FRAMPTON ROAD BOSTON Lincs PE20 1AY			

32. In respect of all persons or the body / company listed in this SEV licence application please give details of all previous convictions (apart from those deemed 'spent' under the terms of the Rehabilitation of Offenders Act 1974) and relevant cautions:

Sentence	
Nature of offence	
Place of conviction	
Date of conviction	
Surname	
Forename	

33. Have you any reason to believe that any prosecutions are pending against any of the persons / bodies whose names are given in this SEV licence application?

YES ☐ NO ☒ If 'YES' give details:

34. Has any person / body named in this application been associated in any way with any other application for a licence for a SEV or sex establishment in the United Kingdom (including where an application for a licence was refused)?

YES ☐ NO ☒

If 'YES' give full details (including the name and address of the premises and the name of the Local Authority).

35. Is there in force, against the applicant or any of the persons whose names appear in the application, a disqualification from holding a licence for a sex establishment under Section 17(3) of the Local Government (Miscellaneous Provisions) Act 1982?

YES ☐ NO ☒ If 'YES' give full details:



36. Is there any further information which the applicant would wish the Council to take into account when considering this application? This space may also be used to amplify any replies to other questions.

YES ☒ NO ☐ If 'YES' give full details:

THERE ARE PEOPLE NAKED AT TIMES THERE WILL  
BE ADULT MOVIES PLAYING IN THE CINEMA ROOM  
AS THE COUNCIL WERE AWARE.  
THERE MAY BE AT TIMES SEXUAL ACTS BEING  
UNDERTAKEN BY CONSENTING ADULTS.

*Continue on separate sheet is necessary*

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998 and the Freedom of Information Act 2000. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

### Declaration

N. Wight.

declare that the information given above is true and complete in every respect.

Dated this 6/11/2025 day of Thursday 20 25

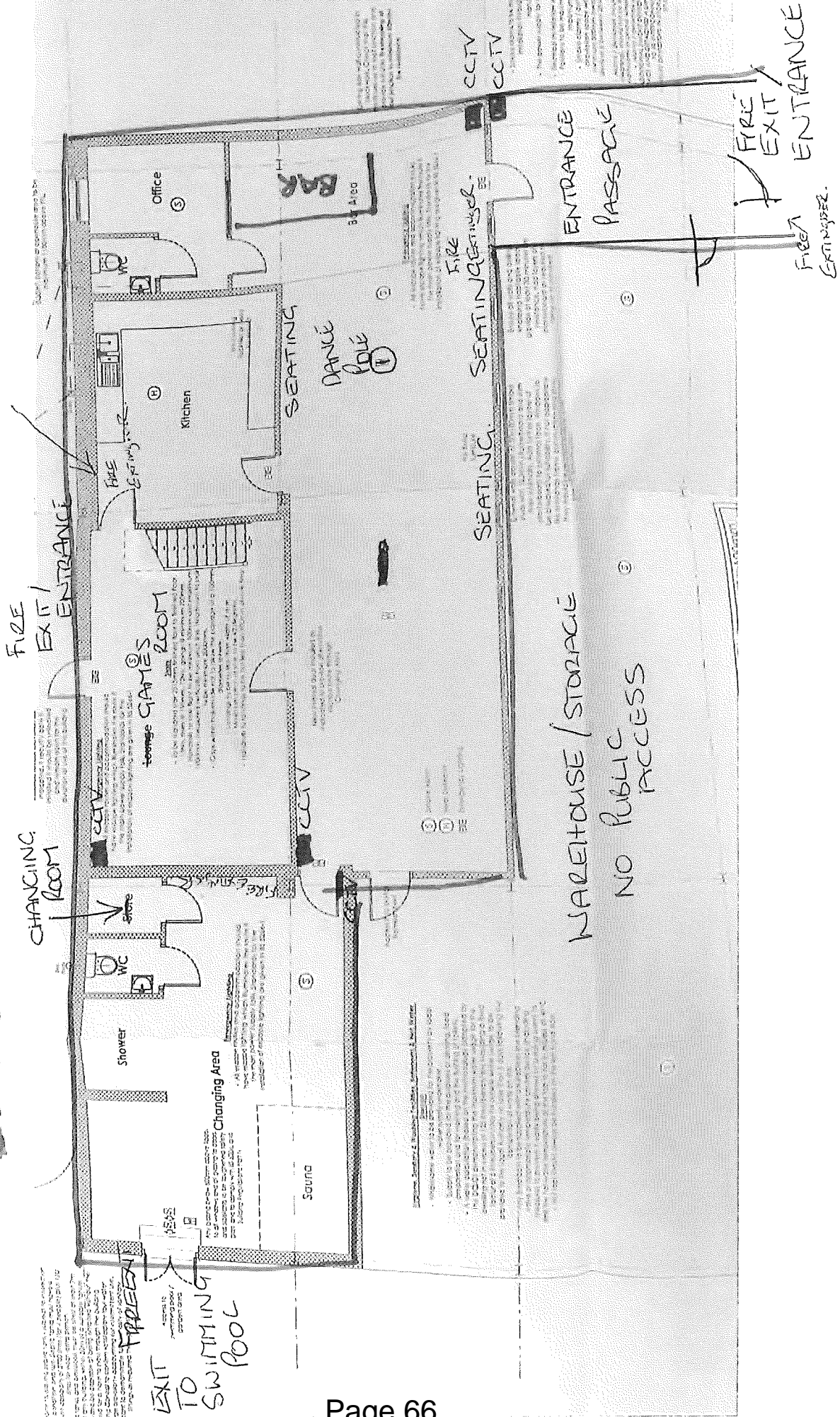
Signature:

Designation of Signatory:

Stairs

- Areas shown accessible to public ground floor
- Areas in blue accessible to public first floor

CCTV



CCTV

CINEMA ROOM

TOILET

PLAY AREA

Accessible to public

CCTV

PLAY AREA

PLAY AREA

PLAY AREA

PLAY AREA

SOLID CONCRETE FLOOR - Min. 100mm depth with 1ng. layer of A142 mesh  
TIMBER STUDS/STRUCTURAL PANELS - 100x50mm timber studs @ 400mm centres  
FIRST FLOOR CONSTRUCTION - 200x50mm C16 timber joists @ 400mm centres with 18mm T&G decking

WAREHOUSE

First Floor Plan  
SCALE 1:50

NOT ACCESSIBLE TO PUBLIC

A. APPROVAL		APPROVED	DATE	10/11/2014
B. COMMENTS		NO COMMENTS		
C. SIGNATURE		[Signature]		
D. DATE		10/11/2014		
E. PROJECT NAME		[Project Name]		
F. PROJECT ADDRESS		[Project Address]		
G. PROJECT CONTACT		[Project Contact]		
H. PROJECT PHONE		[Project Phone]		
I. PROJECT EMAIL		[Project Email]		
J. PROJECT WEBSITE		[Project Website]		
K. PROJECT SOCIAL MEDIA		[Project Social Media]		
L. PROJECT NOTES		[Project Notes]		
M. PROJECT DRAWINGS		[Project Drawings]		
N. PROJECT SPECIFICATIONS		[Project Specifications]		
O. PROJECT BUDGET		[Project Budget]		
P. PROJECT RISK ASSESSMENT		[Project Risk Assessment]		
Q. PROJECT SCHEDULE		[Project Schedule]		
R. PROJECT TEAM		[Project Team]		
S. PROJECT CLIENT		[Project Client]		
T. PROJECT LOCATION		[Project Location]		
U. PROJECT STATUS		[Project Status]		
V. PROJECT HISTORY		[Project History]		
W. PROJECT FUTURE		[Project Future]		
X. PROJECT LEGAL		[Project Legal]		
Y. PROJECT ETHICAL		[Project Ethical]		
Z. PROJECT OTHER		[Project Other]		

FOR APPROVAL ONLY - NOT FOR CONSTRUCTION

jc consultancy

PROPOSED STRUCTURAL ALTERATIONS TO  
MANSH PARK COTTAGE, MANSH PARK ROAD  
REAR, SOUTH, LONDON SW14

DATE: 10/11/2014

SCALE: 1:50

PROJECT: [Project Name]

CLIENT: [Client Name]

DESIGNER: [Designer Name]

DRAWN BY: [Drawn By Name]

CHECKED BY: [Checked By Name]

APPROVED BY: [Approved By Name]

DATE: 10/11/2014

SCALE: 1:50

PROJECT: [Project Name]

CLIENT: [Client Name]

DESIGNER: [Designer Name]

DRAWN BY: [Drawn By Name]

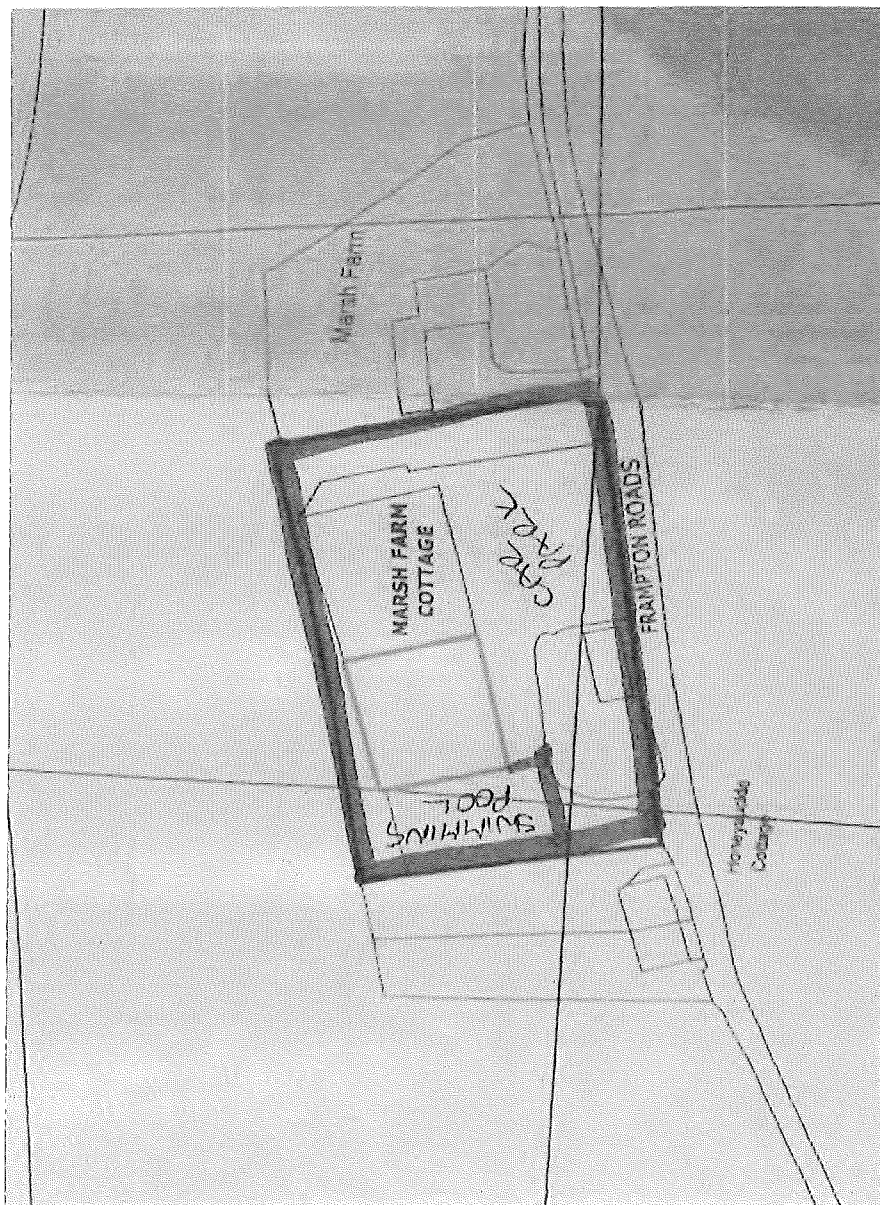
CHECKED BY: [Checked By Name]

APPROVED BY: [Approved By Name]





CHUNKYMUFFINS  
THE POOL SHEO  
MARSH FARM COTTAGE  
FRAMPTON ROADS  
FRAMPTON  
BOSTON  
WINGS  
PE201AY



## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

### APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE

NOTICE IS GIVEN that **Mr Neil Wright** applied to Boston Borough Council on the **17th Day of November 2025** for the Grant of a licence to use the premises at **The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, Lincolnshire, PE20 1AY** as a **Sexual Entertainment Venue**.

The application applied for is to permit the following licensable activities during the given times

#### **The proposed days and hours of operation will be:**

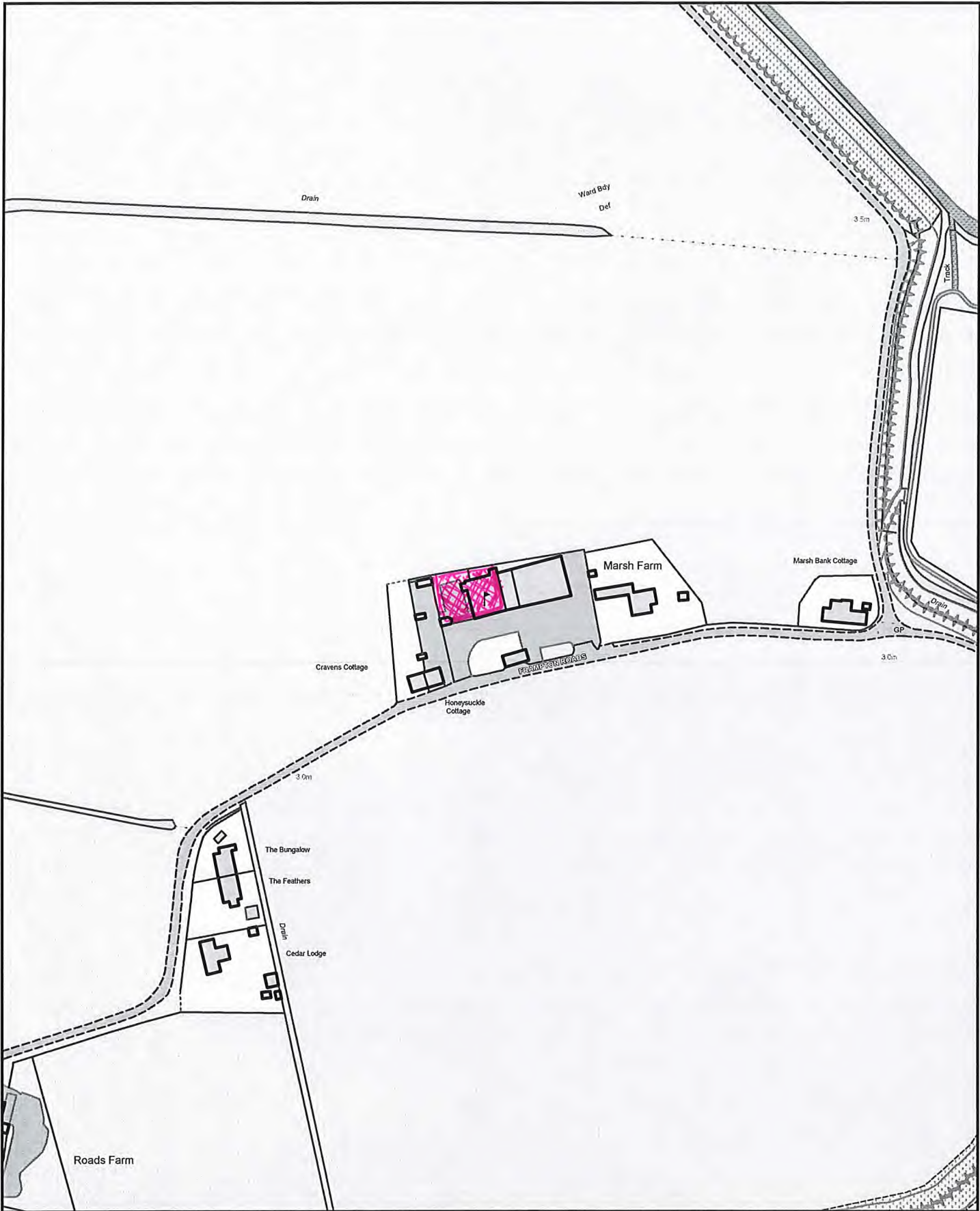
Tuesday – Thursday	11:00 hours until 00:00 hours
Friday – Saturday	11:00 hours until 02:00 hours the following day
Bank Holidays	11:00 hours until 00:00 hours

#### **This Premises will provide the following entertainment:**

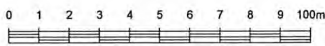
- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shoes
- Live Sex shows

Any persons who wish to object to this application must give notice in writing of his objection to the Senior Licensing Officer, Boston Borough Council, Municipal Buildings, West Street, Boston, PE21 8QR within 28 days of the date of application. Objectors must state the general grounds of their objections. The Council will NOT reveal the names of the objectors without their consent.

Dated :17th November 2025



A4 Portrait 1:2,500 Scale



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**Boston Borough Council  
Licensing Act 2003  
Review of a Premises Licence  
Decision Notice**

Date of hearing	11 April 2023 – 10:00 hours
-----------------	-----------------------------

Members of Sub-Committee	Councillor T Ashton (Chair) Councillor K Chalmers Councillor F Pickett
--------------------------	--

Applicant	Mr Neil Wright
Premises Address	The Pool Shed, Marsh Farm Cottage, Frampton Roads, Frampton, Boston
Date Application Received	01 February 2023
Details of Application	Application for the Grant of a Premises Licence

**The Parties:**

The Licensing Sub-Committee convened to consider an application for a premises licence where relevant representations have been received.

At the hearing the Sub-Committee heard from Anna McDowell (Senior Licensing Officer), Mr and Mrs Wright (applicant and his wife), Mr Shackleston (applicant's legal representative) and three members of the public who had submitted relevant representations; [REDACTED]

[REDACTED].

**Policy and Guidance:**

In reaching their decision the Sub-Committee had due regard for all that they had read and heard along with the licensing objectives, the Council's Statement of Licensing Policy, the Section 182 Guidance and their duty under

Section 149 of the Equality Act 2010.

