

## LICENSING COMMITTEE

Date: Thursday 26 February 2026

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Josie McDonald, Democratic Services Officer on 01392 265354 or email [josie.mcdonald@exeter.gov.uk](mailto:josie.mcdonald@exeter.gov.uk)

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street..

### *Membership -*

Councillors Snow (Chair), Begley (Deputy Chair), Banyard, Bennett, Darling, Haigh, Harding, Holland, Mitchell, K, Parkhouse and Williams, R

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on

(Pages 3 -  
4)

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government Act 1972 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as

defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

To pass the following resolution:

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for items ? and ? on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

##### **5 Application for the Renewal of a Sex Shop Licence**

To receive the report of the Head of Service – Environment and Waste.

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**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## LICENSING COMMITTEE

27 January 2026

### Present:

Councillor Martyn Snow (Chair)  
Councillors Begley, Banyard, Bennett, Darling, Haigh, Harding, Holland, Mitchell, K,  
Parkhouse and Williams, R

### Also present:

Head of Service - Environment and Waste, Legal Advisor and Democratic Services Officer

### 8 **Minutes**

The minutes of the meeting held on 28 January 2025 were taken as read, approved, and signed by the Chair as correct.

### 9 **Declarations of Interest**

No declarations of interest were made by Members.

### 10 **Recommendation from Customer Focus Scrutiny Committee**

The Chair advised the Committee that a recommendation had been made to them by the Customer Focus Scrutiny Committee. This recommendation was for the Licensing Committee to review the policies relating to the sale of alcohol and the hours within which this could take place. The recommendation came within the wider context of exploring ways to reduce anti-social behaviour in the City Centre.

The Principal Licensing Officer was unable to attend the meeting but a written response to the recommendation from the Principal Licensing Officer was ready out by the Chair to the Committee, making the following points:

- hours for alcohol sales were not able to be set following the Licensing Act 2003;
- this was to remove rigidity whilst maintaining sufficient safeguards;
- blanked conditions on hours could not be imposed;
- every application had to be heard on its own merits; and
- the proper mechanism would be to review a premises when there was evidence of problems.

The Head of Service – Environment and Waste further clarified for the Committee that there was an opportunity to review a business' licence when it was necessary and that representations could be made at the application stage.

The Head of Service – Environment and Waste responded to questions from Members, making the following points:

- there was a Cumulative Impact Area (CIA) in some parts of the City Centre, which required licence applicants to prove they would not be creating issues as set out under the licensing objectives;
- Devon and Cornwall Police were a statutory consultee for every application received;
- the Council had no power to require consultees to raise an objection, but there were regular liaisons with the Police;

- the Public Spaces Protection Order (PSPO) did not apply to licenced premises; and
- anyone could call for a review of licenced premises if it was related to the licensing objectives.

## 11 **Licensing Fees and Charges for 2026/27**

The Head of Service – Environment and Waste presented the report, making the following points:

- the Licensing Committee were responsible for setting a number of fees;
- some fees were set by the government, or had a statutory range that could not be touched; and
- the fees set had to reflect the cost of delivering the licensing regime.

The Head of Service – Environment and Waste made an amendment to the recommendation that the “Licensing Committee recommends for the Council to approve for the period from 1 April 2026 to 31 March 2027 that the fees shall be set as specified in Appendix B”.

The Head of Service – Environment and Waste responded to questions from Members making the following points:

- there was a minimum and maximum limit for gambling fees, and Exeter was already at the maximum rate;
- each fee had to be considered in isolation with the cost of delivery;
- inflation was used as a guide, but other factors were also considered when setting fees such as software licences, printing costs, materials for taxi plates, badges and bus lane stickers, and vets fees;
- for licences that were Part A and Part B, both parts had to be paid for the licence to be fully granted; and
- Part A and Part B licences varied depending on the nature of the licence, for animal licencing it covered multiple years, but sex entertainment venues and street traders had to pay yearly.

**RESOLVED** unanimously that the Licensing Committee recommends the following:

That Council approves for the period from 1 April 2026 to 31 March 2027 that the fees shall be set as specified in Appendix B.

## 12 **Any Other Business**

The Chair advised the Committee on three items of AOB:

- a sex entertainment venue would be coming to Committee;
- there was an upcoming training refresher session; and
- he was seeking Members for working groups.

The meeting commenced at 5.31 pm and closed at 6.11 pm

Chair

## REPORT TO LICENSING COMMITTEE

<b>Date of Hearing</b>	26 February 2026
<b>Report of</b>	Service Lead – Environment and Waste
<b>Type of Application</b>	Licence for a Sex Establishment renewal of a Sex Shop Licence for the premises known as Simply Pleasure, 156 Sidwell Street, Exeter, EX4 6RT
<b>Legislation</b>	Local Government (Miscellaneous Provisions) Act 1982 Part II Schedule 3
<b>Applicant</b>	Simply Pleasure Limited (Company Number 04341488) registered office Forest Gate Spring Lane Ringwood BH24 3FH

### 1. What is the report about?

- 1.1 On 16 December 2025, an application for the renewal of a sex shop licence was received in respect of Simply Pleasure, 156 Sidwell Street, Exeter, EX4 6RT ('the Premises').
- 1.2 A copy of the application is provided at Appendix A. A location map and photograph of the Premises is attached at Appendix B. The Premises is shown edged by a red line.

### 2. Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') provides the legislative framework in relation to the licensing of sex establishments, which includes sex shops. These powers were adopted by the Council on 24<sup>th</sup> July 2012 and came into effect on 3<sup>rd</sup> September 2012.
- 2.2 Exeter City Council's Sex Establishments Licensing Policy was adopted on 23 July 2013 and is attached at Appendix C ('the Policy'). The Policy states that there are two locations within Exeter where a sex shop licence can be considered. These are Sidwell Street and Fore Street.
- 2.3 The Premises is currently operating in Sidwell Street as a licensed sex shop under the Local Government (Miscellaneous Provisions) Act 1982.
- 2.4 A copy of the existing licence is attached as Appendix D with operating hours from:  
  
Monday to Saturday – 09:00hrs until 18:00hrs  
Sunday 10.00hrs until 16.00hrs.

### 3. Report Details:

#### Application

- 3.1 The Applicant has applied for a sex shop licence for the following hours:  
  
Monday to Saturday – 10:00hrs until 18:00hrs  
Sunday 11.00hrs until 16.00hrs.

- 3.2 The statutory consultation exercise was undertaken in accordance with Schedule 3 of the Act. This requires the publication of an advertisement in a local newspaper circulating in the appropriate authority's area not later than 7 days after the date of the application and the display of a notice 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.
- 3.3 A copy of the notice is attached at Appendix E.
- 3.4 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of the 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.

### **Relevant Objections**

- 3.5 Four objections have been received in respect of this application within the statutory representation period. The objections are attached as Appendix F. Of the four objections received two have been withdrawn subject to the existing licence conditions being maintained.
- 3.6 Although the Licensing Committee is under a duty to consider any objections made no later than 28 days of the application, it has discretion to hear later objections provided the Applicant is given the opportunity to deal with those objections. This was confirmed in the case *Miss Behavin' Ltd v Belfast City Council* [2007] UKHL 19 where the House of Lords held that while the Act required the authority to consider objections lodged in time, it also had discretion to consider late objections. At the time of writing this report only one late objection has been received in relation to the application. This is attached at Appendix I. The Licensing Committee will have to consider whether to grant permission to any late representations.

