



**Report To:** Regulatory & Appeals Committee

**Date:** Tuesday 3<sup>rd</sup> February 2026

**Subject:** Application for the grant of a Sexual Entertainment Venue Licence

**Purpose:** To determine an application for the grant of a Sexual Entertainment Venue Licence

**Key Decision:** No

**Portfolio Holder:** N/A

**Report Of:** Christian Allen, Assistant Director – Regulatory

**Report Author:** Anna McDowell, Senior Licensing Officer

**Ward(s) Affected:** Frampton

**Exempt Report:** 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**

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