**Decision and Reasons:**

At the hearing the applicant amended their application to as follows:

Opening:

Wednesday and Thursday – 11.00 – 00.30 hours

Friday and Saturday – 11.00 – 02.30 hours

Sunday – 11.00 – 22.30 hours

Bank Holiday Mondays – 11.00 – 22.30 hours

07 May 2023 – 11.00 – 02.30 hours

Recorded music – indoors

Wednesday and Thursday – 11.00 – 00.00 hours

Friday and Saturday – 11.00 – 02.00 hours

Sunday – 11.00 – 22.00 hours

Bank Holiday Mondays – 11.00 – 22.00 hours

07 May 2023 – 11.00 – 02.00 hours

Recorded music – outdoors

Wednesday - Sunday – 11.00 – 22.00 hours

Late night refreshment

Wednesday and Thursday – 23.00 – 00.00 hours

Friday and Saturday – 23.00 – 02.00 hours

07 May 2023 – 23.00 – 02.00 hours

Sale by retail of alcohol for consumption on and off the premises

Wednesday and Thursday – 11.00 – 00.00 hours

Friday and Saturday – 11.00 – 02.00 hours

Sunday – 11.00 – 22.00 hours

Bank Holiday Mondays – 11.00 – 22.00 hours

07 May 2023 – 11.00 – 02.00 hours

At the hearing, the Sub-Committee heard from Mr Shackleston about the history of the premises and that there had never been any issues raised to the Council or Responsible Authorities. Details were also offered as to how the premises will be run, the policies that will be in place regarding safeguarding, drugs and first aid, and as to car parking. The Sub-Committee heard how the Responsible Authorities had visited the premises and discussed the application with Mr Wright. The Sub-Committee noted that there were no representations from the Responsible Authorities.

The Sub-Committee heard from [REDACTED] that their concerns primarily relate to noise at the outside area of the premises, [REDACTED]. Concerns were also raised regarding the traffic that would be generated if the premises were to operate 2 or 3 times a week. All three objectors did concede that recently there had been no real issues regarding noise, [REDACTED] felt able to talk to the applicant when they had concerns.

In reaching their decision, the Sub-Committee had due regard for all that they have read and heard. The Sub-Committee were grateful to the objectors for participating in the licensing process, and heard their concerns and had sympathies with some of their comments. The Sub-Committee noted that the applicant had attempted to address some of their concerns and had amended their application to 5 days a week and shorter times.

In weighing all of the above, the Sub-Committee were overall content that the applicant would uphold and promote the licensing objectives, and would run the premises as a responsible premises licence holder and Designated Premises Supervisor.

Accordingly the Sub-Committee have decided it is reasonable and proportionate to the promotion of the licensing objectives to approve the amended application.

**Appeal:**

There is a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003.

The appeal must be commenced by notice of appeal to the Justices' Chief Executive for the Magistrates Court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed against.

Any appeal should be sent to: Lincoln Magistrates Court, 358 High St, Lincoln LN5 7QA

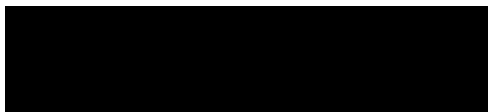
This decision does not take effect until the end of the appeal period or if the decision is appealed, when the appeal is disposed of.

Upon hearing an appeal the Magistrates' Court may

- a) Dismiss the appeal,
- b) Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- c) Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

And make such order as to costs it thinks fit.

Signed:

A black rectangular box redacting the signature of Anna McDowell.

Anna McDowell  
Licensing Officer  
On behalf of the Licensing Sub-Committee  
Date: 11 April 2023



**Premises Licence  
Boston Borough Council**

**Premises Licence No.** 32UBB23006

**Granted date:** 11/4/2023

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Pool Shed Rear  
Marsh Farm Cottage  
Frampton Roads  
Frampton

**Post town** Boston **Post code** PE20 1AY

**Telephone number** Unknown

**Where the licence is time limited the dates -** Not applicable

**Licensable activities authorised by the licence**

Sale by retail of alcohol for consumption on and off the premises  
Provision of indoors/outdoors recorded music  
Provision of late-night refreshment

**Licensable activities authorised by the licence**

**Provision of Indoors Recorded Music**

Wednesday & Thursday: 11:00hours until 00:00hours the following day  
Friday & Saturday: 11:00hours until 02:00hours the following day  
Sunday: 11:00hours until 22:00hours  
Bank Holiday Mondays: 11:00hours until 22:00hours

**Provision of outdoors Recorded Music**

Wednesday – Sunday: 11:00hours until 22:00hours

**Provision of Late-Night Refreshment**

Wednesday & Thursday: 23:00hours until 00:00hours  
Friday & Saturday: 23:00hours until 02:00hours the following day  
07<sup>th</sup> May 2023: 23:00hours until 02:00hours the following day

**Sale by retail of alcohol for consumption on and off the premises**

Wednesday & Thursday: 11:00hours until 00:00hours the following day  
Friday & Saturday: 11:00hours until 02:00hours the following day  
Sunday: 11:00hours until 22:00hours  
Bank Holiday Mondays: 11:00hours until 22:00hours

**The opening hours of the premises**

Wednesday & Thursday: 11:00hours until 00:30hours the following day  
Friday & Saturday: 11:00hours until 02:30hours the following day  
Sunday: 11:00hours until 22:30hours  
Bank Holiday Mondays: 11:00hours until 22:30hours

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

ON/OFF

## Part 2 – Licensee Details

### Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Mr Neil Wright  
Address: Pool Shed Rear of Marsh Farm Cottage  
Frampton Roads  
Frampton  
Boston Lincolnshire  
Postcode: PE20 1AY  
Telephone: [REDACTED]  
Email: [REDACTED]

### Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

### Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: [REDACTED]  
Address: [REDACTED]  
[REDACTED]  
[REDACTED]  
Postcode: [REDACTED]  
Telephone: [REDACTED]

### Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No: [REDACTED]  
Issuing Authority: [REDACTED]

## ANNEX 1

1. Supply of Alcohol
  - (i) No supply of alcohol may be made under the premises licence:
    - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
    - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
  - (ii) Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
2. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must



- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2010**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  3.
    - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
    - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
    - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
      - (a) a holographic mark, or
      - (b) an ultraviolet feature.

4. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

#### **Conditions set out in The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:—
  - (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

#### **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

##### **a) General**

- 1. The licence holder will ensure staff are suitably trained in licensing issues and the promotion of the licensing objectives.

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

1. The premises licence holder will adopt an anti-drugs policy and adequate signage shall be in place advising patrons of this policy.
2. A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:
  - a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
  - b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
  - c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
  - d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
  - e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
  - f) Recordings of incidents at the premises must be provided to the police following lawful request.
  - g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.
  - h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
  - i) All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.
  - j) The CCTV system should be maintained and checked every 12 months, with the installing company, or if this is not possible another reputable company, producing a letter of compliance.
  - k) In the event of a system malfunction, the Designated Premises Supervisor or the Premises Licence Holder must immediately notify the Licensing Authority and the Police Licensing Department Tel 01522 558448 or email [countylicensinggroup@lincs.pnn.police.uk](mailto:countylicensinggroup@lincs.pnn.police.uk). Details of this malfunction must be recorded in the premises refusals/incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.
  - l) There shall be notices displayed within the building stating that CCTV cameras are in operation in all parts of the premises.
  - m) On the website to the venue it should be clearly displayed that the use of the CCTV cameras will be in place and a full disclosure on how you will manage recordings kept for the period of CCTV storage.
  - n) CCTV from the premises must not be used for sale, hire, or used for any other reason than for the purpose they are installed for.
3. An incident/refusals book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The Incident book shall contain the following details;
  - Time, date and location of incident/refusals.
  - Nature of the Incident/refusal.
  - Names, addresses and contact details of persons involved.
  - Result of the incident/refusals.
  - Action taken to prevent further such incidents.
  - Each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and
  - Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.



4. The Premises Licence holder shall risk assess events to ascertain whether there is a need for supervisors.
5. Where the need for door supervisors is identified, there shall be a minimum of two SIA registered door supervisors on duty from 22:00hrs until close.
6. The door supervisors shall be positioned in a prominent location whereby they can control the exit / entry to the venue and shall not be used to undertake other duties.
7. There shall be provided and kept at the premises a register/log book to record details of every person employed on the premises as a door supervisor. The record shall contain the following details:

- The door supervisor's name;
- His/her Security Industry Authority Licence Number;
- The time and date he/she commenced and concluded their duty;
- The door supervisors shall sign each entry.
- The log to be inspected weekly and signed by a member of the management team.
- The log to be retained for a period of no less than 12 months and made available to Lincolnshire police for inspection upon request.

8. There shall be a drug policy completed for the premises. This document will be specific to the venue and will be kept on site at all times and will be made available for inspection upon request from any responsible authority.
9. No persons will be allowed to bring their own alcoholic drinks into the premises.

**c) Public safety**

1. The premises licence holder will ensure occupancy numbers at the premises are kept to a safe level.
2. Staff will be sufficiently trained in first aid procedures.
3. All drinks that are purchased for consumption on the premises are to be served in plastic or polycarbonate containers.
4. There shall be in place a safeguarding policy detailing how you protect persons who enter the premises for the purpose they choose.
5. The premises shall operate in full support of the National Ask for Angela Campaign originally introduced by Safer Communities Sexual Violence and Abuse Partnership, Lincolnshire, whereby any person who is feeling unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. Staff will be suitably trained in respect of the aims of the campaign and appropriate action that can be taken to assist vulnerable individuals. Posters advertising the adoption of the campaign will be prominently displayed at the premises.
6. The internal walls surrounding the licensed area will provide 60 minute fire resistance. Doors leading to areas outside the licensed area will be fitted with self-closing devices.
7. There shall be efficient emergency lights installed and in working order at the premises
8. A suitable and sufficient supply of fire extinguishers will be placed throughout the premises
9. Fire detectors/alarms will be fitted in all public areas.

**d) The prevention of public nuisance**

1. All external doors (except for access and egress) and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall ensure that noise outbreak cannot be heard at the boundary of the premises.
3. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly and to not congregate outside the premises.
5. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents.
6. The premises licence holder will post notices prominently on the main entrance door and windows warning customers not to congregate outside the premises,
7. Customers will be reminded not to congregate outside the premises
8. Customers leaving the premises will be strongly advised not to congregate outside premises and make their way out quietly.
9. There shall be no entry or re-entry to the premises after midnight.
10. Any external areas used for any purpose other than smoking shall cease to be so used at 00.00 hours.

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

1. The premises shall operate the "Challenge 25" Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 25 years to produce one of the following forms of identification:
  - A recognised proof of age card credited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);
  - Photo driving licence;
  - Passport.
2. Notices shall be prominently displayed advising customers of the "Challenge 25" policy.
3. The premises will operate a strict over 21 only policy, this will include customers and any staff working at the premises.
4. All point-of-sale staff shall undergo training in the challenge 25 proof of age scheme and all other relevant policies with a record kept of the date of training, signed by the member of staff and the trainer. Each entry shall be retained for a period of 12 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other relevant authority

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None

**ANNEX 4 - PLANS**

1. Licensable activities are permitted in accordance with the attached plan.

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED BY  
SECTION 27 OF THE POLICING AND CRIME ACT 2009)

Objection to application for a Sexual Entertainment Venue at Chunkymuffins, rear of Marsh Farm Cottage, Frampton Roads, Frampton, PE20 1AY.

Lincolnshire Police have consulted with the applicant and agreed several changes to the application and proposed conditions.

The Pool Shed/Chunkymuffins has held a premises licence since April 2023. Since that time Lincolnshire Police have not received any complaints or conducted any enforcement in relation to the licensing objectives being undermined. There have been no reviews of the premises licence.

In regard to the SEV application Lincolnshire Police have met with the applicant at the premises and discussed the application. Prior to the meeting it was agreed to withdraw the request for the SEV licence on a Tuesday, as Tuesdays are not covered by the existing premises licence or planning permission. Following discussions, it was further agreed to reduce the hours on the SEV application to bring them in line with what is currently granted through planning.

Wednesday and Thursday – 11:00am until 10:00pm  
Friday and Saturday – 11:00am until 02:00am  
Sundays and Bank Holidays – 11:00am until 10:00pm

The intention is to also change the premises licence through a minor variation to bring its hours in line with planning, to avoid confusion.

Through discussion it was also agreed that there would be no bought in, hired, paid for entertainers/performers whose activities would fall under the requirement of an SEV (part 16 of the application). The SEV licence is wanted and still required for the activity of customers, who at times may be nude, may take part in sexual activity which others can view, and those others find sexually stimulating, which therefore falls under the definition of requiring an SEV licence. Under part 15 of the application, the nature of the entertainment provided is now live sex show only, as it's agreed this is the closest activity to describe what occurs, although it's not entirely correct. Pornography may also be played using a projector onto a wall.

Lincolnshire Police can foresee issues with the recommended SEV conditions within the Appendix II of the Council Policy in relation to Sex Establishment Licensing, as these and the application form (part 17) are for venues where there is a paid performer and a customer who is the audience with the onus being on protecting the performer and avoiding interaction between performer and audience. At Chunkymuffins the customers will be the performers, which will lead to breaches of those conditions, should they be applied, due to the nature of what a swinger's club is. Performer and audience may be one and the same at different times,

they may already be known to each other, they could be in a relationship, they may interact, they may want to exchange details and interact at a later date. There isn't the boundary of performing as a paid job with only very limited interaction wanted, the interaction is part of the nature of the establishment.

The premises licence at Chunkymuffins has suitable safeguarding type conditions which Lincolnshire Police would like to see mirrored onto the SEV. The only change in wording would be where it says DPS/premises licence holder, where this could be exchange for SEV licence holder/manager. (Note the Police Licensing phone number and email address is now different so has been updated and this will be amended on the premises licence when the minor variation takes place). This will reduce the risk for any activities that take place when the premises licence is not in use. It will also avoid confusion when 2 different licences run at the same time with differing conditions on the same subject, like CCTV or security staff for example. If there was a want for a stronger condition on the SEV licence to one which is already on the premises licence, or vice versa Lincolnshire Police would suggest an additional condition/wording to make it clear which condition takes precedence, and which one is to be ignored, to avoid confusion.

There are also standard conditions within the council policy which are of a similar nature to those on the premises licence, but which differ in strength and therefore risk. For example, the premises licence already has age restriction of no persons under 21 years of age, however the council policy's standard condition is for no persons under 18. Lincolnshire Police would suggest no under 21's is a much stronger condition and should replace the no under 18's condition. The CCTV condition is another example.

Advertising for the venue is online only, through the business website or on online forums for swingers.

There appears to be no desire to change the operating style of Chunkymuffins from how it has been operating for the last few years, it however has been decided that a SEV licence is now required for the activities that take place there, hence this application. The applicant has shown a willingness in listening to advice, changing their application to reduce timings and activities and agreed to conditions proposed by Lincolnshire Police, all which reduce the risk that the licensable activities pose.

#### Conditions Recommended

Having read the Council Standard conditions for SEV, Lincolnshire Police would like the following to be considered for addition to the SEV licence, should it be granted. The number used alongside the wording correspond to the number it relates to in Appendix ii of the Council Policy – regulations prescribing standard conditions applicable to licences for sex entertainment venues and standard licence conditions. Where a similar condition is stronger



on the premises licence, that has been chosen to supersede the standard conditions in the policy.

2. Sexual entertainment shall only take place between xxxx and xxxx hours on the following days xxxx.

3. A copy of this licence and these conditions shall be securely displayed and suitably protected against theft, damage or defacement in a prominent position where they can be easily read by all customers.

5. The Licensee must remain in personal control of the premises at all times or nominate an individual in writing to the Council to direct activities within the premises. The nominated person must be aged 18 years or over. Police comment – suggest change to 21 years of age to fall in line with age restriction condition.

9. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

- a) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
- b) The Licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the premises.
- c) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the premises is not visible from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from the outside of the premises.

10. Performances of sexual entertainment shall not be the subject of any advertising involving the distribution of leaflets in the street, promotion by canvassers or by touting in the street.

11. The Licensee shall ensure that no more than the permitted number of members of the public shall be present on the premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.

The Licensee is to ensure a sufficient number of staff are employed inside the premises whilst sexual entertainment is provided to supervise the performers and customers

The Licensee shall provide a copy of the House Rules to the Licensing Authority for approval. The House Rules shall be provided in English and in the languages agreed by the Licensing Authority. ~~The current key languages other than English being Polish, Lithuanian, Latvian, Portuguese and Russian.~~ Police comment – suggest asking applicant who their demographic is and having a condition which can move with the times, so that languages can be added when deemed appropriate by Council Licensing or the applicant/licence holder.

29. On arrival (Police comment – customers pre-booked, arrivals are known, prior to would be acceptable), each customer shall be provided with a copy of the House Rules which shall include: (no 29 of the appendix's house rules are not suitable for this type of establishment suggest new appropriate rules).

30. The House Rules (minimum A4 in size) shall be securely displayed at all times in such a manner that they can be easily read by the customers and performers and suitably protected against theft, damage or defacement, in at least the following locations.

- a) At the point of entry (to include a copy in the additional languages detailed by Boston Borough Council).
- b) At the point of payment
- c) Above each urinal
- d) At each bar
- e) In the performers changing area (to include a copy in the additional languages detailed by Boston Borough Council).
- f) At the entrance to the performance area

In each private booth should provision of such booths have been authorised by the Council (Police comment - some location may need changing/agreeing).

32. No still or moving photographic or video recordings other than under condition (31 - Police comment – whichever number condition the CCTV condition as per the premises licence ends up on the SEV licence should it be granted) above shall be made of any performance of an approved entertainment.

33. The Licensee shall provide, in a timely fashion, copies of any documents reasonably required by an Authorised Officer of the Council in relation to compliance with this licence.

The following conditions, which can also be seen on the premises licence have been proposed by Lincolnshire Police and agreed with the applicant.

A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:

- a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
- b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
- c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
- d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
- e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
- f) Recordings of incidents at the premises must be provided to the police following lawful request.
- g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.
- h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
- i) All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.
- j) The CCTV system should be maintained and checked every 12 months, with the installing company, or if this is not possible another reputable company, producing a letter of compliance.
- k) In the event of a system malfunction, the SEV Licence Holder or appointed manager must immediately notify the Licensing Authority and the Police Licensing Department Tel 101, ask for Lincolnshire Police, then Alcohol Licensing Department or email [countylicensing@lincs.police.uk](mailto:countylicensing@lincs.police.uk). Details of this malfunction must be recorded in the premises refusals/incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified( when the system is again operational.
- l) There shall be notices displayed within the building stating that CCTV cameras are in operation in all parts of the premises.