### **Compliance Visit**

- 3.7 Officer's conducted a compliance visit of the Premises in order to check the current levels of compliance at the Premises. The report of this visit is attached as Appendix G.
- 3.8 The compliance visit found the Premises to be well managed and fully compliant with the conditions of the current licence.

## **4. Policy Considerations**

- 4.1 The Policy sets out the Council's detailed application procedure and process for determining applications for Sex establishments. These are set out in Sections 5, 6 and 7 of the Policy which includes Policies 1-10 the headings for which are set out below;

Policy 1: Procedure for Applications

Policy 2: Procedure for Consideration of Applications

Policy 3: Mandatory Grounds for Refusal

Policy 4: Discretionary Grounds for Refusal

Policy 5: Suitability of the Applicant

Policy 6: Suitability of the Manager or Beneficiary

Policy 7: The number of sex establishments

Policy 8: Character of the Locality

Policy 9: Vicinity

Policy 10: Layout Character and Location

- 4.2 Section 8 of the Policy sets out the standard conditions to be attached to the Licence should the Licensing Committee be minded to grant the application.
- 4.3 In formulating the Policy the Council had regard to the Home Office Guidance regarding Sex Establishments.
- 4.4 The Licensing Committee may also consider other complimentary Council policies including to the Corporate Plan 2022-2026 and the Exeter Local Plan both available on the Council's website.

## 5. Legal considerations

- 5.1 Schedule 3 paragraph 4 (1) of the Act states that a 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—

- (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.

Paragraph 4 (3) states that 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.

- 5.2 The Licensing Committee must consider the application to grant the licence under Schedule 3 of the Act and may take such of the following steps it considers necessary:

- (a) It may grant the application as requested and apply the standard conditions in the Policy.

- (b) It may grant the application whilst imposing additional conditions and/or altering the standard conditions.

(c) It may refuse the application on one or more of the mandatory or discretionary grounds set out in Paragraph 12 of Schedule 3 to the Act.

5.3 There are five mandatory grounds for refusing a licence in Paragraph 12 of Schedule 3 to the Act which states that a licence under this Schedule shall not be granted –

- to a person under the age of 18;
- 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;
- to a person, other than a body corporate, who is not resident in the United Kingdom or an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state; or
- 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.

5.4 There are four discretionary grounds for refusing a licence. Paragraph 12 of Schedule 3 to the Act states that a licence under this Schedule may not be granted where –

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- 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, transfer or variation of such a licence if he made the application himself;
- 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;
- that the grant or renewal 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, vehicle, vessel or stall in respect of which the application is made.

5.5 Applications should only be refused where the Licensing Committee considers it is necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

5.6 A refusal to grant a licence may be challenged by way of appeal to the Magistrates' Court and/or an application to the High Court for judicial review.

5.7 Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.8 An Equalities Impact Assessment has been undertaken by the Principal Licensing Officer and is attached as Appendix H.

5.9 When determining a licence application, the Licensing Committee will have regard to

any rights the Applicant may have under the European Convention on Human Rights in accordance with the Human Rights Act 1998. The Licensing Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the European Convention of Human Rights and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate to the general purpose.

## **6. Recommendations:**

- 6.1 The Council's constitution and the Policy provides that this application should be determined by the Licensing Committee. It is therefore for the Licensing Committee to determine the application, taking into consideration the Sex Establishment Licensing Policy.
- 6.2 It is recommended that the Licensing Committee determine the application.

Service Lead – Environment & Waste

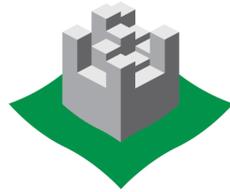
Author: Nigel J Marston

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-  
Exeter City Council Sex Establishment Licensing Policy – 1 August 2015  
Application Form  
Inspection Report

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275

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**ENVIRONMENTAL HEALTH SERVICES**

**APPLICATION FOR A LICENCE FOR A SEX ESTABLISHMENT.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**PART II SCHEDULE 3.**

All applicants are required to send with this application two plans showing the premises or part of the premises to be licensed.

The fullest possible information must be given in answer to each question.

1. Individuals and others e.g. body corporate Application is hereby made and the necessary fee enclosed (tick where appropriate).					
(a) For a Sex Cinema	Tick	<b>(b) For a Sex Shop</b>	Tick	(c) For a Sex Entertainment Venue	Tick
New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>
Transfer of licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>
Renewal of Licence	<input type="checkbox"/>	<b>Renewal of Licence</b>	<b>x</b>	Renewal of Licence	<input type="checkbox"/>

2. Individuals only

Full Names of Applicant: .....N/A.....

Date of Birth: .....

Occupation: .....N/A.....

(During preceding six months)

3. Individuals only

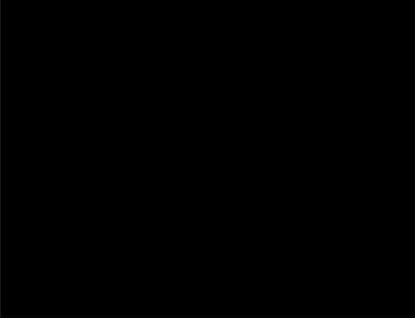
Permanent Address: .....N/A.....

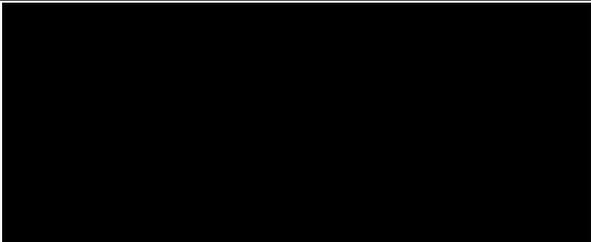
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Telephone No: ..... Post Code: .....

<p>4. Individuals only Has the applicant been resident in the EEA throughout the six months preceding the date of this application ?</p>	<p>N/A</p>
<p>5. Individuals and others e.g. body corporate Name, description and location of premises to which this application relates. Telephone No:</p>	<p>Simply Pleasure 156 Sidwell Street Exeter EX4 6RT 01392 258589</p>
<p>6. Individuals only Address(es) at which applicant has been residing during the five years preceding the date of this application</p>	<p>N/A</p>
<p>7. Body Corporate/others Name of applicant body, state whether a corporate or unincorporated body.</p>	<p>Simply Pleasure Ltd</p>
<p>8. Body Corporate/others Address of registered or principal office.</p>	<p>Head Office ABS Holdings Spring Lane Forest Gate Ringwood BH24 3FH</p>
<p>9. Body Corporate/others Full names, ages and private addresses of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment.  Have the persons so named been resident in the EEA for at least the past six months?</p>	
<p>10. Body Corporate/others Full names, ages and private addresses of all persons for whose benefit the business at the sex establishment is proposed to be conducted, i.e. if the applicant is a body corporate, give names and addresses of members of the body and if the applicant is an unincorporated body or an individual, give names and addresses of persons who will receive the proceeds of the business.  Have the persons so named been resident in the EEA for at least the past six months ?</p>	<p>As Above.</p>