- m) On the website to the venue it should be clearly displayed that the use of the CCTV cameras will be in place and a full disclosure on how you will manage recordings kept for the period of CCTV storage.
- n) CCTV from the premises must not be used for sale, hire, or used for any other reason than for the purpose they are installed for.

An incident/refusals book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The Incident book shall contain the following details;

- Time, date and location of incident/refusals.
- Nature of the Incident/refusal.
- Names, addresses and contact details of persons involved.
- Result of the incident/refusals.
- Action taken to prevent further such incidents.
- Each entry signed by the SEV licence holder or other responsible person employed at the premises and
- Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.

The Premises Licence holder shall risk assess events to ascertain whether there is a need for door supervisors.

Where the need for door supervisors is identified, there shall be a minimum of two SIA registered door supervisors on duty from 22:00hrs until close.

The door supervisors shall be positioned in a prominent location whereby they can control the exit / entry to the venue and shall not be used to undertake other duties.

There shall be provided and kept at the premises a register/log book to record details of every person employed on the premises as a door supervisor. The record shall contain the following details:

- The door supervisor's name;
- His/her Security Industry Authority Licence Number;
- The time and date he/she commenced and concluded their duty;
- The door supervisors shall sign each entry.
- The log to be inspected weekly and signed by a member of the management team.
- The log to be retained for a period of no less than 12 months and made available to Lincolnshire police for inspection upon request.

There shall be a drug policy completed for the premises. This document will be specific to the venue and will be kept on site at all times and will be made available for inspection upon request from any responsible authority.

The SEV licence holder will ensure occupancy numbers at the premises are kept to a safe level.

Staff will be sufficiently trained in first aid procedures.

All drinks that are purchased for consumption on the premises are to be served in plastic or polycarbonate containers.

There shall be in place a safeguarding policy detailing how you protect persons who enter the premises for the purpose they choose.

The premises shall operate in full support of the National Ask for Angela Campaign originally introduced by Safer Communities Sexual Violence and Abuse Partnership, Lincolnshire, whereby any person who is feeling unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. Staff will be suitably trained in respect of the aims of the campaign and appropriate action that can be taken to assist vulnerable individuals. Posters advertising the adoption of the campaign will be prominently displayed at the premises.

The premises will operate a strict over 21 only policy, this will include customers and any staff working at the premises.

Pc 642 McConville

Lincolnshire Police



5/12/25

Senior Licensing Officer  
 Boston Borough Council  
 Municipal Buildings  
 West Street  
 Boston  
 PE21 8QR

**Re: Objection to Licensing Application – Chunkymuffins, The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, PE20 1AY  
 Application for a Sexual Entertainment Venue – Dated 17 November 2025**

Dear Senior Licensing Officer,

I am writing to lodge a formal objection to the above licensing application. My objection is based on serious and legitimate concerns relating to unsuitable road access, danger to the local environment, and unacceptable levels of noise pollution that would inevitably arise from the proposed use.

**UNSUITABLE AND DANGEROUS ROAD ACCESS**

The access to the premises via Frampton Roads is wholly inappropriate for a venue of this nature and scale. The road infrastructure is narrow, lacks suitable visibility, and is not designed to accommodate increased traffic, late-night vehicle movements, or commercial use of this kind.

This raises significant concerns, including:

- Increased risk of accidents on roads already unsuitable for heightened traffic volume.
- Lack of safe pedestrian access
- Potential obstruction to emergency services
- Inadequate lighting and road width for nighttime arrivals and departures

The proposed SEV would introduce a substantial and unreasonable traffic burden, creating real and foreseeable dangers for the public.

**THREAT TO THE LOCAL ENVIRONMENT**

The proposed venue is located within a rural residential setting that is not equipped to handle the environmental impact of a commercial sexual entertainment operation.

Key concerns include:

- Increased vehicle emissions in a quiet rural area
- Potential harm to local wildlife and natural surroundings

- Light pollution from late-night operations
- Waste management concerns, including litter, alcohol-related waste, and other refuse

Such a development threatens the integrity, tranquillity, and ecological stability of the surrounding environment, which should be protected, not compromised.

### NOISE POLLUTION AND SERIOUS DISRUPTION TO RESIDENTS

The proposed operating hours—particularly until 02:00 hours on Fridays and Saturdays—pose a serious and unacceptable risk of noise disturbance to local residents.

Likely impacts include:

- Noise from vehicles arriving and leaving late at night
- Disturbance from patrons, including loud voices and social behaviour
- Music or operational noise associated with the running of the venue
- A severe reduction in the peaceful enjoyment of neighbouring homes
- The impact on families and the disturbance of sleep for young children.

This level of noise pollution is incompatible with a rural residential location and would significantly diminish the quality of life for those living nearby.

### **Conclusion**

For the reasons outlined above, the proposed licence is entirely unsuitable for this venue to be allowed a One stop Sex Shop licence. The venue poses clear risks to public safety, the local environment, and the wellbeing of residents. I therefore urge the Council to refuse this application.

Please confirm that my objection has been received and ensure that I am kept informed of any proceedings, hearings, or decisions related to this application.

Yours faithfully,





**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** License to run a sex house frampton marsh  
**Date:** 03 December 2025 10:37:13

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Caution: This message originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you believe it is suspicious please forward to Suspicious.Emails@pspsl.co.uk and delete the email.

Hi all.

Do not have a problem with this application but would appreciate you putting a condition on it?

Entry and exit to be made via streetway?

At the moment they all come back through the village in the early hours and make a lot of noise!

Wakes everyone up, dogs barking etc.

as I said no problem with what they propose but some consideration would be appreciated.

Please make it a CONDITION of planning!!

[REDACTED]

[REDACTED]

4 December 2025

Senior Licensing Officer  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR

Dear Sir/Madam

With regard to the "Grant of a licence to use the premises at The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, Lincolnshire, PE20 1AY as a Sexual Entertainment Venue".

I would like to object to the provision of any licence for a Sexual Entertainment Venue for the following reasons.

1. It is completely out of character for the neighbourhood, largely consisting of a small community, farmland, and the national treasure that is RSPB Frampton Marsh. This is the reason I moved here to retire.
2. It will generate additional traffic at unsocial hours given the hours of operation that propose closing at midnight or 2am.
3. It is unsuitable for the row of houses that are neighbours to Marsh Farm Cottage.
4. There is a strong risk that those leaving the venue will have been drinking alcohol.
5. Frampton and Frampton Marsh should be known for its local community and RSPB Frampton Marsh, not some seedy sexual entertainment venue.

The current use as a Swingers Club is bad enough with the noise (that carries a distance across the fields). Extending this to a Sexual Entertainment Venue will, in my opinion, make it even worse.

I am assuming the licence will allow the venue to be used by people other than current friends of Mr Wright and could possibly extend to paying customers. It would be an outrage if this is allowed.

[REDACTED]

[REDACTED]

[REDACTED]

From:



[Licensing](#)

Subject:

Re: APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE: CHUNKY MUFFINS

Date:

05 December 2025 16:41:18

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To whom it may concern:

I live at [REDACTED] and I am writing to express my strong objection to the further development of this sex club on Frampton Roads. I must admit I was puzzled as well as surprised when the first licence was granted. I assumed this happened because the officer concerned thought that this was a lonely spot and would not disturb anyone. However, people do live on this stretch of road and they are disturbed by noise and high-speed late night traffic all the way down the road to Frampton Marsh. It simply beggars belief that such a place would be licenced in such a quiet residential location.

I make no comment as to whether a business offering live sex shows which depend on an exploited workforce and are associated with the use of illegal drugs should be licensed at all. But I would point out that these places are invariably, as far as I'm aware, in towns, where there is other noise and disturbance.

It speaks oceans that this application was not put on display until November 25th. Everyone concerned must know that this will be a really unpopular idea. Perhaps the licensing team would like to consider whether they would like Live Sex shows along the road from their home and family!

I very much hope this application will be thrown out. It is out of the question that this expansion should go ahead.

[REDACTED]



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Objection – Sexual Entertainment Venue Application (The Pool Shed, Frampton)  
**Date:** 06 December 2025 18:51:10

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Dear Licensing Team,

I am submitting a firm objection to the Sexual Entertainment Venue application for The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, PE20 1AY.

This proposal is completely inappropriate for a rural residential village and should be refused outright. The location, the activities proposed and the operating hours all show a total disregard for the character of the area, the people who live here and the surrounding environment.

My grounds for objection are as follows:

1. The locality is entirely unsuitable. Frampton is a rural community made up of family homes, farms and open countryside. A Sexual Entertainment Venue offering lap dancing, strip shows and live sex shows has no place here.
2. The proposed site is close to the RSPB Frampton Marsh nature reserve, one of the most important wildlife and visitor sites in the region. The area attracts families, birdwatchers and tourists throughout the year. A venue of this nature conflicts directly with the character and reputation of the wider locality.
3. Surrounding properties are residential, meaning residents will be directly affected by noise, traffic, headlights, taxis and late-night disturbance. With hours proposed until midnight on weekdays and 2am on weekends, the impact would be unacceptable for a rural setting.
4. The nature of the entertainment being proposed is extreme for any residential area, let alone a countryside village. Activities such as strip shows and live sex shows belong in designated commercial zones, not in quiet rural lanes behind cottages.
5. The late-night operating hours would introduce disturbance, noise, antisocial behaviour and increased policing demands into an area with no existing late-night economy. This undermines the safety, comfort and wellbeing of local residents.
6. Granting this licence would fundamentally damage the character, amenity and reputation of Frampton and the surrounding area, including the RSPB reserve. It

would create exactly the type of commercial intrusion that rural communities should be protected from.

7. There is no justification, no community benefit and no local need for this venue. It serves only the applicant's interests and brings significant harm to the village and to the wider area.

This application is entirely inappropriate for this locality and I request that the council refuse it in full under its discretionary powers regarding character of the area, surrounding premises and suitability of location.

Yours Sincerely

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Subject:** [Licensing](#)  
**Date:** Objection to SEV Application – The Pool Shed, Frampton  
07 December 2025 11:14:53

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Dear Licensing Team,

I am submitting this objection in my capacity as a retired teacher who spent an entire career responsible for child safeguarding and the welfare of young people. What is being proposed at The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, is wholly incompatible with the needs and safety expectations of a rural community.

Frampton is a village made up of families, older residents and working households. It is not a commercial nightlife district, and it has never been treated as one. Introducing a venue offering sexual entertainment, including live sex shows, into this setting is entirely inappropriate.

My safeguarding concerns are as follows:

1. The proposed site is adjacent to RSPB Frampton Marsh, which is used by families, young people and vulnerable individuals daily. A venue of this type will bring unfamiliar & deviant adults, debauched late-night activity and behaviour that sits completely at odds with the safe environment the village relies upon.
2. RSPB Frampton Marsh, regularly welcomes school groups, families and young visitors. Allowing a sexual entertainment venue in the vicinity of such a well-used educational and family destination sends entirely the wrong message about the area and its priorities.
3. Late-night operating hours until midnight and 2am risk increasing noise, traffic movements and disruptive behaviour at times when residents expect peace and safety. In a village with no comparable venues, this creates unnecessary safeguarding pressures & increased anxiety.
4. The nature of the entertainment proposed is extreme for any residential



setting. These activities should never be placed within walking distance of family homes, footpaths or rural roads with no natural surveillance or policing presence.

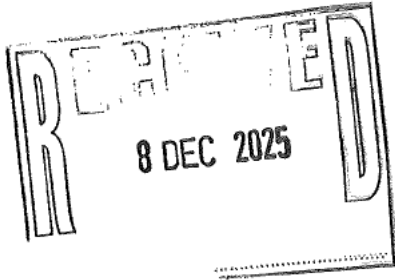
5. A venue like this risks changing the character of the area entirely. Once it is allowed, the burden falls on local residents to manage the consequences of it. That is unreasonable and unfair.

After a career spent protecting young people and promoting safe environments, I cannot support any proposal that risks undermining the security and wellbeing of this community.

I ask that the council refuse this application in full.

Yours Faithfully

A large black rectangular redaction box covering the signature and name of the person.



4th December 2025

Senior Licensing Officer  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR

**RE: OBJECTION – Sexual Entertainment Venue Application – The Pool Shed, Rear of Marsh Farm Cottage, Frampton, PE20 1AY**

Dear Sir/Madam,

I wish to object in the strongest possible terms to the granting of the Sexual Entertainment Venue licence applied for by Mr Neil Wright for The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton.

My objection is based on the following grounds permitted under the Local Government (Miscellaneous Provisions) Act 1982:

**Unsuitability of Location and Locality**

Frampton is a quiet rural village comprising residential homes and agricultural land. This location is wholly unsuitable for lap dancing, strip shows and live sex performances. Introducing a sexual entertainment venue is inconsistent with the character of the area.

**Risk of Public Nuisance and Disturbance**

The proposed operating hours – up to 2am at weekends – will create late-night noise, traffic movements, taxi activity and visitor disturbance which will materially affect nearby residents. This venue, as it operates currently, already causes considerable negative impact on the village of Frampton and its environs. The through-traffic increases significantly every time they have an 'event', with large numbers of cars travelling at considerable speed along what is effectively a single track road through the otherwise peaceful village, this at all hours of the night and into the small hours of the morning.

**Lack of Infrastructure and Management Controls**

The application contains no information on security staff, transport arrangements, safeguarding, noise mitigation, refuse/disposal management or measures to prevent disorder.

Given the nature of entertainment proposed, this is a significant concern.



### **Impact on Local Safety, Crime and Anti-Social Behaviour**

No local policing or late-night economy structure currently exists, capable of supporting a licensed sexual entertainment venue in this small rural village

Experience elsewhere shows such venues increase risk of nuisance, disorder and anti-social behaviour, together with a very real concern amongst local residents that such an increase towards the activities listed in the application will attract an undesirable element to the area with the inherent risk that this will bring with it/them

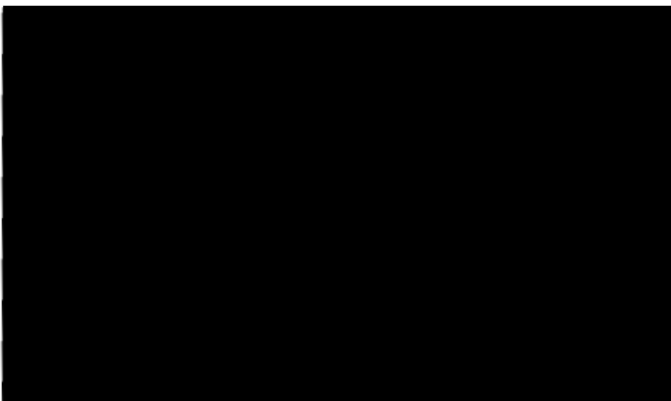
### **Adverse Effect on the Character and Reputation of the Area**

This type of establishment would materially harm the village's identity, discourage families/future residents and negatively affect local amenity. The owners of the venue, the applicants, advertise their venue and the services/entertainment provided therein widely on the internet, causing considerable reputational damage already, without further escalation of the questionable activities offered.

For these reasons, I respectfully request that the Council refuse this application.

I understand my identity will not be disclosed without my written consent.

Yours faithfully,



**From:** [REDACTED]  
**Subject:** [Licensing](#)  
**Date:** Chunky muffins sexual entertainment venue, frampton Lincs  
08 December 2025 12:11:25

---

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Dear Boston Borough Council,

I am emailing you with my objections to this application being granted for Chunky Muffins sexual venue in Frampton. There are a number of reasons for this. Please see my itemised concerns and my objections.

1. The impact of noise, pollution and vehicles that are required to make their way there through a quiet residential area. We already have a problem with speeding vehicles especially racing up Church End. This doesn't need adding to the problem.
2. Potential misuse of alcohol & drugs ie cannabis and the type of people that will attract.
3. The loss of inhibitions with like minded people that may want to consider other additional sexual acts to get a higher kick ie. Flashing and dogging and when this establishment is more known potentially attracting sexual predators/peepers to the area.
4. We have moved to the area for a quieter life, and to enjoy the countryside with its wildlife. I don't want this to change.
5. I don't want my house to depreciate in value as a result and be known as a sexual venue area. When using a hairdresser in Boston town, and they knew where I lived they said 'oh you live near that swingers place'! Frampton is beautiful and I don't want it tarnished with this establishment. Therefore, why can't it join other similar establishments in an area that is away from the general public?

I hope my reasoning is addressed and seriously respected and counted as an objection for this application. I also wish for my objection to stay anonymous and for my name not to be made public. I do not consent for my personal details to be made public.

I look forward to hearing from you soon.

Kindest Regards

[REDACTED]

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** application for grant of sexual entertainment venue frampton lincs pe20 1ay  
**Date:** 08 December 2025 13:42:06

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[REDACTED]  
• [REDACTED]  
• [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please find enclosed my objection to the above application of sexual licence venue at marsh farm cottage frampton Boston pe20 1ay . I'm disgusted that this application has not been properly advertised and has gone unnoticed in the village . Also this application is right at the entrance of the wildlife bird sanctuary where thousands of people visit all year round with children and school trips and I find it unbelievable that the Parrish council also has not been notified . I only heard about this application on the 7/12/25 and strongly object to this type of application in one of the most scenic villages in the county together with the village history . I wish to re main anonymous but surely the council cannot consider this application. Also the people that live there don't have planning permission to live in the industrial area of this property and they don't live in the small house but they do live in the industrial unit, how can this be , please confirm you have received this objection. [REDACTED]  
[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Re: RE: Chunky muffins: OBJECTION to SEV License  
**Date:** 12 December 2025 18:11:49

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[REDACTED]

On 12/12/2025 at 08:24, Licensing wrote:

From: "Licensing" <[Licensing@boston.gov.uk](mailto:Licensing@boston.gov.uk)>  
Date: 12 December 2025  
To: [REDACTED]  
Cc:  
Subject: RE: Chunky muffins: OBJECTION to SEV License  
Good morning

Please accept this email as acknowledgement for the objections, could you please confirm who this objection is made by. If this objection is from a group I would need all names.