<p>11. Individuals and others e.g. body corporate Name, private address and age of any other person(s) who will be engaged in managing the premises ?</p>	
<p>12. Individuals and others e.g. body corporate If the premises are not open between 9.00am and 4.00pm, state name, address and telephone number of persons responsible for keys to the premises.</p>	<p>As Above</p>
<p>13. Individuals and others e.g. body corporate If only part of the building is to be licensed, give details:-  (a) Of the use (s) to which the remainder of the premises will be put:  (b) The names of those who are responsible for the management of the remainder of the premises:</p>	<p>All to be licenced.</p>
<p>14. Individuals and others e.g. body corporate What hours and days do you require the licence to cover?</p>	<p>10:00am to 18.00hrs Mon-Sat 11am to 16.00hrs Sunday.</p>
<p>15. Individuals and others e.g. body corporate Will any part of the premises be used for the exhibition of moving pictures ?</p>	<p>No</p>
<p>16. Individuals and others e.g. body corporate If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.</p>	<p>No</p>
<p>17. Individuals and others e.g. body corporate Are the premises or the vehicle, vessel or stall to be used as a sex shop or a sex cinema or both?</p>	<p>Sex Shop</p>

<p>18. Individuals and others e.g. body corporate</p> <p>Give full details of the ownership of the premises (or the vehicle, vessel or stall) including details of leases, tenancies, mortgages, licences and any other interests.</p>	<p>Landlord West Rock Ltd West Rock House Heron Road, Sowton Ind Est, Exeter EX2 7LL</p>		
<p>19. Individuals and others e.g. body corporate</p> <p>Give full details of the type of business to be conducted at the establishment. If it is to be a sex shop, what types of goods are to be sold ? If it is to be a cinema what types of moving pictures are to be exhibited ?</p>	<p>R18 dvds, Adult noverties, Lingerie.</p>		
<p>20. Individuals and others e.g. body corporate</p> <p>Full name and private address of registered offices of major suppliers of goods to be sold, displayed or exhibited at the sex establishment.</p>	<p>DFK Frances Clark Towngate House 2-8 Parkstone Road Poole BH15 2PW</p>		
<p>21. Individuals and others e.g. body corporate</p> <p>Do any persons or companies who supply articles for sale at the premises to which this application refers have any interest in the ownership or management of the business for which a licence is sought ?</p>	<p>Yes</p>		
<p>22. Individuals and others e.g. body corporate</p> <p>Give date and name of newspaper in which public notice of this application is to be made.</p>	<p>Express and Echo (Exeter)  Thursday 18/12/2025</p>		
<p>23. Individuals and others e.g. body corporate</p> <p>Give the names and addresses of two referees, none of whom shall be related to the applicant, the partners, the directors, or the secretary, neither should they be a fellow director, partner or the secretary. The referees should be either an M.P., J.P., Minister of Religion, City Councillor, Lawyer, Bank Officer, School Teacher, Police Officer or other person of a similar standing.</p>	<p>William Thompson Solicitors Uxbridge Street Christchurch BH23 1DX</p> <p>Mark Dancer Natwest 10 Christchurch Road Bournemouth.</p>		
<p>24. Individuals and others e.g. body corporate</p> <p>In respect of each of the persons or bodies whose names are given in response to questions 2, 9, 10 and 11, give details of their previous convictions and of any previous convictions of their spouses.</p> <p>N/A</p>			
NAME	COURT	OFFENCE	RESULT

**Payment to be made online/over the phone**

(cheques should be made payable to  
EXETER CITY COUNCIL).

I/We confirm that the notice of this application in the form prescribed by the Exeter City Council will be published in a local newspaper circulating in Exeter not later than seven days after the date of this application and that such notice will be displayed for the period of twenty-one days beginning with the date of this application or near the premises and in a place where the notice can be conveniently be read by the public.

I/we confirm that a copy of this application will be sent to the Chief Superintendent of Police at Heavitree Road Police Station, Exeter, after the date of this application.

I/We understand that if any of the information given above is false in any material respect, I/We may be guilty of an offence for which I/We may be liable to a fine of up to £20,000.

Applicant's Signature:.....pp... [redacted] ...on behalf of [redacted]  
(or representative of applicant body)

Date: ...16/12/2025.....



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# ADULT SUPERS

**APPLICATION FOR A SEX ESTABLISHMENT LICENCE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART II SCHEDULE 3.**

Notice is hereby given that on 16/12/25, Timothy Hemming of Simply Pleasure Ltd, Forest Gate Business Park, Spring Lane, Ringwood, Hants BH24 3FH applied to Exeter City Council in respect of the premises known as: Simply Pleasure.Com, 156 Sidwell Street, Exeter, Devon, EX4 6RT under the provisions of the local government (miscellaneous provisions) act 1982, part II, schedule 3 for a licence to use the premises as a sex shop.

Any objections to this application must be sent in writing to Environmental Health And Licensing Manager, Civic Centre, Exeter. EX1 1RQ no later than 28 days after the date of this application stating the grounds of objection.

The identity of objectors will not be revealed to applicants unless the objectors so agree in writing.



**Exeter**  
City Council

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### SEX ESTABLISHMENT LICENSING POLICY

**Assistant Director Environment**

**Civic Centre**

**Paris Street**

**Exeter**

**EX1 1RQ**



**01392 265434**



**licensing@exeter.gov.uk**



**[www.exeter.gov.uk/licensing](http://www.exeter.gov.uk/licensing)**

**Adopted: 23 July 2013**

**Revised: 1 August 2015**

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## Section 1 – Introduction

- 1.1. On 13 June 1983 Exeter City Council (“the Council”) adopted legislation which enables it to licence sex establishments, categorised as either sex shops or sex cinemas, within the city of Exeter, with effect from 1 September 1983. Those parts of the Act continue to have effect.
- 1.2. On 24 July 2012 the Council adopted amended legislation which further enables it to license sexual entertainment venues (SEVs) as an additional category of sex establishments, with effect from 3 September 2012.
- 1.3. The Council recognises that Parliament has made it a lawful activity to operate a licensed sex establishment and such businesses are a legitimate part of the retail and leisure industries. When undertaking its statutory function as the Licensing Authority, the role of the Council is to administer the licensing regime in accordance with the law. The Council will not exercise its duties in accordance with any moral standing and will not take in to account any unrelated considerations that would call in to question the validity of any subsequent decision made.
- 1.4. In this document, the Council sets out the policy it will adopt when making decisions under the legislation (the Policy).
- 1.5. The Policy gives guidance to prospective applicants, persons who may wish to object to or support an application and members of the Council’s Licensing Committee when making a decision in respect of an application.
- 1.6. Each application will be considered on its individual merits and the Policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken in to consideration when determining an application.
- 1.7. No policy will ever be considered absolute and there may be occasions where the Council may depart from the Policy having regard to the unique characteristics of any one particular application.
- 1.8. Exeter is an historic city located at the northern tip of the Exe Estuary, some 15km from the coast. It has a significant residential population, including families with children, numbering 118,500, a travel-to-work area with a population of over 280,000, a shopping catchment of over 550,000 and over two million day visitors a year. The city is one of three large urban centres within the predominantly rural county of Devon and is served by major transport infrastructure including the M5 motorway, main railway lines and Exeter International Airport.