Any names can be made anonymous but for our records we will need them.

Regards

*Kacie Clifton*

Kacie Clifton | Licensing Officer | Boston Borough Council

Telephone: 01205 314320

[www.boston.gov.uk](http://www.boston.gov.uk)



---

**From:** [REDACTED]  
**Sent:** 11 December 2025 20:05  
**To:** Licensing <Licensing@boston.gov.uk>  
**Subject:** Chunkymuffins: OBJECTION to SEV License

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Chunkymuffins The Pool Shed  
Frampton Roads, Frampton, Boston, PE20 1AY

Objection to grant a SEV licence to Chunkymuffins 'business'.

This objection is not based on morals.

We feel that the locality of such an establishment detracts from the character of the village. This naturally makes the village less desirable to live within, in turn this negatively impacts property values and could be harder to sell due to this side business remaining.

We do find it hard to believe how this venue has existed for many years WITHOUT such a legal licence?

Therefore this is proof, it has not been governed properly and so maybe now our voices can be heard and it be proven that this licence as seen is not granted without sufficient compromise as a minimum.

The ideal is, it's deemed this business should stop herewith.

We find such a venue is inappropriate considering the local character of such a residential area. The weekends of parties, including Sundays has increased traffic throughout the village and causes disturbances to the community well into the early hours of the morning.

We have noticed Sunday daytime opening hours have not been requested on the licence. Parties this year have taken place on Sunday daytimes! We guess this is maybe an admittance of those seeking the licence, that large increased traffic and noise is made in daylight hours, yet we remain concerned that other (and more) daytime (school) hours; and bank holidays have been requested, when children are

awake, about and playing in the village. Regardless, this does not seem appropriate.

The location is simply not suitable. It never has been!

On research, the location of such places are away from residential. What makes this an exception?

It has been noted, especially by friends of the Frampton Community Groups, that the vicinity of the premises is incompatible with the use of other premises (business and residential) in the area and the venue in question is known to cause weekly nuisances, including nightly disturbances nearer the venue and damage to residents parked cars on the roadside.

We are aware of illegal substances being used at this venue and this is a police matter of course to investigate. Such activity with alcohol til the early hours in a village is simply not acceptable.

By granting this licence is the green light to 'carry on' regardless of the relevant points raised by ourselves, let alone by others, no doubt, with the increase for daytime use and bank holiday opening times and more activities allowed as shown upon the public notice on the [Gov.Uk](https://www.gov.uk) website to take place, means more customers (more traffic, more noise, more disorder). Add to this we are led to believe the venue is 'for sale'. So with grant of the licence allowed, surely this means more money for the sellers of this venue and business, whilst everyone living in the village suffers!

If the license were to be granted, we beg the council licensing department to please take into consideration the following for the nearby local community.

1. Not allow outdoor socialising at this venue after 9pm to minimise disturbing crowd noises.
2. Stop the serving of alcohol in alignment with public house serving times, thus minimising rowdy and noisy behaviour made upon leaving the premises in the early hours.

We believe the above would be some small crumb of comfort and a very reasonable compromise to go some way to minimise the negative experiences to this village that have been impacted by this 'business'.

Thank you in anticipation that these points are valid for consideration in some part or main.



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Objection to application for a sexual license  
**Date:** 11 December 2025 11:10:53

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11th December, 2025

Senior Licensing Officer,  
Boston Borough Council,  
Municipal Buildings,  
West Street,  
Boston,  
PE21 8QR

RE: OBJECTION – Sexual Entertainment Venue Application – The Pool Shed, Rear of Marsh Farm Cottage, Frampton, PE20 1AY

Dear Senior Licensing Officer,

I am emailing to object to the granting of the application of a Sexual Entertainment Venue license, applied for by Mr Neil Wright on 17th November: Chunkymuffins, The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, PE20 1AY.

My objection is based on the following grounds permitted under the Local Government (Miscellaneous Provisions) Act 1982:

Unsuitability of Location and Locality:

Should the Sexual Entertainment license be issued, the venue is likely to attract more people, more often. As a business, new custom is unlikely to be turned away, despite the owner's current intentions. If the business does not intend to expand opening hours or activities (as stated on Facebook by the co-owner) then the current license should suffice.

People who have (or intend to buy) property in the village have not-unreasonable expectations: for instance, farm traffic is to be anticipated. However, live sex shows are best placed in towns and cities; this is an inappropriate business in a rural, residential community area and causes 'nuisance' to immediate neighbours.

A member of the Parish Council has brought it to residents' attention that the application was not publicised legally, given that it was not displayed until 8 days after the notice was

issued. I respectfully request that Boston County Council investigates this because, if it is the case, then residents have not been given due time to respond. With the application being submitted at a busy time of year when people are preparing for Christmas, all residents need the maximum time available to consider their thoughts about the application and to submit an objection should that be their decision.

#### Risk of Public Nuisance and Disturbance:

The proposed operating hours – up to 2am at weekends - will increase traffic (adding noise and disruption at unsociable hours). For such a rural location, there is already higher than-might-be-expected traffic at a time when residents reasonably expect to sleep without such disturbance.

#### Impact on Local Safety, Crime and Anti-Social Behaviour:

Such venues increase the risk of nuisance, disorder and anti-social behaviour (whilst its rural location increases the potential for drink-driving). There is no local policing or late-night economy structure in place to offer immediate assistance/support to local residents or to the venue.

#### Adverse Effect on the Character and Reputation of the Area:

A further concern is the impact that an explicitly labelled sex business could have on property value in the village and on its reputation. The Parish Council have indicated that complaints about breaches of existing conditions have been made to the licensing officer. This does not bode well regarding the business's attitude towards its impact on the local community - and further supports the notion that this nature of business should be located well away from residential areas.

#### Lack of Infrastructure and Management Controls:

The application contains no information on security staff, transport arrangements, safeguarding, noise mitigation, refuse/disposal management or measures to prevent disorder. Given the nature of the entertainment proposed, this is a significant concern.

For these given reasons, I request that the Council refuse this application.

I understand my identity will not be disclosed without my written consent.

I do not wish my name or details to be made public. On Facebook, there have been vitriolic and personally insulting responses towards opponents of the application, from those who do not have to tolerate the consequences of its location.

Please reply to this email to confirm receipt. Thank you.

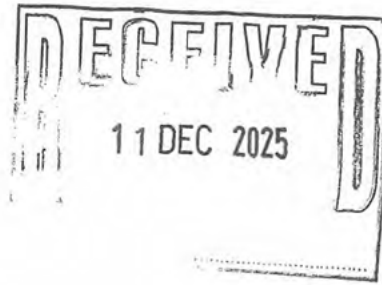
Yours sincerely,





[REDACTED]

[REDACTED]



8<sup>th</sup> Dec 2025

Senior Licensing Officer  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR

**RE: OBJECTION – Sexual Entertainment Venue Application – The Pool Shed, Rear of Marsh Farm Cottage, Frampton, PE20 1AY**

Dear Sir/Madam,

I wish to object to the granting of the Sexual Entertainment Venue licence applied for by Mr Neil Wright for The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton. My objection is based on the following grounds permitted under the Local Government (Miscellaneous Provisions) Act 1982:

**1. Unsuitability of Location and Locality**

Frampton is a quiet rural village comprising residential homes and agricultural land. This location is wholly unsuitable for lap dancing, strip shows and live sex performances. Introducing a sexual entertainment venue is inconsistent with the character of the area.

**2. Risk of Public Nuisance and Disturbance**

The proposed operating hours – up to 2am at weekends – will create late-night noise, traffic movements, taxi activity and visitor disturbance which will materially affect nearby residents.

**3. Lack of Infrastructure and Management Controls**

The application contains no information on security staff, transport arrangements, safeguarding, noise mitigation, refuse/disposal management or measures to prevent disorder. Given the nature of entertainment proposed, this is a significant concern.

**4. Impact on Local Safety, Crime and Anti-Social Behaviour**

There is no local policing or late-night economy structure capable of supporting a licensed sexual entertainment venue. Experience elsewhere shows such venues increase risk of nuisance, disorder and anti-social behaviour.

**5. Adverse Effect on the Character and Reputation of the Area**

This type of establishment would materially harm the village's identity, discourage families/future residents and negatively affect local amenity.

For these reasons, I respectfully request that the Council refuse this application.

I understand my identity will not be disclosed without my written consent.

Yours faithfully



12 DEC 2025

~~21 DEC 2025~~

8-12-25

Dear Sir/Madam

Re - objection to application for  
Adult Entertainment

I have to lodge an objection to the application for a premises in Frampton to be allowed to have live sex shows with pole/lap dancing/strip shows and table dancing. This is not acceptable in a village location and I feel concerned for the safety/vulnerability of the people involved in this kind of entertainment. I was born and bred in Boston and cannot believe this is what the town is coming to!

Yours faithfully

Page

**From:** [REDACTED]  
**Subject:** [Licensing](#)  
**Date:** Objection to the APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE PE20 1AY  
13 December 2025 12:35:56

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Senior Licensing Officer, Boston Borough Council, Municipal Buildings, West Street,  
Boston, PE21 8QR

Reference: APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE,  
Chunkymuffins The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads,  
Frampton, Boston, PE20 1AY

Dear Sir

With reference to the above application, I wish to lodge my objection to the granting of a licence.

[REDACTED] are residents of Frampton village and object to the application on the following grounds:

Increasing the scope of activities at the venue will very likely increase the number of people frequenting the premises, leading to an increase of noise and activity in the near vicinity affecting near neighbours. Note this business already advertises itself on a general "Swingers" website, with the intention of continually increasing its client base.

Increased night-time traffic through Frampton village along Middlegate Road, Church End and Frampton Roads, all of which have residential properties on the route to the venue.

Reputational damage to the village. Such a venue and activities are not consistent with the expected environment in a rural village and may well lead to making Frampton a less desirable place to live.

Please lodge this objection against the granting of a licence. I would suggest that such a business is more suited to being situated within an urban environment i.e. a town, where there are already other licenced premises with late night opening hours.

Note, I do not give permission for my name or contact details to be published.

Sincerely

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

[REDACTED]

From: [REDACTED]  
To: [Licensing](#)  
Subject: Objection to the license of Chunky Muffis  
Date: 13 December 2025 14:20:58

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Dear Sir

I have recently been made aware of a licence application for the venue known as Chunky-Muffins, based on Frampton Roads, and I wish to log my objections. We live at [REDACTED]

Whilst I am aware that a sex business is currently operating, I believe it to be quite low key. Although you may not think this, as vehicles often speed past our home late at night and the early hours of the morning during the course of a weekend.

My objections are;

A further increase to the late night speeding drivers, with questionable alcohol and substance abuse prior to driving.

The damage to the reputation of our beautiful little village.

The reputation of the council for considering a sordid sex business to be acceptable at this location.

The value of properties which are likely to fall due the unsavory nuisance caused.

In general terms, I believe a sex business at this location can only be harmful to the area and the residents of a very family orientated village.

Please consider my objection,  
with kindest regards.

---

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Chunky Muffins Sexual Entertainment Venue  
**Date:** 14 December 2025 18:12:58

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To:

Senior Licensing Officer,

Boston Borough Council,

Municipal Buildings,

West Street,

Boston.

PE21 8QR

**RE: OBJECTION - Sexual Entertainment Venue Application – The Pool Shed, Rear of Marsh Farm Cottages, Frampton, PE20 1AY**

Dear Senior Licensing Officer,

We are emailing to place an objection against the granting of the above application for a Sexual Entertainment Venue licence which has been applied for by Mr Neil Wright on the 17th November: Chunky Muffins, The Pool Shed, Rear of Marsh Farm Cottages, Frampton, PE20 1AY.

Our objection is based on the grounds permitted by the Local Government (Miscellaneous Provisions) Act 1982:

### **The location and locality are unsuitable.**

Frampton is a rural village which has a community living there who enjoy the solace and quietness of living in such a place, surrounded by agricultural land. Chunky Muffins is located near the marsh which means all the traffic has to go through the village and we are regularly woken up by the cars coming back in the early hours of the morning.

The location is unsuitable for a sexual entertainment venue as the area is primarily agricultural and this does not fit in with the surroundings. If the hours are to be increased, then we would raise the concern of drunk drivers during the day which could cause accidents on the single lane roads which can be busy due to the traffic going to the marsh as well as the agricultural equipment which uses the road on a daily basis.

### **The risk of Public Nuisance and Disturbance.**

The hours that have been proposed are classed as unsociable and the traffic going through the village will be detrimental and as previously stated it already disturbs us so an increase in volume will only make matters worse for all residents. If the hours are increased this will only have an adverse impact on the village and residents.

### **Local Safety, Crime and Anti-Social Behaviour will be impacted.**

This type of venue needs to be situated in an area where emergency workers can get to it easily as there is a greater possibility of crime, anti-social behaviour occurring and exploitation is linked with these types of venues, as well as drug use. Our local emergency services are stretched already, without having to deal with the issues that this type of venue will bring to the village or residents.

### **The lack of Infrastructure and Management Controls.**

The application does not state how public nuisance, crime and exploitation will be regulated. There is no mention of security staff, transport arrangements, noise mitigation, safeguarding, how disorder will be dealt with or how refuse will be disposed of safely. As alcohol is sold at the venue how is this controlled when many of those who attend the venue drive to it? All of these should be stated as part of compliance to the Local Government (Miscellaneous Provisions) Act 1982.



**The Adverse Effect on the Character and Reputation of the Area.**

There will be an adverse effect on the village which will be known for the sex venue which in turn could affect the house values and put off new people moving into the village as well as putting the reputation of the village into disrepute. A sex venue should be located away from residential areas, particularly those with families and this should be seriously considered by the council before granting this licence. This venue would be better located where there is already a late-night economy with better transport links to reduce the risk of drink/drug drivers who know they can do this due to the rural location.

We strongly recommend you do not grant this licence as the business as it already has an adverse effect on the village.

Yours sincerely,

[REDACTED]

**WE UNDERSTAND OUR IDENTITIES WILL NOT BE DISCLOSED WITHOUT OUR WRITTEN PERMISSION**

**We do not wish our names or details to be made public**

[REDACTED]

**From:** [REDACTED]  
**To:** [McDowell, Anna; Licensing](#)  
**Subject:** Objection and request for panel hearing, Chunky Muffins Sexual Entertainment Venue application  
**Date:** 15 December 2025 09:16:41

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Good morning Anna

Please see my objection letter to the application below. I'm known to Mr & Mrs Wright and am on the record locally about this controversial matter, so am not asking for personal detail redaction.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 14 December 2025 22:58  
**To:** [REDACTED]  
**Subject:** licence

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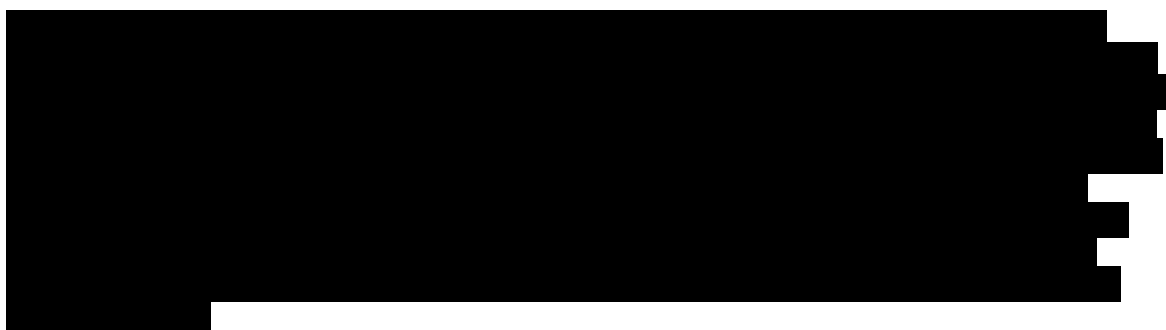
**Objection to application for a Sexual Premises licence at Marsh Farm Cottage, Frampton Roads, Frampton, Boston PE20 1AY**

I am an elected member of both Boston Borough Council (Kirton & Frampton ward) and Frampton Parish Council [REDACTED]. I know this area and most of its residents quite well and am aware that almost all residents oppose the sex business carried on for some years at Marsh Farm Cottage's large former agricultural shed. It is not in keeping with the area especially as the nearby RSPB bird reserve is becoming a major tourist attraction in the East Midlands region for increasing numbers of young people and others. The business is known for making considerable sums of money from what local people describe as a brothel, attracting paying customers from as far away as London, Manchester and Scotland. It has also given our village a smutty reputation and it is widely understood that this "knocking shop" has reduced property prices and made houses much harder to sell. No-one has volunteered for this or been asked if they approve, and some people have experience of the applicant's bullying manner. The business's past blogs, current website and reputation with people in the Boston area who know about it, such as taxi drivers, indicate that any kind of sexual activity is promoted whether licensed or not, at a price. Residents in Frampton and Kirton have often said: "Would you like a place like that next door to you, your family and children?" or something similar, and that is what

we have to put up with because Boston Council approves.

This application is a major expansion of the sex business – for lap dancing, pole dancing, table dancing, strip shows and live sex shows (all of which the business already has a reputation for providing now) from before lunchtime until very late six days a week. This business expansion is certain to exacerbate existing complaints – noise (shouts and screams) from the outdoor pool, more vehicle traffic especially in the evening and early morning (including speeding, loud music from open car windows, and potential dangerous driving such as hand-brake turns on the corner outside my house and elsewhere), slamming car doors, and the smell of cannabis around the property, all of which detrimentally affect the general amenity of the area. Residents should not have to put up with strangers knocking on their doors after dark wanting directions to the sex club or asking if that resident is hosting the orgy they've heard about, as I have. In short, the business hours are excessive and the location wholly inappropriate. The reputational damage the sex business causes to the general amenity of the area could be addressed by relocating it to an industrial area (of which nearby Boston has several) with no nearby residents or an existing entertainment area with venues such as pubs and clubs, again with no residential neighbours.

Other questions have been asked at meetings, such as whether there is any limit on numbers in the building, whether it is safe (it is a former agricultural shed which was illegally converted into living premises until the borough council enforced planning regulations), whether it is inspected by public safety and public health officials, and if so are inspections ever made without notice while the business is open (for example after midnight) without prior notice or whether inspections are only made by appointment in advance (such as the pre-booked appointment by the Borough council's Planning enforcement officer last week), whether business rates, tax and VAT are paid, and what insurances are held, but I understand the Licensing Committee is not interested in such matters.



For all these reasons, I support my neighbours in opposing this application. The business belongs elsewhere, and I ask for the application to be referred to the full Licensing Committee with a panel hearing in public in due course.

Thank You

**From:** [clerk@framptonparish.gov.uk](mailto:clerk@framptonparish.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Re: Application objections  
**Date:** 15 December 2025 11:04:55

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For the Attention of the Senior Licensing Officer.

Following a meeting on Friday night the 12/12/2025, please see below the objections from Frampton Parish Council to this application.

By far the greatest objection is the location, the adjacent houses are all too aware of the activities already taking place at the venue and as such are telling us that further extending of the license permissions will make in their view, the situation worse. To put context to this, there are far more vehicles attending the events now and with the lack of available parking, the grass verge being used as secondary parking is not unusual. The noise from the venue is at times excessive, and there have been occasions that the activities within the building have spilled outside. An example of this would be that residents have seen pornographic films showing through open windows.

We have touched on the traffic, this has to be a consideration as these roads are not built for the volume or size of the modern vehicles. We have the RSPB reserve by day bringing large volumes of vehicles, and now we may be faced by the extension of this traffic into the night and early morning. Residents are asking that there will be a period of the day that they can enjoy the quiet of the parish.

The nature of the swinging scene is predominately consenting couples enjoying a different approach to their relationship, we accept this as a parish and are not against the activity in any way. However, the potential granting of a license that attracts a very different client has to be considered. It is reasonable to assume that the addition of lap and pole dancing will attract groups of single males, stag and potentially hen parties, this gives the whole venue more of an edge. Can we be assured, should the license be granted, that as is the way, alcohol will not become more of an issue for the locality? It is already very difficult to attract the attention of the locally over-stretched police to the village for infringements now, we are concerned that this will be the case even further outside the village.

Can we expect there to be a provision of security at the venue, if so will it be in attendance for all of the opening hours suggested? Is there a limit on the venue for numbers of guests and staff? Our concern is that this is far more than just allowing extra licensed activities, this is turning a remote rural part of the country side into a destination that would be far better suited in a more urban location, where the proper safety of guests and staff can be better monitored by the correct and relevant authorities, not down what is ostensibly a single track road with passing places.

Mr Wright has in past applications been loose with the letter of the law when seeking planning or licenses, as such this leaves members of the parish wary of the current application. Is the current venue correctly licensed for the activities taking place now?. Also can we ask as a

parish that this license application is taken to a licensing subcommittee panel for consideration.

In summary we are not against the activities already going on at the venue, we understand that the license that is being applied for is the correct procedure for the additional activities, our desire is that licensing understand the location and potential development of the venue is not suitable for the very rural location, and it would be far better suited in an entertainment district or more industrial area away from adjacent neighbours.

Kind Regards,  
Frampton Parish Council

On 2025-12-08 09:27, Licensing wrote:

[REDACTED]

>

[REDACTED]

From: [REDACTED]  
Subject: [Licensing; ralphpryke@yahoo.com](mailto:ralphpryke@yahoo.com)  
Date: Chunkymuffins  
15 December 2025 13:13:14

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APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE - Chunkymuffins  
The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, PE20 1AY  
- Boston Borough Council.

To whom it may concern.

As a local resident I strongly object to the above application on the grounds it is detrimental to what is basically a residential area. I've no objection to the nature of the application, but it's location is highly inappropriate.

[REDACTED]

[REDACTED]

To sum up. The location of this facility is misplaced. To grant the licence is perpetuating what is already a stigma on the community and is therefore detrimental to its welfare. I hope the

committee will have the wisdom to reject the application

[REDACTED]

[REDACTED]

[REDACTED]

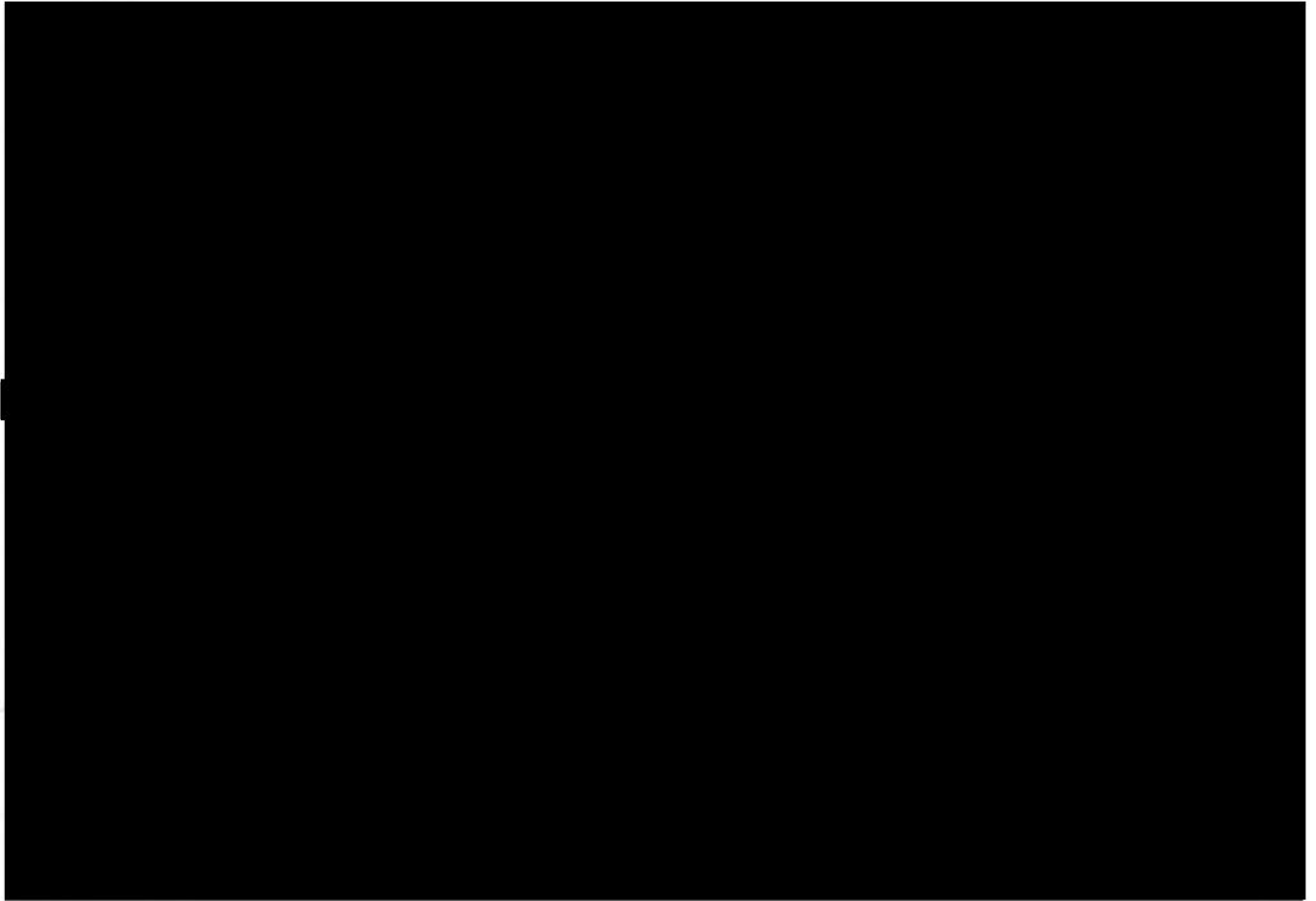
[REDACTED]

[REDACTED]





Senior Licensing Officer  
Boston Borough Council  
Municipal Buildings



Application for the grant of a sexual entertainment venue – Chunkymuffins The poolshed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, PE20 1AY

We would like to oppose this application for the following reasons

The pool shed is a former grain store which we were told by the former farmer Frank Bowser contained asbestos.

Noise from late night use of the swimming pool, with loud voices, music and flashing lights.

Traffic and noise from cars in the carpark/yard, in the past vehicle and vans have parked on the grass verge outside the venue making it difficult to get a van and trailer on our own drive. Vehicles are coming and going late into the night so we heard the doors slamming and engines revving. Motorhomes also regularly stop overnight.

Drainage, We are not on mains drainage, will the extra usage result in overflowing and bad smells?

Children were heard in the yard saying that they were going to play on the "Stripper Pole"

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Re: Sex Entertainment license - Chunky Muffins, The Pool Shed, Marsh Farm Frampton. PE20-1AY  
**Date:** 16 December 2025 13:43:50

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 16 Dec 2025, at 09:35, Licensing <[Licensing@boston.gov.uk](mailto:Licensing@boston.gov.uk)> wrote:

Good morning,

Thank you for your objections, could you please provide me with your residential address and whether you would like your information to remain anonymous.

Regards

*Kacie Clifton*

Kacie Clifton | Licensing Officer | Boston Borough Council  
Telephone: 01205 314320  
[www.boston.gov.uk](http://www.boston.gov.uk)

[<image001.png>](#)

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**From:** [REDACTED]  
**Sent:** 15 December 2025 16:21  
**To:** Licensing <Licensing@boston.gov.uk>  
**Subject:** Sex Entertainment license - Chunky Muffins, The Pool Shed, Marsh Farm Frampton. PE20-1AY

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Good afternoon, [REDACTED]  
The attachment is a letter of objection to the license application for a Sex Entertainment venue called Chunky Muffins at the Pool Shed, Marsh Farm Cottage, Frampton Boston PE20-1AY.  
If you have any issues opening the file, please contact me on this e-mail.  
Best regards,  
[REDACTED]

F.a.o. Boston Borough Council - Licensing Committee

Re. Application for the granting of a Sexual Entertainment Venue License. (Chunky Muffins)  
The Pool Shed, rear of Marsh Farm Cottage, Frampton Roads, Frampton. PE20-1AY

Committee members,

I hereby wish to voice objections to the above application on the following grounds.

As an adult party venue this establishment has not caused the Parish as a whole, too much bother. However, I believe this is not the case for the local neighbours to the property, as I believe this was a venue for like-minded consenting adults, mainly couples, enjoying each others company in a carefree environment. The application now for this new Sexual Entertainments License changes the whole dynamics of the venue and what will be taking place there.

1/ There will be considerably more traffic movements along this predominately single track road and at what will be, anti-social hours of the night. It will be mainly through the hours of midnight to 2.30am after these arranged events have finished. I appreciate there has been a large increase along this road since the R.S.P.B. Reserve has been open but their traffic is in mostly daylight hours, not through the night. Parking at this venue now means cars are parked along the roadside as the yard is sometimes full, this will inevitably get much worse.

2/ The noise from the venue already is causing some concern as in the summer when existing activities are taking place, music, etc., can be heard over a mile away near Frampton Church End. Also pornographic films shown in the pool area can be seen from several properties in the surrounding area.

3/ With the promotion of these "Sex" shows along with all the other "entertainment" that would then be on offer, I have no doubt that the majority of customers will then be adult, single males. This, as I said earlier, will totally alter the dynamics of the venue and has the potential to cause problems along with the intake of alcohol.

4/ With regards to the promotion of Lap, Pole, Table and Strip dancing, there are to be live sex shows. Who will be checking on the consenting and well-being of these mainly young ladies that will be performing there? We hear a lot these days about "Trafficking" and "Sexual exploitation" so who will be monitoring these proceedings?

5/ As this venue already advertises as one of the best around on social media, etc., it will inevitably become more popular in certain quarters. If this license is granted there could be large numbers of customers attending from all over the East Midlands. Clubs, societies, etc. such as Rugby clubs will be wanting to organise "Stag nights, or even girls organising "Hen nights" to the venue with potentially coach loads turning up.

Finally,

What will the numbers of attendees be set at to be safe?

Does the venue hold/have all necessary fire/ safety regulations?

Who will be monitoring noise levels, anti-social behaviour levels, traffic movement though the early hours of the mornings and performer well-being status and legitimacy?

I am objecting to this application, not for what it is, but this venue is in the wrong place. It should be in an urban, commercial/industrial environment, not in a quite hamlet with no facilities and somewhere that is out of the way that will not get policed if necessary.

Regards, Concerned local Frampton Resident.

**From:** [REDACTED]  
**To:** [McDowell, Anna](#)  
**Subject:** Objection - Grant of a Sexual Entertainment Venue (SEV) Licence  
**Date:** 15 December 2025 13:41:16  
**Importance:** High

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[REDACTED]

WITH HOLD PERSONAL DETAILS & EMAIL

**Date:** 15 December 2025

**To:** Licensing Authority  
Boston Borough Council

**Re:** Formal Objection to Application for the Grant of a Sexual Entertainment Venue (SEV) Licence

**Premises:** The Chunky Muffin / The Pool Shed, Rear of Marsh Farm Cottage, Frampton Road, Frampton, Boston, PE20 1AY

**Applicants:** Mr & Mrs Wright

---

Dear Members of the Licensing Committee,

I am writing as a local resident in Frampton to respectfully object to the application for the grant of a Sexual Entertainment Venue (SEV) licence for the premises known as *The Chunky Muffin / The Pool Shed*.

I appreciate that the Committee must consider applications objectively and fairly. My objection is made after long-standing concern about the way this premises has operated over many years, and is based on operator suitability, a sustained history of non-compliance, and the wider public interest for Boston itself — all of which I understand to be relevant considerations for the Authority.

---

## 1. Clarification of Licence Types

For clarity:

- **SEL – Sexual Entertainment Licence (event-based):** Bespoke, date-specific permissions for limited operations, subject to individual approvals and notifications.
- **SEV – Sexual Entertainment Venue:** A standing licence permitting continual sexual entertainment activity, including indoor and outdoor events, without the need for individual event applications or notification to neighbouring residents.

The current application seeks a full **SEV licence**, representing a substantial escalation in both scale and permanence of sexual entertainment activity at this location.

---

## 2. History of Operating Without Appropriate Consent

### 2.1 Pre-2023 Operations

From approximately **2009 to 2022**, the premises operated adult/swingers events, reportedly once per month, with attendance of up to **200 people per event**. These activities were conducted **without an SEL or SEV licence**, notwithstanding the Council's established requirement that such licences are necessary and that **tacit consent does not apply**.

Despite complaints from local residents over the years, there appears to have been no meaningful attempt to regularise these activities or to operate within the relevant regulatory framework. Or indeed by authorities to monitor actual events as opposed to citing the 'Hosts' reports.

### 2.2 Post-2023 Operations Without SEL or SEV

Following the grant of an alcohol licence for "The Pool Shed" and extending operating hours in 2023, the premises continued to host adult entertainment activities **every Friday and Saturday between 20:00 and 02:00**, again without the required SEL or SEV authorisation.

The venue has very publicly advertised itself as a *"Private Adult Party Venue"*, yet it has not operated as a genuine closed, members-only club. There is:

- No published membership structure or terms;
- No safeguarding policies;
- No transparency regarding entry conditions or fees.

In the absence of any bona fide membership model, it must reasonably be inferred that the premises operates on a **commercial basis**, whether through door fees, participation fees, or equivalent "pay-to-play" arrangements. All requiring a licence.

---

## 3. Current Application – Significant Expansion

The present application proposes the following operating hours:

- **Tuesday – Thursday:** 11:00 – 00:00

- **Friday – Saturday:** 11:00 – 02:00
- **Bank Holidays:** 11:00 – 00:00

This represents a **considerable expansion** in both hours and scope of operation compared to noted historic activity.

The premises' own website indicates that events are **already held every Friday and Saturday**, equating to approximately **104 events per year**, well beyond the maximum of **11 events in any 12-month period** permitted without an SEV licence.

---

#### 4. Failure to Meet the “Infrequent Entertainment” Exemption

Relevant entertainment is defined as any live performance or display of nudity provided wholly or principally for the purpose of sexual stimulation. This exemption applies only where:

- No more than **11 occasions** occur in any 12-month period;
- No event lasts longer than 24 hours; and
- No event takes place within one month of another.

These criteria have **clearly not been met** by the applicants over very many years, whose operations have been regular, advertised, and continuous - without consideration for either their neighbours, or indeed council regulations and of course the law.

The perceived consensus of Mr & Mrs Wright being (albeit not with the direct neighbours or residents), if you the general public can't see us - then 'we're not here and we're not hurting anyone' - so, why bother?

By not applying in 2010 - 2024, means they have avoided being monitored, fees payable and all registrations a required. This action should be considered as part of the evaluation and the question should be raised as to why?

Such duplicity is not the groundstone under which any licence should be granted or indeed any sex based event/venue should be enabled to operate.

---

#### 5. Nature of the Premises and Activities

The venue has publicly advertised facilities including:

- Licensed bar and outdoor bar
- Dance floor, DJ booth and lighting
- Stripper pole
- Pool, jacuzzi and sauna



Changing rooms, showers and lockers

- Lounges and games rooms
- Dungeon and designated “play areas”
- Cinema and chill-out lounge

Taken collectively, these features are wholly consistent with a **dedicated sexual entertainment venue** and not with occasional or incidental adult-themed events - or indeed 'just a pub' as described by Mr Wight across media channel in 2023.

<https://www.lincolnshirelive.co.uk/news/local-news/adult-party-venue-owner-brands-8256983>

---

## 6. Conflicting Public Statements by the Applicants

Public statements by the applicants demonstrate a persistent pattern of misrepresentation and **contradictory narratives** regarding the nature of their business:

- Mr Wright has stated publicly that the premises is “*not a swinging club*” and that it merely provides a place for people to meet, asserting that no sex licence was required.
- Conversely, Mrs Wright has stated publicly on social media that “*we are a swinging club and have been for a long time.*” *Kirton, Frampton & Wyberton Facebook Group*.

This inconsistency strongly suggests an awareness of regulatory requirements and a deliberate attempt to characterise the business differently depending on audience, context and response required.

---

## 7. Suitability of the Applicants

SEV licences impose substantial responsibilities, including safeguarding, protecting vulnerable adults, public protection, and strict compliance with regulatory controls.