- 1.9. Exeter has a deserved reputation as both the regional and cultural capital of the South West peninsula. The maintenance of the character of the area as a tourist and residential district of the highest quality is of regional importance. There are a number of important aspects of city life. For example, there are a large number of historic buildings which contribute both to the historic character and tourist appeal of Exeter. There are places of worship which merit respect and protection in their own right as well as a cultural heritage with the city's Royal Albert Memorial Museum being recognised nationally. There is an array of public houses and restaurants, educational establishments including the University of Exeter, with over 14,000 students. There is the business, legal and commercial aspect of the city as well as the retail districts including not only the prestigious city centre and Princesshay but a number of streets and markets attracting high quality independent retailers.
- 1.10. The Council has taken account of these aspects of city life in determining its policies in relation to the number, location and operating standards of sex establishments.
- 1.11. On 12 February 2013 the Council resolved to conduct a widespread public consultation, commencing on 4 March 2013 and concluding on June 6 2013, on the question of whether there are any, and if so which, localities in Exeter it would be appropriate to license a sex establishment.
- 1.12. In consulting widely, the Council acknowledges the important role that the regulatory authorities, licensed trade and local communities undertake and the necessity for them to contribute their views in formulating this policy.
- 1.13. The Council has had due regard to the views of those consulted on the policy proposals and in determining the Policy has given appropriate weight to comments received. The Policy has been considered and approved by the Council on 23 July 2013.
- 1.14. These considerations, among others set out below, have led the Council to the clear opinion that there is no locality within Exeter within which it would be appropriate to licence an SEV or a Sex Cinema and only two localities identified where it is appropriate to licence a Sex Shop. The Policy is intended to be strictly applied and while the merits of each individual case will be considered it is most unlikely that exceptional circumstances will be found. For the Policy to be overridden, an applicant would need to demonstrate why the objectives of the Policy would be furthered or at least not undermined by allowing the exception. Where the Council has been unable to identify an appropriate locality, for the Policy to be overridden would require the applicant to identify a previously unidentified appropriate locality.
- 1.15. If, however, a sex establishment licence were to be permitted as an exception to this policy, the Council would expect operators to observe the highest management and operational standards consistent with the location in an area of the quality and importance of Exeter. Those standards are reflected in the Regulations set out in Appendix 3 of this Policy.
- 1.16. The Policy will be subject to regular review and amendments may be made from time to time based upon any relevant government guidance, changes to legislation or local circumstances.

## Section 2 – Legal Background

### The Local Government (Miscellaneous Provisions) Act 1982

- 2.1. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) established a licensing regime for two categories of sex establishment, namely sex cinemas and sex shops.
- 2.2. The Policing and Crime Act 2009 amended the Act to create a new category of sex establishment known as the sexual entertainment venue. In brief, these are venues offering live performance or displays of nudity for the purposes of sexually stimulating any member of the audience. The Council adopted these provisions with effect from 3 September 2012 with the consequence that SEVs are now licensable in Exeter. The legislation does not confer “grandfather rights” on existing licensed premises. This enables the Council to take a fresh look at sex establishment licensing in Exeter, having regard to the principles in the legislation and all other material considerations.

### Definitions

- 2.3. For the purpose of the Policy, the following definitions will apply, provided that any subsequent amendments to the Act will also be taken into account:

- 2.4. Sex Shop

Any premises, vessel, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- 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

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.

- 2.5. Sex Article

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 anything to which the sub-paragraph below applies.

This applies to:

- a) 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) 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.

## 2.6. Sex Cinema

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.

No premises shall be treated as a sex cinema by reason only –

- 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; or

- 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 the Cinemas Act 1985

## 2.7. Sex Entertainment Venue

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer 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),

- a) “audience” includes an audience of one
- b) “relevant entertainment” means any live performance or any live display of nudity;
- c) “display of nudity” means—
  - i. in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
  - ii. in the case of a man, exposure of his pubic area, genitals or anus;
- d) “premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted

That the following are not sexual entertainment venues for the purposes of the legislation—

- a) sex cinemas and sex shops;
- b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (9i) 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.

- 2.8. The legislation provides both mandatory and discretionary grounds for refusal. The Council's approach in relation to these grounds is set out in Sections 6 and 7 of this Policy respectively. The legislation also provides discretion to the Council to waive the need for a licence. The Council's policy in relation to waiver is set out in Section 9 below.
- 2.9. In addition, there are a number of other legal requirements which are relevant to the licensing of sex establishments and which the Council must take into account.

### Provision of Services Regulations 2009

- 2.10. The services of a sex establishment are likely to amount to services within the Provision of Services Regulations 2009. The authorisation scheme provided for by a competent authority must be based on criteria which preclude the Council from exercising its licensing powers in an arbitrary manner. To this end, the criteria must be:
- a) non-discriminatory (with regard to nationality or an EEA state),
  - b) justified by an overriding reason relating to the public interest,
  - c) proportionate to that public interest objective (that is to say, it must not go beyond what is necessary to attain the objective),
  - d) clear and unambiguous,
  - e) objective,
  - f) made public in advance, and
  - g) transparent and accessible.
- 2.11 Further, conditions ought not to be imposed unless they are non-discriminatory, necessary in that the condition is justified for reasons of public interest and proportionate.
- 2.12 The Council is satisfied that the decision to adopt the legislation and this Policy is fully compliant with the provisions of the Regulations.

### Crime and Disorder Act 1988

- 2.13 The Council is obliged to exercise its sex establishment licensing functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances.

Where there is evidence that a premises is contributing to anti-social behaviour the Council has a duty to use its licensing powers to do all it reasonably can to prevent it.

2.14 The Council has had regard to this duty in formulating this Policy.

## Human Rights Act 1998

2.15 This Act requires the Council to refrain from acting incompatibly with rights protected by the European Convention on Human Rights. These include:

- Article 8: protects the right to a private and family life, home and correspondence. The right is qualified in that there may be interference when this is in accordance with the law and necessary in a democratic society in the interests of (among other things) public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.
- Article 10: protects the right to freedom of expression, including artistic expression. This right is also qualified, in that it is subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests (among other things) of public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the reputation or the rights of others.
- Article 1, First Protocol: protects the peaceful enjoyment of possessions. It states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The right is qualified in that the Council has the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

2.16 In adopting this Policy, the Council has taken account of the human rights of operators and of local residents.

## Equality Act 2010

2.17 This Act requires the Council to have due regard to the need to:

- (a) eliminate discrimination, harassment, and victimisation;
- (b) advance equality of opportunity between (among other things) persons of different race or sex and persons with and without disabilities; and to

- (c) foster good relations between persons of different race, sex or ability. In this case, those persons might be workers at or visitors to sex establishments, or those living in, working in or visiting the vicinity.
  
- 2.18 The Council acknowledges that gender equality may have an influence on decisions in sex establishment licensing. For example, it may be necessary to attach conditions to protect performers from harassment or any threat to their dignity by requiring proper supervision and facilities. By way of further example, there should be no suggestion allowed that one gender would be any more welcome than another in licensed premises.
  