The applicants’ prolonged and repeated operation **outside the required legal framework**, over a period exceeding 15 years, raises very serious concerns regarding:

- Integrity and transparency;
- Willingness to comply with licensing law;
- Fitness to hold an SEV licence.

This sustained history of non-compliance must be regarded as a **material consideration** when assessing suitability.

---

## 8. Grandfather Rights and Commercial Impact

I respectfully submit that this application **must not be treated** as a matter of “grandfather rights”. Long-standing unlawful operation should not confer legitimacy or entitlement.

Granting an SEV licence would:

- Permanently alter the character of the locality;
- Diminish the amenity and value of neighbouring properties; and those directly affected within a 20-50m meter radius, their ability to live as they should in their own homes. My home is situated under 2Km away, classified as a direct neighbour and I can hear the music clearly through-out the summer. Those living next door, must find it unbearable - especially in summer months when they will be unable to open windows due to noise.
- Create a valuable transferable commercial asset whose future ownership would fall beyond the Council's control between renewals. *Please note both owners have recently either retired from their employment roles in the NHS or taken a step back in their business management, Mr Wright having resigned his Directorship from Dazzled Lighting - Marsh Farm, in July 2025.*

Any potential sale of such a property with such a licence should be particularly concerning in a borough already facing significant challenges relating to crime, disorder, and enforcement capacity.

- **Key Statistics & Trends (as of late 2025):**

- **Overall Rate:** Around 110.17 crimes per 1000 people for the 12 months ending September 2025, higher than Spalding or Grantham.
- **Monthly Trends:** Data from [Police.uk](https://www.police.uk) shows monthly totals fluctuating, e.g., 130-150+ crimes in early 2025 in specific zones.
- **Crime Types:** Common reported issues include **violence, sexual offenses, anti-social behaviour**, shoplifting, and other thefts.
- Based on capacity and reach, our localised police force will not be enabled to monitor or indeed police an SEV based in Frampton.

These venues are specifically licenced within easily policed parameters for this very reason. Such as large towns or cities, industrial environments or location based destinations - example, Red Light districts. The request for a SEV licences places The Pool Shed/Chunky Muffin within these parameters.

Regardless of the current operators assertions, they have complicitly changed the output and format of the venue over a relatively short period of time - without obtaining the required licences. This should be challenged as to why and also have an extenuating baring on the application.

---

## 9. Conclusion

I recognise that licensing decisions are complex and that the Committee must balance a range of competing interests. However, based on the history of this premises and the manner in which it has operated for many years, I have serious concerns about the appropriateness of granting any form of permanent SEV licence at this location.

In my respectful submission, the applicants have not demonstrated the level of compliance, transparency, or responsibility that is expected of SEV operators. Granting a licence in these circumstances risks undermining confidence in the licensing regime and will have lasting consequences for the surrounding area and its residents.

For these reasons, I ask the Committee to refuse the application.

**Alternatively**, should the Committee be minded to permit any adult entertainment at this premises, I respectfully request that it be limited strictly to event-based permissions only, capped at no more than 11 events per year, with appropriate oversight and enforcement.

Thank you for taking the time to consider this representation.

Yours faithfully,

A solid black rectangular box used to redact the signature of the person making the submission.

**From:** [REDACTED]  
**Subject:** [McDowell, Anna](#)  
**Date:** Objection - Grant of a Sexual Entertainment Venue (SEV) Licence  
16 December 2025 09:32:08

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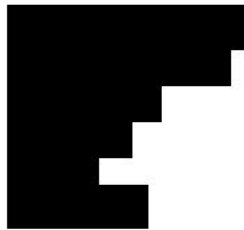
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**15th December 2025**

Senior Licensing Officer  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR

**Subject: Objection to Application for Sexual Entertainment Venue – “Chunkymuffins The Pool Shed”, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, PE20 1AY**

Dear Sir/Madam,

I am writing to formally object to the application submitted by Mr Neil Wright on **17 November 2025** for the granting of a Sexual Entertainment Venue (SEV) licence at *The Pool Shed, Rear of Marsh Farm Cottage, Frampton Roads, Frampton, Boston, PE20 1AY*.

I request that **my name is not disclosed** to the applicant. I understand that under the Sexual Entertainment Venue licensing process, objectors are not required to provide their identity, and I choose to exercise that right.

---

**1. The venue is already causing disturbance under its alcohol licence**

Since the premises began operating with an alcohol licence, there has been a **notable increase in noise and traffic**, particularly at weekends. This includes loud music, vehicle

movements, and general late-night disturbance.

Despite living approximately 2 km away, **noise from the venue is clearly audible on Friday and Saturday nights**. This demonstrates that immediate neighbours must already be experiencing significant disruption, which would only escalate if the SEV licence were granted.

---

## **2. Location unsuitable for a Sexual Entertainment Venue**

Frampton Road is a rural, residential area with no commercial entertainment infrastructure. A sexual entertainment venue offering lap dancing, table dancing, strip shows and live sex shows is fundamentally incompatible with the existing character of the locality.

---

## **3. Increased noise, traffic and late-night disturbance**

Granting this licence would inevitably lead to:

- Increased night-time noise
  - Additional traffic during late evening and early morning hours
  - Greater potential for antisocial behaviour
  - Loss of peace and privacy for residents
- 

## **4. Road safety concerns**

The surrounding roads are narrow and poorly lit in places, making them unsuitable for increased visitor traffic.

---

## **5. Slow emergency and police response due to remote location**

The venue's rural and isolated position raises important public safety concerns. Boston Police Station is **at least 10–15 minutes away by car**, meaning officers would not be able to attend incidents quickly. This delay increases risks to patrons, staff, and residents.

---

## **6. Premises not suitable for this type of operation**

The premises appear to be an outbuilding behind a private cottage rather than a purpose-built entertainment venue. Concerns include:

- Safe operating capacity
  - Parking and access
  - Emergency vehicle access
- 

## **7. Harmful impact on the community and local character**

A Sexual Entertainment Venue in a rural village is likely to harm the area's reputation, reduce residents' sense of safety, and discourage families from settling locally. Such a venue does not align with the expectations of a quiet residential community.

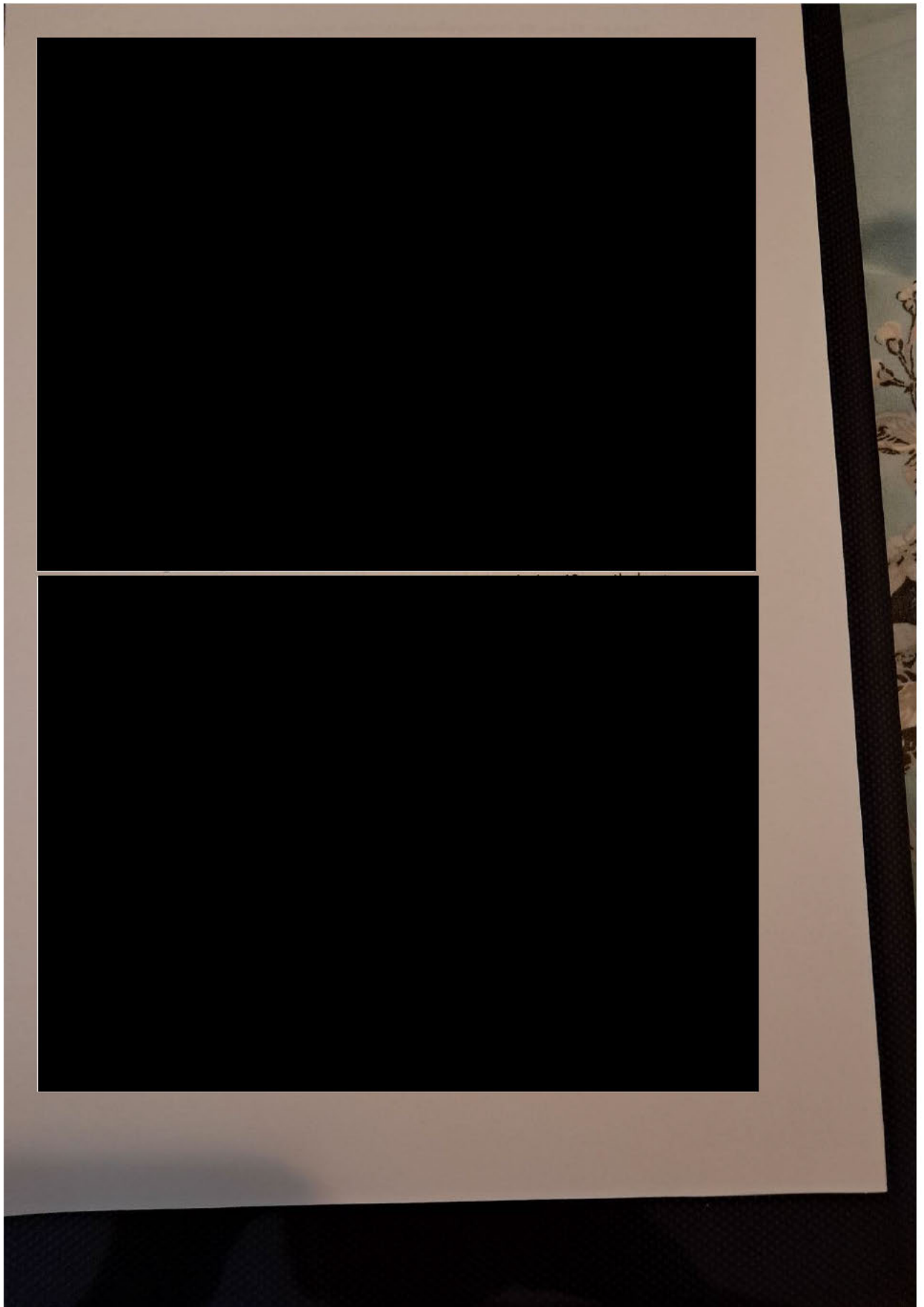
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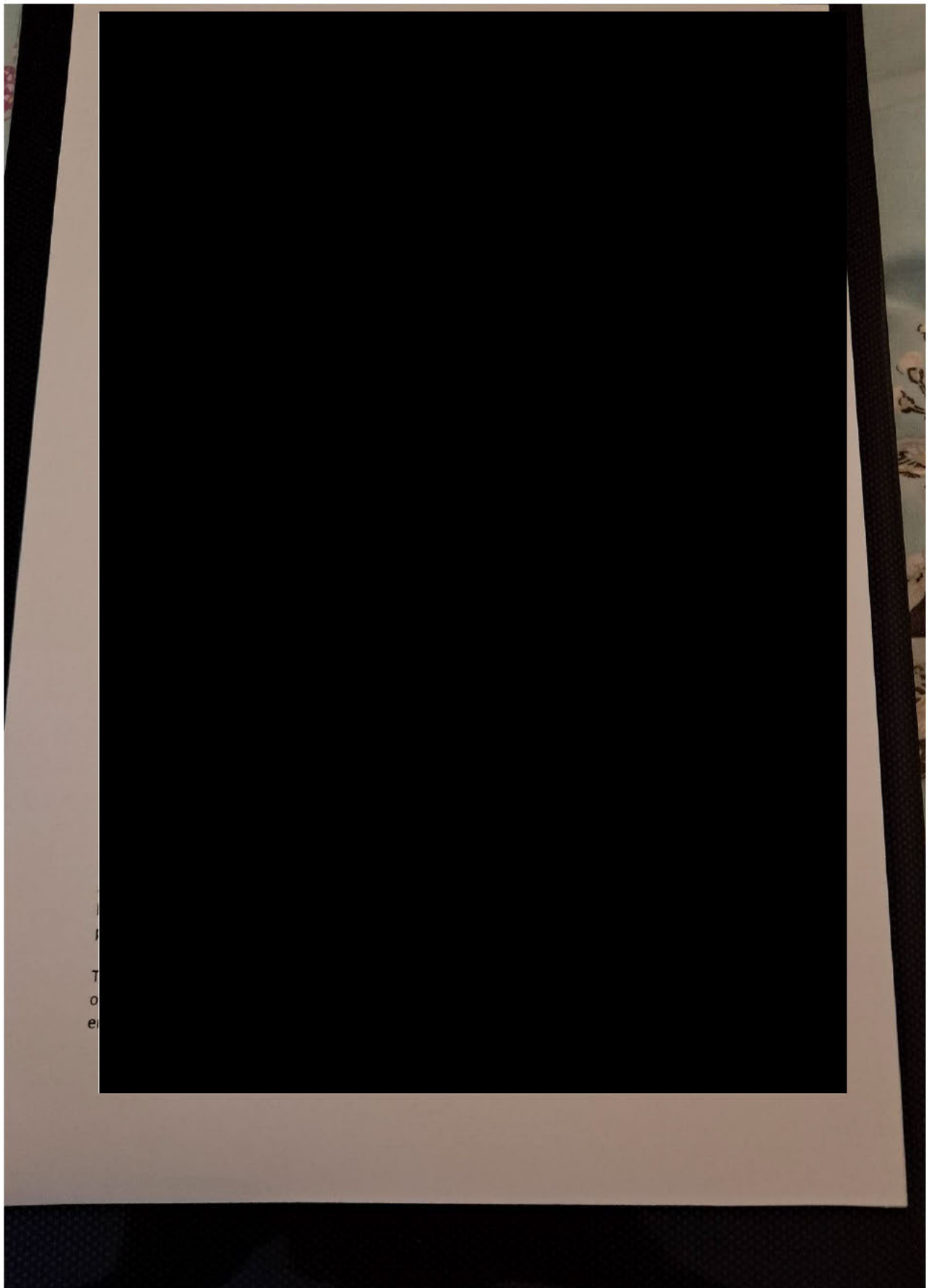
## **Conclusion**

For the reasons outlined above, I respectfully request that Boston Borough Council **refuse this application**. I also reiterate my request that **my identity remains withheld**.

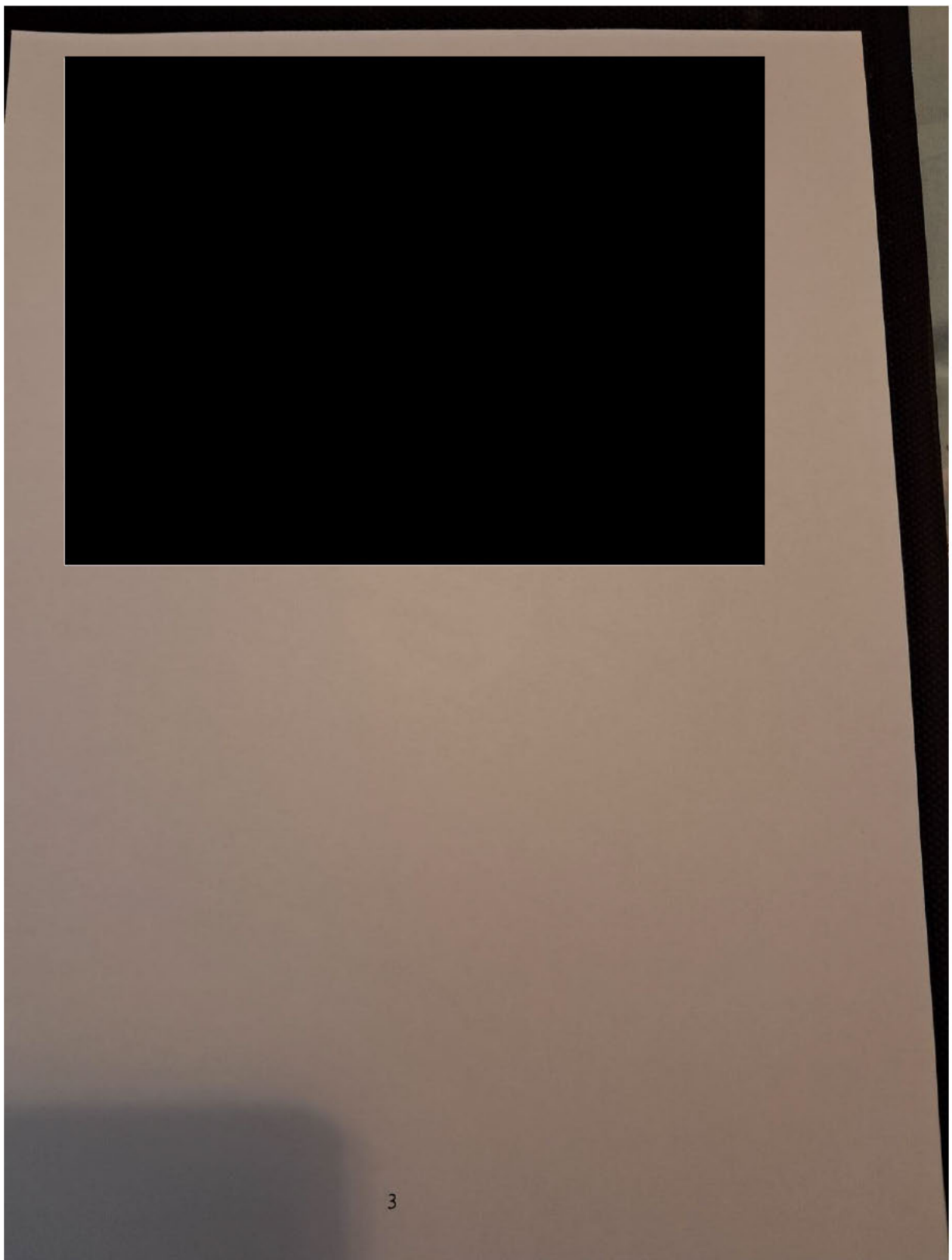
Yours faithfully,

[Redacted Signature]









RICHARD TICE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Anna McDowell  
Licensing Department  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
PE21 8QR

Subject: Formal Objection to Licence Application for Proposed Sexual Entertainment Venue – Chunkymuffins, The Pool Shed, Marsh farm Cottage, Frampton roads, Frampton, Boston, PE20 1AY

Dear Anna McDowell

I am writing to register a strong and formal objection to the above licence application for a proposed sexual entertainment venue in the Parish of Frampton, and to express my full support for the numerous local residents who have contacted my office to raise their concerns.

**1. Public Nuisance and Residential Impact**

The proposed operating hours (Tuesday–Thursday until midnight and Friday–Saturday until 02:00) are incompatible with the quiet rural setting and would cause significant disruption, including late-night noise, increased traffic, and loss of amenity for neighbouring households.