- 2.19 There are no parts of Exeter which could currently be described as characterised by sex establishments. This Policy militates against such a situation arising but the Council acknowledges that such a situation might amount to discrimination where the access to the city's infrastructure by one gender might be impaired in comparison to that of another through fear of the characterisation of the location. This consideration will be taken into account in any decision making.
  
- 2.20 There are further considerations to be taken in to account in relation to religion, belief and disability which will need to be duly weighed in any decision making.
  
- 2.21 The Council has had regard to these duties in formulating this Policy.

## Section 3 – Policy Background

- 3.1. In formulating this Policy, the Council has had regard to Home Office Guidance regarding SEVs and to complementary policies of the Council, in so far as these are relevant.

### Home Office Guidance

- 3.2. The Home Office has published *Guidance in Relation to Sexual Entertainment Venues*. As to local licensing policies, the Guidance advises that these might include statements about where local authorities are likely to consider appropriate or inappropriate locations for SEVs to be. 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. The Guidance also indicates that 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.
- 3.3. The Council has followed the Guidance in drawing up this Policy.

### City Centre Strategy

- 3.4. A new City Centre Strategy is currently being developed, with publication expected in Autumn 2013. A core aim will be to deliver a vibrant, welcoming and safe evening and night-time economy. The evening and night-time economies have grown significantly over recent years and a key aim will be to ensure that the City Centre in the evening and at night is a welcoming place for a very broad cross-section of the population. The City Centre cafe culture has grown exponentially over the last decade and an aim is to see further growth for the evening and night-time period over the next five to ten years.

### Cultural Strategy

- 3.5. The Council will shortly produce an interim Cultural Strategy. A key part of the strategy will include the aim to improve the quality of the cultural offering to a wider range of audiences, and to remove barriers in order to encourage more people to be part of the night time economy.

## Local Development Framework: Core Strategy

3.6 Where planning permission is required for a proposed sex establishment the City Council will consider the advice in the National Planning Policy Framework, the Exeter Core Strategy adopted February 2012 and the Exeter Local Plan 1st Review adopted March 2005 as well as other material considerations.

3.7 One of the aims contained in the Core Strategy is to provide and enhance retail, cultural and tourist facilities in the City Centre that reflect and enhance Exeter's regional and sub-regional status and sphere of influence, that add to economic growth, that build social cohesion, and that promote vitality and viability; and continue to enhance the Quay and Canal area as a centre for tourism and recreation.

3.8 Completion of the Princesshay development in 2007/2008 has strengthened Exeter's retail 'offer'. It is, however, in the nature of retailing that the relative attractiveness of a shopping centre will be challenged continually by competitors from elsewhere and from out-of-town development. The Local Development Framework must, together with the City Centre Strategy, ensure that the status of Exeter as a retail destination is maintained and enhanced.

3.9 The Council has had regard to these broad strategic aims, so far as relevant, in the development of this Policy, and feels that the presence of SEV's and sex cinemas within the city centre is not compatible with these broad aims.

## Section 4 – Public Consultation

- 4.1. In developing this Policy, the Council conducted an extensive public consultation, involving an on-line survey and a postal survey. In total, there were 169 responses. The results of these surveys have helped to inform the content of the Policy.
- 4.2. The survey questionnaire dealt substantively with the requirement or otherwise for a policy for SEVs. Respondents were asked to indicate whether their answers would have differed in relation to the other categories of sex establishments and most indicated that they would not: sex cinemas (86%) and sex shops (72%). However, in relation to sex shops, there were a sizeable number of respondents who felt that the retail nature of such allowed this type of sex establishment to be viewed in a more acceptable light than those sex establishments providing entertainment.
- 4.3. The survey showed strong support for having an SEV policy, with (92%) of respondents supporting adoption.
- 4.4. There was support for SEV policies dealing with: the suitability of the applicant (76%); character of localities for the location of sex establishments (67%); and compatibility with neighbouring uses (67%). There was also support for a policy dealing with the interior layout of the venue (61%).
- 4.5. Respondents were asked whether there were any localities within the Exeter which were appropriate for SEVs. Few of those responding found that the character of any locality would be highly suitable for an SEV and in the case of each locality the majority found that the character would be highly unsuitable.
- 4.6. The consultation revealed that most respondents considered SEVs to be highly incompatible with certain neighbouring uses: educational (82%); places of worship (84%); family leisure facilities such as cinemas (82%); residential (83%); galleries and museums (73%), and youth facilities (83%). There was a more even split as to financial institutions (60%) saying incompatible; and shops (65%) saying incompatible. Respondents were more evenly split on the compatibility of public houses and bars with SEVs with 55% saying highly incompatible.
- 4.7. The issues of locality and juxtaposition were not the only issues considered to be important by respondents in deciding whether or not to grant a licence. Large majorities considered the following issues to be very or fairly important: the ability to properly manage activities off the premises such as customers entering or leaving (72%); the ability to supervise (73%); disabled access (59%), and the quality of the venue (63%).
- 4.8. The Council has taken due account of these community views, particularly where they reveal strong support for (or against) a particular position.

## Section 5 – Applications

5.1. The Council’s Policy in respect of applications is as follows:

### POLICY 1: PROCEDURE FOR APPLICATIONS

1. Applicants for new licences, renewals and transfers will be required to complete the application form at Appendix 1 to this Policy. If the application form is not duly completed or the fee is not paid, the application will be returned to the applicant.
2. A site notice shall be displayed in the form set out at Appendix 2 to this policy. The site notice shall be on yellow A4-sized paper with black 16 point font. The applicant will be required to enclose a copy of the site notice with the application form. The applicant will be required to file with the Council a statutory declaration confirming display of the site notice for the period required by Schedule 3 paragraph 8(10) of the Local Government (Miscellaneous Provisions) Act 1982.
3. The newspaper advertisement of the application shall be in the form and of the size set out in Appendix 2 to this Policy. A copy of the newspaper shall be filed with the Council as soon as practicable after publication.

5.2. The Council’s policy in respect of the procedure for consideration of applications is as follows:

### POLICY 2: PROCEDURE FOR CONSIDERATION OF APPLICATIONS

The Council has a responsibility to consider whether the mandatory or discretionary grounds for refusal apply whether or not there have been objections to the application. To this end it will:

1. Require completion of a detailed application form.
2. Consider the application form and require the applicant to supply any necessary further information.
3. Interview the applicant. The interview will normally be conducted by a Licensing Officer.
4. Conduct an inspection of the premises by a Licensing Officer.

5. Make such further checks and inquiries as are considered necessary.
6. Convene a hearing of the Licensing Committee for the purposes of consideration of the application and any objections.
7. Notify the applicant and any objectors of any information or documents they will be required to produce, whether before or at the hearing.
8. Require all applicants, partners or directors, together with the proposed manager of the premises and any person for whose benefit the business will be carried on, to attend the hearing, unless notified otherwise.
9. Require a report by Assistant Director Environment to be presented to the Licensing Committee, which may contain recommendations.

A hearing will be convened for all new applications and transfer applications, whether or not there have been objections.

Applications for renewal will be decided by Assistant Director Environment unless there have been objections or there is some other reason why the matter ought to be considered by the Licensing Committee.

The procedure for hearings shall be determined by the Licensing Committee. A copy of the procedure will be published on the Council's website and is included as Appendix 4.

## Section 6 – Mandatory Grounds for Refusal

6.1. The Act provides mandatory grounds for refusal. These are that:

*(a) the applicant is under the age of 18;*

*(b) the applicant is for the time being disqualified from holding a licence;*

*(c) the applicant is not a body corporate and 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;*

*(d) the applicant is a body corporate which is not incorporated in an EEA state;*

*(e) the applicant 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.*

6.2 The Council's role in relation to the mandatory grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.

### POLICY 3: MANDATORY GROUNDS FOR REFUSAL

The Council will proactively investigate whether any mandatory grounds for refusal apply, by following the procedures set out in Policies 1 and 2.

## Section 7 – Discretionary Grounds for Refusal

7.1. The Act provides discretionary grounds for refusal. These are that:

*(a) the applicant is unsuitable to hold the licence by reason of having been convicted of a criminal 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;*

*(c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality. (For this purpose, nil may be an appropriate number.)*

*(d) 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.*

7.2 Applications for transfer may not be refused on the grounds in (c) and (d) above. Other than that, all the policies in relation to the discretionary grounds for refusal apply to new grant, renewal and transfer applications.

7.3 The Council's role in relation to the discretionary grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.

### POLICY 4: DISCRETIONARY GROUNDS FOR REFUSAL

1. The Council will proactively investigate whether any discretionary grounds for refusal apply, by following the procedures set out in Policies 1 and 2.

2. Each discretionary ground for refusal will be separately and individually considered, having regard to Policies 5-10 below. If any ground applies, the application will be refused.

7.4. The Council's policy for consideration of the suitability of the applicant is as follows:

## POLICY 5: SUITABILITY OF APPLICANT

1. In considering whether the applicant is suitable to hold a licence, the Council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:
  - a) has convictions which are relevant to his suitability to hold the licence, the age of the conviction and any explanation given regarding the circumstances of the conviction or rehabilitation undergone. Spent convictions will be taken into account only where justice cannot be done except by admitting evidence relating to the convictions or the surrounding circumstances;
  - b) is honest;
  - c) is qualified by experience to run a sex establishment of the size and nature he is proposing to run;
  - d) demonstrates an understanding of and willingness and ability to comply with the Council's general sex establishment licence conditions;
  - e) can be relied upon to run the premises in accordance with the licence and with the requirements of the Local Government (Miscellaneous Provisions) Act 1982;
  - f) can demonstrate a history of compliance in relation to this or other premises and licensing or other regulatory regimes;
  - g) is proposing to run the premises himself or to employ others to do so;
  - h) is proposing a management structure which will deliver compliance with licence conditions and the Local Government (Miscellaneous Provisions) Act 1982 through:
    - i) managerial competence and experience;
    - ii) presence of managers throughout trading hours;
    - iii) a credible and effective management structure;
    - iv) a system for internal enforcement of rules including through training and monitoring of staff and performers;
    - v) a viable business plan providing sufficient capital and revenue to ensure that licensing and other legal obligations will be observed.
  - i) demonstrates an understanding of and willingness and ability to act in the best interests of performers, including in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored;
  - j) has developed a thorough written welfare policy for performers and a system of enforcement of such a policy;
  - k) has a competent written system for ensuring that the performers are adults and are entitled to live and work in the UK;

- l) demonstrates a willingness and ability to protect members of the public visiting the premises, for example through transparent charging and freedom from solicitation;
- m) demonstrates an understanding of the requirements of good neighbourliness and is willing and able to engage constructively with those living or working in the locality and with relevant statutory authorities.

7.5. The Act also permits refusal on the grounds that the person who will actually be managing the business or any person for whose benefit the business would be managed, would be refused a licence, whether under one of the mandatory or discretionary grounds for refusal. The Council's policy is as follows:

#### POLICY 6: SUITABILITY OF MANAGER OR BENEFICIARY

1. The Council will require the applicant to identify the proposed manager(s) or beneficiary(s) of the business.
2. In considering whether those individuals would be refused a licence the Council will apply Policies 1-5 above, treating those individuals as though they were applicants for the licence so far as it is relevant to do so.

7.6. The Council may refuse a licence on the grounds that the number of sex establishment licences is equal to or exceeds the number which the authority consider is appropriate for that locality. The concept of "locality" is elastic, particularly in small but urbanized areas.

Hence, the Council has decided not to pre-define localities with precision for the purposes of this policy. However, in considering its policy, the Council has considered each and every part of the City of Exeter in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.

7.7. In deciding whether and if so what policy to adopt in relation to this discretionary ground, the Council has taken into account the matters set out in Sections 2 – 4 above. It has principally been influenced by the following considerations.

7.8. First, the public consultation revealed that a large majority of respondents in the City of Exeter consider that sex establishments are inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. The Council agrees that these uses are sensitive and that sex establishments are generally not appropriate near to them.

- 7.9. Second, the public consultation indicated that of 115 respondents specifying localities within the City of Exeter boundaries that are appropriate for sex establishments, 107 specified that the number in such localities should be zero. When respondents were asked to identify a locality which they considered suitable and to specify a number, no locality was named by more than 2% of respondents. The Council concludes that there is no locality for a sex establishment which is supported by more than a very small percentage of consultation responses.
- 7.10. Third, the Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2012 – 2014 Building a Stronger and Sustainable City.

The Council believes that sex establishments are:

- a) not consonant with a culturally rich and diverse City, in particular in that they tend not to be inclusive facilities, appeal to only a narrow sector of the community, and are unlikely to enhance the cultural reputation of the City of Exeter;
  - b) are (while not excluding women) generally unattractive environments for women workers to attend and so tend to discriminate against such workers;
  - c) inconsistent with goals of community cohesion, particularly having regard to the sensitivities of children, and the fears and sensitivities of women workers, residents and visitors.
- 7.11. Fourth, in relation to SEVs, the Council has also had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality in the City of Exeter will not advance equality of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for performers. However, it also recognises that those working in SEVs are often peripatetic and self-employed, and so will retain the opportunity to find employment as performers at other venues or in other roles in the leisure industry. The Council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.
- 7.12. Fifth, in relation to existing sex establishments, since their opening the City Centre offering has been enhanced both in terms of the quality of its retail offering and in terms of its cultural offering
- 7.13. The Council considers that the Policy is clearly necessary, proportionate and justified within the Provision of Services Regulations 2009 and the Human Rights Act 1998.

- 7.14 The Council has disregarded any moral consideration in formulating this Policy. It has also taken account of the possibility that some of the consultation responses may have been motivated by moral considerations.

## POLICY 7: THE NUMBER OF SEX ESTABLISHMENTS

1. The Council's Policy is that there is no locality within Exeter in which it would be appropriate to licence an SEV or a sex cinema. Accordingly, the appropriate number of these categories of sex establishments for each and every locality within Exeter is nil.
  2. The Council's Policy is that there are currently two localities in which it is appropriate to licence a sex shop and these are the localities surrounding the existing licensed premises in Fore Street and Sidwell Street. Accordingly, the appropriate number of sex shops for each of these localities is one.
- 7.15 The Council may refuse a licence on the ground that it would be inappropriate having regard to the character of the relevant locality. The Council's Policy as to this ground of refusal has been formulated in particular by a consideration of the material set out in sections 2-4 above.