**2. Highway Safety and Traffic Concerns**

The location is served by narrow rural roads that are not designed to accommodate the level of evening and late-night traffic associated with this type of venue. This raises substantial concerns about safety, access, and potential road damage.

**3. Crime, Disorder and Anti-Social Behaviour Risks**

Sexual entertainment venues operating late at night are closely associated with elevated risks of anti-social behaviour, alcohol-related disturbances, and public nuisance, all of which would be difficult to manage in such a remote setting.

**4. Incompatibility with the Rural Character of the Parish**

The proposed venue is wholly unsuitable for the family-orientated, peaceful rural environment of Frampton and would fundamentally alter the character of the area.

**5. Impact on the Wellbeing of Residents**

Constituents have expressed serious stress and anxiety regarding this proposal. It is essential that residents' mental health, safety, and quality of life are fully considered.

**6. Protection of Children and Vulnerable Residents**

There are families and young people living close to the site. A venue offering sexual entertainment, including lap dancing, pole dancing, table dancing, strip shows, and live sexual performances, is not appropriate for a location near residential properties.

**7. Widespread Community Opposition**

I am aware that many residents and the Parish of Frampton have submitted or are preparing objections. It is clear that the proposal has no community support.

**Conclusion:**

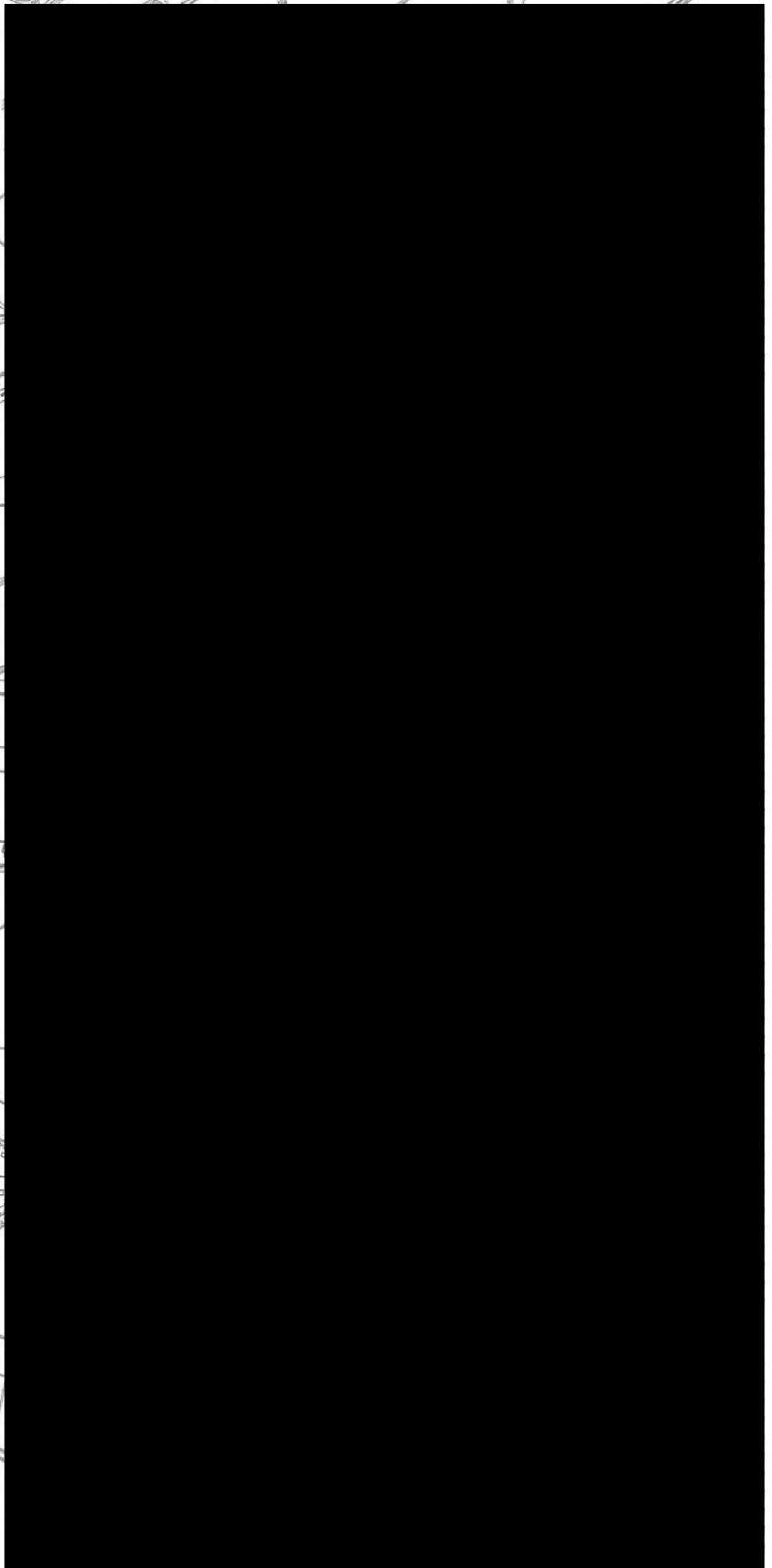
For the reasons above, I urge the Council to refuse this application in accordance with the licensing objectives relating to public safety, prevention of public nuisance, crime and disorder, and the wellbeing of the community.

Please notify my office of any scheduled licensing meeting or hearing at which residents and representatives may present their objections.

Yours faithfully,

Richard Tice MP  
Member of Parliament for Boston and Skegness  
Deputy Leader, Reform UK

MEMBER OF PARLIAMENT FOR BOSTON AND SKEGNESS  
DEPUTY LEADER OF REFORM UK



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**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Chunkys  
**Date:** 14 December 2025 11:44:12

---

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Mark Safe

Report

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Chunky's Boston club is familiar social club where we are regularly customers. The place is great opportunity to meet new people and enjoy the swimming pool and sauna. Neil the owner is very nice. We never had a problem. Recommend to people. We would be happy if this club continues to be open.

Kind regards

[Sent from Yahoo Mail for iPhone](#)

**To:** Licensing <[Licensing@boston.gov.uk](mailto:Licensing@boston.gov.uk)>

**Subject:** Chunky muffins

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---

Dean Mrs Ann Mcdowell we will love send this feedback from the amazing club located in Frampton.

Is a club where we (me and my wife) never see fights, all people including staff very kind and polite the installations very clean and never see sexual abuse or any type of drugs evolved. Is very open club and with rules.

Never was noisy or created any type traffic, people leave the club very quietly moust in the taxi.

We frequent this club for more 12months and I really love it.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Chunky muffins feedback Ann Mcdowell  
**Date:** 14 December 2025 05:28:49

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**This message needs your attention**

- This is a personal email address.
- This is their first email to your company.

Mark Safe

Report

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Well I frequent this club for more than 3 years never see a more polite staff people and amazing costumers never see a fight or any kind of anomalies. I been in more sex clubs my God I don't know how still operating special ANNEX KING'S Lynn where all illegal is evolved.

Well CHUNCKYMUFFINS in Frampton is a example of a club I truly congratulate Mrs Neil and Mrs Michelle the owner of the club.

About the club is the must clean I ever see about sex activities I never see abuse all is with concent.

My feedback is 100 % amazing club with great and lovely people.

Thank you Chunkymuffins to be very kind and professional.

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# Sexual Entertainment Venues

Guidance for England and Wales

## Contents

<b>Ministerial Foreword</b>	<b>4</b>
<b>1. Introduction</b>	<b>5</b>
Definitions	5
Policing and Crime Act 2009	5
The Guidance	5
<b>2. Policing and Crime Act 2009</b>	<b>7</b>
Meaning of Sexual Entertainment Venue	7
Nudity	8
The Organiser	8
Spontaneous Entertainment	9
Premises that are not Sexual Entertainment Venues	9
Amendments to the Licensing Act 2003	10
Consultation with Local People	11
<b>3. Local Government (Miscellaneous Provisions Act) 1982</b>	<b>13</b>
The Appropriate Authority	13
Committee or Sub-Committee	13
Adopting the Provisions	14
Requirement for a Sex Establishment Licence	15
Premises that are Deemed to be Sexual Entertainment Venues	15
Notices	16
Application Forms	16
Single Point of Contact	17
Fees	17
Objections	18
Hearings	18
Refusal of a Licence	19
Relevant Locality	20
Licence Conditions	22
Duration of Licences	23

Appeals	23
Licensing Policies	23
Offences	24
Provisions Relating to Existing Premises	25
The Services Directive	25
 <b>4. Transitional Arrangements</b>	 <b>27</b>
Transitional Period	27
Existing Operators	27
New Applicants	28
Determining Application Received Before the 2nd Appointed Day	28
Determining Application Received After the 2nd Appointed Day	29
Outstanding Application	29
Existing Licence Conditions	30
ECHR Considerations	31
Changes to licensing policies	32
London	32
Sex Encounter Establishments	32
Hostess Bars	33
Soliciting for Custom	33
 <b>Annex A: Guide to Transitional Period and Existing Operators</b>	 <b>35</b>
<b>Annex B: Guide to Transitional Period and New Applicants</b>	<b>36</b>

## MINISTERIAL FOREWORD



In September 2008, the previous Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These new measures, which take effect on 6th April 2010 in England and on 8th May in Wales, will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

These are important reforms to further empower local communities and the purpose of this guidance is to provide advice to local authorities, operators, local people and other interested parties on the new measures introduced by section 27 and the associated secondary legislation.

**Alan Campbell**

A handwritten signature in dark ink that reads "Alan Campbell". The signature is written in a cursive style.

**Parliamentary Under-Secretary of State for Crime Reduction**

**March 2010**

## INTRODUCTION

### Definitions

1.1 In this guidance –

The “2009 Act” means the Policing and Crime Act 2009

The “1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982

The “2003 Act” means the Licensing Act 2003

“Section 27” means section 27 of the Policing and Crime Act 2009

“Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

### Policing and Crime Act 2009

1.2 Section 27 introduces a new category of sex establishment called ‘sexual entertainment venue’, which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.

1.3 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

### The Guidance

1.4 The guidance is provided for local authorities carrying out their functions under Schedule 3, as amended by section 27. It will also be of use to operators, the police and the general public.

- 1.5 Interpretation of the relevant primary and secondary legislation is ultimately a matter for the courts. However, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 1.6 The guidance is composed of 3 sections. Section 2 focuses on the 2009 Act and the definition of 'sexual entertainment venue'. Section 3 provides an explanation of the meaning and effect of Schedule 3 to the 1982 Act and section 4 provides guidance on the transitional provisions as set out in the transitional orders: *The Policing and Crime Act 2009 (Commencement No.1 and Transitional and Saving Provisions)(England) Order 2010* and the *Policing and Crime Act 2009 (Consequential Provisions )(England) Order 2010* and any equivalent orders made by Welsh Ministers in respect to Wales.
- 1.7 Apart from extending the scope of the 1982 Act to cover the licensing of sexual entertainment venues and removing the sex encounter establishment category in those local authority areas that adopt the new provisions, the 2009 Act and the associated secondary legislation makes only minor changes to the operation of Schedule 3.
- 1.8 Section 27 of, and Schedule 3 to, the 2009 Act come into force in England on 6<sup>th</sup> April as does the Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010. In Wales, the equivalent provisions come into force on 8<sup>th</sup> May 2010.

## POLICING AND CRIME ACT 2009

### Meaning of Sexual Entertainment Venue

- 2.1 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as *"any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."*
- 2.2 The meaning of 'relevant entertainment' is *"any live performance or 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 an audience (whether by verbal or other means)."* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 2.3 While local authorities should judge each case on its merits, we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
  - Pole dancing
  - Table dancing
  - Strip shows
  - Peep shows
  - Live sex shows
- 2.4 The above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should only be treated as indicative. Ultimately, decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

- 2.5 For the purposes of these provisions a premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

## Nudity

- 2.6 It is important to note that although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 2.7 Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

## The Organiser

- 2.8 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
- 2.9 The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for



one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

### **Spontaneous Entertainment**

- 2.10 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

### **Premises that are not sexual entertainment venues**

- 2.11 Paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-
  - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
  - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

- 2.12 Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the 2003 Act, insofar as they are

providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

### **Amendments to the Licensing Act 2003**

- 2.13 Schedule 7 to the 2009 Act amends the 2003 Act to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the 1982 Act) do not also require a premises licence, club premises certificate or temporary events notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the 2003 Act. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities, subject to any exceptions contained in that Act.
- 2.14 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.15 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from

the definition of regulated entertainment in the 2003 Act. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to. (Nor will providing entertainment facilities for the purposes of the provision of relevant entertainment be regulated entertainment under the 2003 Act).

- 2.16 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment venue licence but will instead need an appropriate authorisation under the 2003 Act, for example, to cover the performance of dance. The exemption from requirements of the 2003 Act for live music or the playing of recorded music which is integral to relevant entertainment does not apply to such venues.

### **Consultation with Local People**

- 2.17 If a local authority has not made a resolution to adopt the provisions introduced by section 27 within one year of it coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution.
- 2.18 The purpose of this duty is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.
- 2.19 This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.
- 2.20 The 2009 Act is not prescriptive about how local authorities should consult with local people in order to comply with this duty. Local authorities have extensive experience of engaging with local people and will know what works best in their individual areas. Clearly, the Secretary of State expects that any consultation exercise carried out under this duty will be fair and meaningful. Local authorities should

seek to make any relevant information available to local people in order to inform their understanding and publish the outcomes of the consultation on the internet.

- 2.21 In practice, local authorities may decide to consult local people on this matter when they consult and involve local people on broader local priorities and crime and disorder or anti-social behaviour priorities as part of their work to develop Local Area Agreements/Local Delivery Agreements and crime and disorder strategies, as required under various existing duties, including, section 138 of the Local Government and Public Involvement in Health Act 2007 and regulation 12 of the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007. This will ensure that consultations are not onerous and form part of the ongoing engagement with local communities undertaken by all local authorities.
- 2.22 For the purposes of this duty 'local people' are defined as anyone who lives or works in the local authority area.

## **SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **The Appropriate Authority**

- 3.1 The appropriate authority is responsible for determining applications for sex establishment licences. For the purposes of the 1982 Act 'appropriate authority' means the local authority which passed a resolution under section 2 of that Act to adopt Schedule 3 in their area. 'Local authority' means—
- (a) the council of a district (including a unitary County Council) or, in Wales, the principal council<sup>1</sup>;
  - (b) the council of a London borough; and
  - (c) the Common Council of the City of London.

### **Committee or Sub-Committee**

- 3.2 Functions under Schedule 3 are the responsibility of the full council of the appropriate authority, as defined above. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.3 An authority may delegate its functions to those who sit on its licensing committee set up to discharge licensing functions under the 2003 Act. However, when dealing with an application for a sex establishment licence, the members of the committee would not be acting as the licensing committee under the 2003 Act and would instead be exercising their functions under Schedule 3.

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<sup>1</sup> See section 2 of the 1982 Act. Section 17 of the Local Government (Wales) Act 1994 provides that legislative references to district councils are to be interpreted as references to principal councils in Wales. Unitary County Councils have all the functions and powers of district councils.

## Adopting the Provisions

- 3.4 Section 27 comes into force on 6<sup>th</sup> April 2010 in England and 8<sup>th</sup> May in Wales<sup>2</sup>. On or following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area.
- 3.5 Although many local authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area. However, where a local authority has not resolved to adopt Schedule 3 to the 1982 Act before the coming into force of Section 27, the amendments made to Schedule 3 by section 27 will apply automatically if a resolution to adopt Schedule 3 is made subsequently (see Schedule 3 to the 2009 Act).
- 3.6 The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.
- 3.7 The local authority shall publish notice that they have passed a resolution under section 2 of the 1982 Act or (in cases where Schedule 3 is already in force but the local authority is adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the

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<sup>2</sup> Section 27 (11) was brought into force on 2nd March 2010 but only for the purpose of making the transitional orders.

local authority's area. The notice should state the general effect of Schedule 3.

- 3.8 While there is no statutory duty to do so, prior to deciding whether to pass a resolution, local authorities may, as a matter of good practice, wish to seek the views of local people and businesses. The Secretary of State also encourages local authorities to engage with known sexual entertainment venues at the earliest possible opportunity once a decision to adopt the provisions has been made, to ensure affected businesses are aware of what action they will need to take in order to comply with the new regime.

### **Requirement for a Sex Establishment Licence**

- 3.9 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.
- 3.10 An applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

### **Premises that are deemed to be Sexual Entertainment Venues**

- 3.11 Paragraph 27A of Schedule 3 deems premises with licences to operate as sexual entertainment venues to be sexual entertainment venues whilst their licence remains in force, irrespective of how frequently they are or have been providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

- 3.12 If an operator with a sexual entertainment venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a sexual entertainment venue (e.g. because they are no longer operating as a lap dancing club) they may write to the relevant local authority to request that their licence be cancelled. Upon receiving such a request from a licence-holder a local authority must cancel the licence in question.

## Notices

- 3.13 Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.
- 3.14 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.
- 3.15 All notices should be in the form prescribed by the appropriate authority and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 3.16 There are similar notification requirements for applications made under the 2003 Act. Where an applicant is making an application under both Schedule 3 and the 2003 Act at the same time they may wish to combine these requirements where permitted.

## Application Forms

- 3.17 Unlike the 2003 Act there is no prescribed application form for an application made under Schedule 3 to the 1982 Act. However, the application must be in writing and contain the details set out in paragraph 10 of Schedule 3 along with such other details as the



appropriate authority may reasonably require. Local authorities must provide for applications to be made electronically and may produce and publish recommended application forms for sex establishment licences setting out all the details required.