## POLICY 8: CHARACTER OF LOCALITY

1. The Council's Policy is that sex establishments are unsuitable uses in localities whose character is, or is significantly, one or more of the following:
  - i. educational;
  - ii. residential;
  - iii. religious;
  - iv. family leisure.
  - v. late night entertainment and shopping
2. In other cases, the question of the appropriateness of the sex establishment having regard to the character of the locality will be considered on the merits of the individual case.

3. In considering the character of the locality, the Council will have regard to the impact of the proposed sex establishment on that character, taking account of size, presentation, location, lighting, trading name and all other material factors.
  4. In considering such impact, the Council will not grant a licence where the exterior façade of the premises includes images (whether photographic or graphic) or text indicating or referring to the nature of the proposed licensed activity, save as specifically required or permitted by licence conditions;
- 7.16 The Council will not normally grant premises operating at or whose façade is at ground floor level.
- 7.17 The Council may refuse a licence on the ground that it would be inappropriate having regard to the use to which any premises in the vicinity are put. In deciding upon its policy as to this ground of refusal, the Council recognises the various conflicting pressures for development and land use within the City of Exeter and has attempted to strike a balance between them. The Council's policy has been formulated in particular by a consideration of the material set out in sections 2-4 above.

## POLICY 9: VICINITY

1. The Council will not normally grant a licence where any premises within the vicinity are used for the following:
  - (a) school;
  - (b) place of worship;
  - (c) family leisure;
  - (d) domestic residential buildings;
  - (e) important historic buildings;
  - (f) youth facilities;
  - (g) important cultural facilities.
2. In other instances, the Council will consider this ground of refusal on the merits of the individual case.
3. The precise extent of vicinity will be determined in the light of the precise location of any application and any representations made in response thereto.

4. In deciding whether such premises are in the vicinity of the application site, the Council will not use a pre-determined distance, but will consider each case on its individual merits, and will take account of its local knowledge where appropriate. In determining the issue, it will take account of:
  - (a) distance,
  - (b) intervisibility,
  - (c) linkages between them, including whether the premises and application site are connected by well-used walking routes;
  - (d) any visual or physical barriers between them.
  
5. In considering the application of this policy to domestic residential buildings, the Council will take into account the number of such buildings, their density, their primary use, the number of dwelling units they comprise and their distance from the application site.

7.18 The Council may also refuse a licence on the ground that it would be inappropriate having regard to the layout, character and condition of the premises. In applying this ground, the Council will take into account a wide range of considerations, including the accessibility of the premises, protection of the public, prevention of crime and disorder, and maintenance of the quality, fabric and tourist and business reputation of City of Exeter. It has also taken account of the material set out in sections 2-4 above.

## POLICY 10: LAYOUT, CHARACTER AND CONDITION

1. The Council expects premises licensed as sex establishments to achieve a high quality of build, appearance, maintenance and fit out in keeping with the standards and reputation of Exeter.
2. The Council expects applicants to give due consideration to the fear of crime, intimidation and harassment particularly among female residents and workers in the vicinity, and so provide a quality and style of built environment which protects against such fear.
3. The Council expects all parts of the premises to be fully accessible to disabled people.

4. The Council expects the premises to be laid out and lit so as to ensure that there is at all times proper supervision and surveillance throughout.
5. The Council expects a digital CCTV system to operate at all times when the public are on the premises; extent and coverage to be agreed by the Office of the Assistant Director Environment. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings will be made available upon request to the police or an authorised officer of the Council in accordance with current Home Office Guidance.
6. The Council expects dedicated, secure, private, single sex changing rooms, rest rooms and WCs for performers which are inaccessible to members of the public.
7. The Council's policy is to refuse private booths.

In this policy "private booth" means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.

## Section 8 – Regulations

- 8.1. The Council has made regulations prescribing standard conditions applicable to sex establishments as set out in Appendix 3 to this Policy. In doing so, it has had particular regard to the matters set out in sections 2 and 3 above. Its policy in relation to such conditions is as follows.

### POLICY 11: STANDARD CONDITIONS

1. The Council will apply the Standard Conditions unless such conditions are expressly excluded or varied.
2. The Council will only vary or exclude the Standard conditions in exceptional circumstances.
3. In deciding whether the circumstances are exceptional, the Council will consider the purpose of the condition and whether that purpose would be advanced in equal manner if it were varied or excluded.

- 8.2. The Council may also add conditions in individual cases. Its policy in relation to the exercise of that power is as follows:

### POLICY 12: INDIVIDUAL CONDITIONS

1. The Council will add individual conditions where this is considered necessary and proportionate.
2. Prior to refusal of a licence, the Council will consider whether the proposed reason for refusal may be avoided by the imposition of conditions.
3. The Council will in general avoid adding conditions which are already conditions on a separate consent, such as a premises licence under the Licensing Act 2003 or a planning consent.
4. Before adding conditions, the Council will notify the applicant of the proposal to add conditions and give an opportunity for the applicant and any other party to make submissions as to the proposal.

## Section 9 – Waiver

- 9.1. The Council has power to waive the requirement for a licence where it considers that to require a licence would be unreasonable or inappropriate. In deciding whether to exercise its discretion to waive the requirement for a licence, the Council will apply the following policy.

### POLICY 13: WAIVER

The Council's policy is to grant waivers only when all of the following conditions are satisfied:

1. The waiver is sought in respect of a temporary event.
2. The event does not consist of striptease, lap-dancing, pole dancing or similar activities.
3. If an application for a licence were to be made, the application would not, in the opinion of the Council, be likely to attract any reasonable objections.

## Section 10 – Enforcement

- 10.1. The Council will conduct enforcement activities in relation to sex establishment licences according to the principles set out in the Exeter City Council Environmental Health Services Enforcement Policy. A copy of the Enforcement Policy may be obtained from the Council upon request, and is also obtainable from the Council's website.

## Section 11 – Fees

- 11.1. The Council will set fee levels for grants, variations, renewals and transfers of licences. Details of such fee levels will be published on its website.

## Appendix A – Application Form

### Application Form

Application for grant, renewal or transfer of sex establishment licence pursuant to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

#### IMPORTANT NOTES

1. All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.
2. Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment 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 £20,000.
3. Please send the completed application form to The Licensing Team Exeter City Council Civic Centre Paris Street Exeter EX1 1RQ.



**ENVIRONMENTAL HEALTH AND LICENSING**

**APPLICATION FOR A LICENCE FOR A SEX ESTABLISHMENT.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**PART II SCHEDULE 3.**

All applicants are required to send with this application two plans showing the premises or part of the premises to be licensed.

The fullest possible information must be given in answer to each question.

- Individuals and others e.g. body corporate  
Application is hereby made and the necessary fee enclosed (tick where appropriate).