### Single Point of Contact

- 3.18 Following amendments to sub-paragraph 10(14) made by the Provision of Services Regulations 2009, where an application for the grant, renewal or transfer of a licence is made by means of a relevant electronic facility it will be the responsibility of the appropriate authority to send a copy of an application to the chief officer of police, not later than 7 days after the date the application is received.
- 3.19 Where an application is made by any other means the responsibility to send a copy of the application to the chief officer of police within 7 days of the application being made will remain the responsibility of the applicant.
- 3.20 For the purpose of Schedule 3 a relevant electronic facility means the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009 or any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

### Fees

- 3.21 Schedule 3 to the 1982 Act states that an application for the grant, renewal, variations or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.
- 3.22 However, local authorities should have regard to the following documents when determining their fee: *The European Services*

*Directive: Guidance for Local Authorities<sup>3</sup> and LACORS Guidance on the impact of the Services Directive on councils setting and administering local licence fees within the service sector.<sup>4</sup>*

## Objections

- 3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values<sup>5</sup> and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

## Hearings

- 3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.
- 3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no

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<sup>3</sup> <http://www.berr.gov.uk/files/file50026.pdf>

<sup>4</sup> [www.lacors.gov.uk](http://www.lacors.gov.uk)

<sup>5</sup> R v Newcastle upon Tyne City Council ex parte The Christian Institute [2001] B.L.G.R. 165

obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.<sup>6</sup>

## Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in 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 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.

3.28 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

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<sup>6</sup> R v Plymouth City Council v Quietlynn [1998] Q.B. 114.

- (c) 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.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.<sup>7</sup>

3.31 The Provision of Services Regulations 2009<sup>8</sup> amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

## Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having

<sup>7</sup> *Belfast City Council v Miss Behavin’ Ltd* (Northern Ireland) (2007) [2007] UKHL 19

<sup>8</sup> Regulation 47

regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is 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.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.<sup>9</sup>

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same

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<sup>9</sup> See R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249 for further guidance.

locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.<sup>10</sup>

- 3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.
- 3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

### **Licence Conditions**

- 3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.
- 3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:
- The hours of opening and closing
  - Displays and advertisements on or in sex establishments
  - The visibility of the interior of a sex establishment to passers-by
  - Any change of use from one kind of sex establishment to another

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<sup>10</sup> R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249

- 3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on the each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

### **Duration of Licences**

- 3.43 Licences for sex establishments can be granted for up to one year.

### **Appeals**

- 3.44 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review.

### **Licensing Policies**

- 3.45 While local authorities are not required to publish a licensing policy relating to sex establishments they can do so if they wish as long as it

does not prevent any individual application from being considered on its merits at the time the application is made.<sup>11</sup>

- 3.46 A licensing policy for sex establishments might include statements about where local authorities are likely to consider to be appropriate or inappropriate locations for such venues. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality.
- 3.47 Local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality.
- 3.48 Local authorities can also produce different policies or a separate set of criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different sex establishments or the fact that the location that a local authority considers appropriate for a sex shop may be different to that of a sexual entertainment venue.

## Offences

- 3.49 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that Schedule and include:
- knowingly causing or permitting the use of any premises as a sex establishment without a licence;
  - being the holder of a licence, knowingly employing a person in a sex establishment who is disqualified from holding a licence;
  - being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
  - being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable

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<sup>11</sup> R v Peterborough City Council ex parte Quietlynn Ltd (1986) 85 LGR 249



excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;

- being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 to enter the establishment
- being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

3.50 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

3.51 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty to this offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Provisions Relating to Existing Premises**

3.52 Where a local authority resolves that Schedule 3 apply in their area having not previously made such a resolution, paragraphs 28 and 29 will have effect for the purpose of sex shop, sex cinemas and hostess bars, but will not have effect for the purpose of sexual entertainment venues. The transitional provisions relating to sexual entertainment venues are explained in part 4 of this guidance.

### **The Services Directive**

3.53 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC (“the Directive”) which was implemented in the UK by the Provision of Services Regulations 2009 (“2009 Regulations”), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3.

3.54 The Department of Business, Innovation and Skills (BIS) has produced guidance for both businesses and local authorities to assist in

understanding the impact of the Directive and 2009 Regulations and what service providers and relevant authorities must do in order to comply. Both guidance documents can be found on the BIS website: <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/page9583.html>

- 3.55 In particular, the 2009 Regulations may affect the way in which local authorities set application fees, process applications and grant licences.

## TRANSITIONAL PROVISIONS

- 4.1 This section provides guidance on the transitional provisions as set out in the *Policing and Crime Act 2009 (Commencement No.1, and Transitional and Saving Provisions)(England) Order 2010* (“the *Transitional Order*”) and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* (“the *Consequential Order*”) and the equivalent orders made by Welsh Ministers for Wales.

### Transitional Period

- 4.2 The ‘transitional period’ will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area (‘the 1st appointed day’). Six months following the 1st appointed day will be known as the ‘2nd appointed day’ and the day on which the transitional period ends will be known as the ‘3rd appointed day’.
- 4.3 The appointed days will vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.

### Existing Operators

- 4.4 To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

- 4.5 “Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1<sup>st</sup> appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to a local authority. However, where a dispute arises between a local authority and an licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the local authority will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.
- 4.6 For the purposes of the Transitional Order a “2003 Act Licence” means a premises licence or club premises certificate under which it is lawful to provide relevant entertainment.

### **New Applicants**

- 4.7 New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

### **Determining Applications Received On or Before the 2nd Appointed Day**

- 4.8 Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

- 4.9 As the appropriate authority is able to refuse applications having regard to the number of sex establishment they consider appropriate for a particular locality, all applications made on or after the 1<sup>st</sup> appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.
- 4.10 No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

### **Determining Applications Received After the 2nd Appointed Day**

- 4.11 Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.
- 4.12 As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

### **Outstanding Applications**

- 4.13 Local authorities should attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date

that Schedule 3 as amended by the 2009 Act comes into force in their area.

- 4.14 Where it has not been possible to determine application before the 1st appointed day, local authorities should advise applicants that they will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.

### Existing Licence Conditions

- 4.15 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 4.16 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.
- 4.17 Where a local authority decides to grant a sex establishment licence to an existing operator, who is subject to conditions on their existing premises licence or club premises certificate that relate expressly to the provision of relevant entertainment, they may wish to replicate the existing conditions on the new sex establishment licence if they believe that the existing conditions are sufficient. However, they could equally decide to impose new conditions consistent with Schedule 3 if they believe that new or additional conditions are necessary.

- 4.18 Although the Transitional Order does not require redundant conditions to be physically removed from a premises licence or club premises certificate, operators and local authorities may agree that this is desirable in order to clarify the operator's legal obligations. Such changes can be made via the minor variations procedure under section 41A of the 2003 Act.

### ECHR Considerations

- 4.19 The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).
- 4.20 In light of the leading case of *Belfast City Council v Miss Behavin' Ltd* (Northern Ireland)<sup>12</sup> it would be prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. (Some Lords did not decide this point or disagreed that such rights were engaged and therefore it would still be open to local authorities to argue that such rights were not engaged in a particular case). However, in any event, the House of Lords were agreed that such rights would only be engaged at a low level. This led Lord Hoffman to say that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

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<sup>12</sup> [2007] UKHL 19

- 4.21 Nevertheless, local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, Protocol 1, can be justified in the general interest.

### **Changes to Licensing Policies**

- 4.22 Many local authorities who have already adopted Schedule 3 will have published a licensing policy for sex establishments. Such policies may provide a useful guide to potential applicants about whether a particular application is likely to be successful or not.
- 4.23 Upon resolving to adopt the sexual entertainment venue provisions introduced by the 2009 Act, local authorities should ensure that their licensing policies for sex establishments are up to date and reflect the changes introduced by Section 27. This could mean updating existing policies or producing a policy specific to regulation of sexual entertainment venues.

### **London**

#### **Sex Encounter Establishments**

- 4.24 London local authorities which have adopted Schedule 3 to the 1982 Act as amended by the Greater London Council (General Powers) Act 1986 are able to regulate sex encounter establishments. However, under sub-paragraph 3A(i) premises that hold a premises licence or club premises certificate for the provision of regulated entertainment or late night refreshment are not regarded as sex encounter establishments. This means that, in practice, there are very few, if any, premises that are licensed as sex encounter establishments.



- 4.25 Therefore, the transitional provisions set out that where a local authority, which has previously adopted provisions to regulate sex encounter establishments, passes a resolution to adopt Schedule 3, as amended by section 27, the existing sex encounter establishment category will be replaced by the new sexual entertainment venue category.
- 4.26 In these circumstances, an existing sex encounter establishment licence will be treated as though it had been granted under the new sexual entertainment venue regime with any terms, conditions and restrictions carried over.

### Hostess Bars

- 4.27 The hostess bar category of sex establishment, as introduced by section 33 of the London Local Authorities Act 2007, is largely unaffected by the 2009 Act provisions.
- 4.28 In cases where a London local authority has already resolved that the hostess bar category has effect in their area, they will be able to retain this category after the amendments made by the 2009 Act have been adopted and the sex encounter establishment category has been repealed, subject to the amendments made to Schedule 3 by the 2009 Act. Where London local authorities have not adopted the sexual entertainment venue provisions, it will still be open for them to resolve to adopt the hostess bar category after the 2009 Act provisions have been adopted without having to adopt the sex encounter establishment category.

### Soliciting for Custom

- 4.29 Under Section 22 of the London Local Authorities Act 2004, as amended by Section 72 of the London Local Authorities Act 2007, it is an offence in London to solicit for custom for a sex establishment. However, paragraph 2A provides a defence if the premises concerned are licensed under Part 3 of the 2003 Act.

- 4.30 When a London local authority resolves to adopt the provisions introduced by Section 27, it will be a defence if the premises are licensed as a sexual entertainment venue under Schedule 3 of the 1982 Act or are operating lawfully under a 2003 Act licence during the transitional period at the time of the alleged offence.

## ANNEX A: GUIDE TO TRANSITIONAL PERIOD AND EXISTING OPERATORS

### Appointed Days

#### 1st Appointed Day

The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

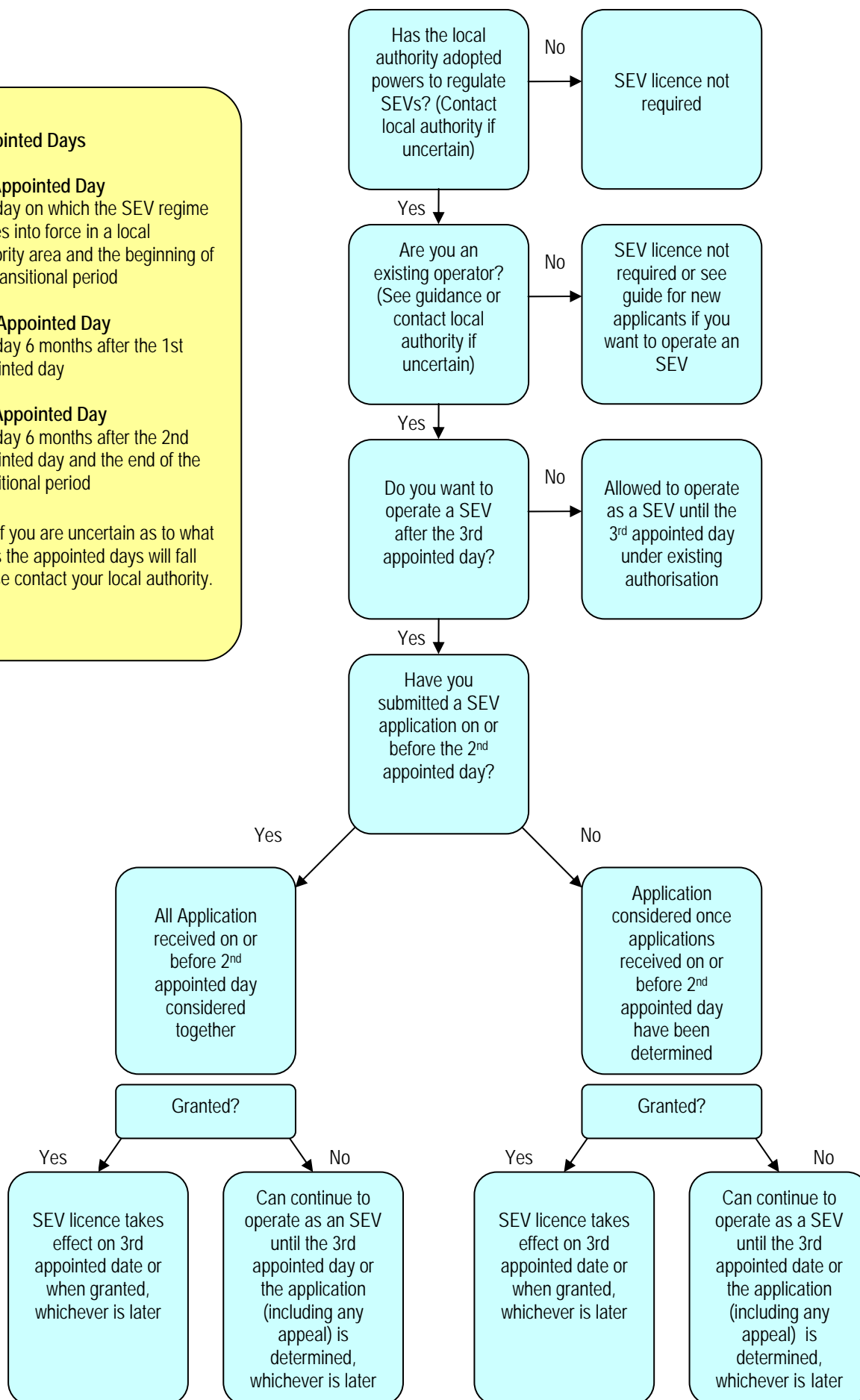
#### 2nd Appointed Day

The day 6 months after the 1st appointed day

#### 3rd Appointed Day

The day 6 months after the 2nd appointed day and the end of the transitional period

**NB:** If you are uncertain as to what dates the appointed days will fall please contact your local authority.



## ANNEX B: GUIDE TO TRANSITIONAL PERIOD AND NEW APPLICANTS

### Appointed Days

#### 1st Appointed Day

The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

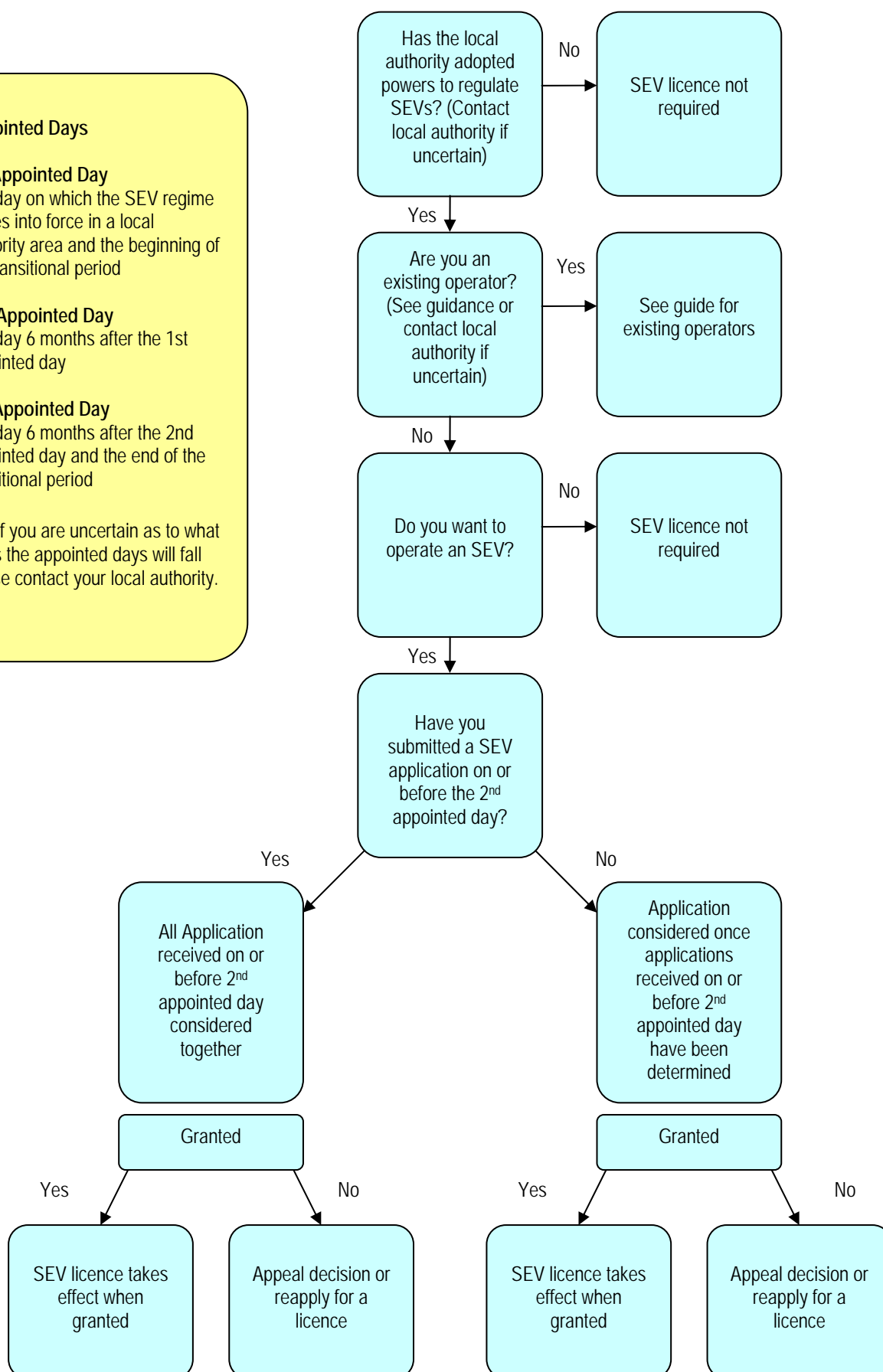
#### 2nd Appointed Day

The day 6 months after the 1st appointed day

#### 3rd Appointed Day

The day 6 months after the 2nd appointed day and the end of the transitional period

**NB:** If you are uncertain as to what dates the appointed days will fall please contact your local authority.



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*Changes to legislation: There are currently no known outstanding effects for the Human Rights Act 1998, SCHEDULE 1. (See end of Document for details)*

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[REDACTED] of health or morals, or for the protection of the rights and freedoms of others.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## ARTICLE 10

### FREEDOM OF EXPRESSION

- 1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- 2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

[REDACTED]

[REDACTED]

[REDACTED]

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