(a) For a Sex Cinema	Tick	(b) For a Sex Shop	Tick	(c) For a Sex Entertainment Venue	Tick
New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>
Transfer of licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>
Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>

- Individuals only

Full Names of Applicant: .....

Date of Birth: .....

Occupation: .....

(During preceding six months)

3. Individuals only

Permanent Address: .....

.....

.....

.....

Telephone No: ..... Post Code: .....

Question	Answer
<p>4. Individuals only</p> <p>Has the applicant been resident in the U.K. throughout the six months preceding the date of this application ?</p>	
<p>5. Individuals and others e.g. body corporate Name, description and location of premises to which this application relates.</p>	
<p>6. Telephone No:</p>	
<p>7. Individuals only</p> <p>Address(es) at which applicant has been residing during the five years preceding the date of this application</p>	
<p>8. Body Corporate/others</p> <p>Name of applicant body, state whether a corporate or unincorporated body.</p>	

Question	Answer
<p>9. Body Corporate/others</p> <p>Address of registered or principal office.</p>	
<p>10. Body Corporate/others</p> <p>Full names, ages and private addresses of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment.</p> <p>Have the persons so named been resident in the U.K. for at least the past six months?</p>	
<p>11. Body Corporate/others</p> <p>Full names, ages and private addresses of all persons for whose benefit the business at the sex establishment is proposed to be conducted, i.e. if the applicant is a body corporate, give names and addresses of members of the body and if the applicant is an unincorporated body or an individual, give names and addresses of persons who will receive the proceeds of the business.</p> <p>Have the persons so named been resident in the U.K. for at least the past six months?</p>	
<p>12. Individuals and others e.g. body corporate</p> <p>Name, private address and age of any other person(s) who will be engaged in managing the premises?</p>	

Question	Answer
<p>13. Individuals and others e.g. body corporate</p> <p>If the premises are not open between 9.00am and 4.00pm, state name, address and telephone number of persons responsible for keys to the premises.</p>	
<p>14. Individuals and others e.g. body corporate</p> <p>If only part of the building is to be licensed, give details:-</p> <p>(a) Of the use (s) to which the remainder of the premises will be put:</p> <p>(b) The names of those who are responsible for the management of the remainder of the premises:</p>	
<p>15. Individuals and others e.g. body corporate</p> <p>What hours and days do you require the licence to cover?</p>	
<p>16. Individuals and others e.g. body corporate</p> <p>Will any part of the premises be used for the exhibition of moving pictures?</p>	
<p>17. Individuals and others e.g. body corporate</p> <p>If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.</p>	

Question	Answer
<p>18. Individuals and others e.g. body corporate</p> <p>Are the premises or the vehicle, vessel or stall to be used as a sex shop or a sex cinema or both?</p>	
<p>19. Individuals and others e.g. body corporate</p> <p>Give full details of the ownership of the premises (or the vehicle, vessel or stall) including details of leases, tenancies, mortgages, licences and any other interests.</p>	
<p>20. Individuals and others e.g. body corporate</p> <p>Give full details of the type of business to be conducted at the establishment. If it is to be a sex shop, what types of goods are to be sold? If it is to be a cinema what types of moving pictures are to be exhibited?</p>	
<p>21. Individuals and others e.g. body corporate</p> <p>Full name and private address of registered offices of major suppliers of goods to be sold, displayed or exhibited at the sex establishment.</p>	
<p>22. Individuals and others e.g. body corporate</p> <p>Do any persons or companies who supply articles for sale at the premises to which this application refers have any interest in the ownership or management of the business for which a licence is sought?</p>	
<p>23. Individuals and others e.g. body corporate</p> <p>Give date and name of newspaper in which public notice of this application is to be made.</p>	

Question	Answer
<p>24. Individuals and others e.g. body corporate</p> <p>Give the names and addresses of two referees, none of whom shall be related to the applicant, the partners, the directors, or the secretary, neither should they be a fellow director, partner or the secretary. The referees should be either an M.P., J.P., Minister of Religion, City Councillor, Lawyer, Bank Officer, School Teacher, Police Officer or other person of a similar standing.</p>	

25. Individuals and others e.g. body corporate

In respect of each of the persons or bodies whose names are given in response to questions 2, 9, 10 and 11, give details of their previous convictions and of any previous convictions of their spouses.

NAME	COURT	OFFENCE	RESULT

I/We enclose the required fee

(cheques should be made payable to EXETERCITYCOUNCIL).

I/We confirm that the notice of this application in the form prescribed by the Exeter City Council will be published in a local newspaper circulating in Exeter not later than seven days after the date of this application and that such notice will be displayed for the period of twenty-one days beginning with the date of this application or near the premises and in a place where the notice can be conveniently be read by the public.

I/we confirm that a copy of this application will be sent to the Chief Superintendent of Police at Heavitree Road Police Station, Exeter, after the date of this application.

I/We understand that if any of the information given above is false in any material respect, I/We may be guilty of an offence for which I/We may be liable to a fine of up to £20,000.

Applicant's Signature: .....  
(or representative of applicant body)

Date:.....

## Appendix B – Site Notice and Newspaper Advertisement

### SITE NOTICE AND NEWSPAPER ADVERTISEMENT

For site notices, this notice must be printed on yellow A4 paper in black 16 point font.

For newspaper advertisements the advertisement must be at least the size set out below.

**APPLICATION FOR A SEX ESTABLISHMENT LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**PART II SCHEDULE 3.**

NOTICE IS HEREBY GIVEN THAT I/WE (full names)

.....

APPLIED ON (date).....

TO THE EXETER CITY COUNCIL IN RESPECT OF THE PREMISES KNOWN AS:

.....

.....

UNDER THE PROVISIONS OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART H, SCHEDULE 3. FOR A LICENCE TO USE THE PREMISES AS A SEX SHOP / SEX CINEMA./SEX ENTERTAINMENT VENUE

ANY OBJECTIONS TO THIS APPLICATION MUST BE SENT IN WRITING TO:

**ASSISTANT DIRECTOR ENVIRONMENT  
EXETER CITY COUNCIL  
CIVIC CENTRE  
EXETER  
EX1 1RQ**

NOT LATER THAN 28 DAYS AFTER THE DATE OF THIS APPLICATION, STATING THE GROUNDS OF OBJECTION. THE IDENTITY OF OBJECTORS WILL NOT BE REVEALED TO APPLICANTS UNLESS THE OBJECTORS SO AGREE IN WRITING.

(SIGNATURE OF APPLICANT).....

ADDRESS).....

.....

NOTE: THIS FORM IS RECOMMENDED FOR THE TEXT OF A NEWSPAPER ADVERTISEMENT FOR THE PURPOSES OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SECTION 3

## Appendix C – Standard Conditions

Regulations prescribing standard conditions applicable to licences for sexual entertainment venues

Made on the 23 July 2013

Coming in to force on the 3 September 2013

Revised 1 August 2015

The Council makes these regulations pursuant to Schedule 3 paragraph 13 of the Local Government (Miscellaneous Provisions) Act 1982.

### Definitions

1. In these Regulations, unless the context otherwise requires:
  - “the Code” means the Code of Conduct required under condition 23 below.
  - “Council” means Exeter City Council.
  - “Officer” means any person authorised in writing by the Council.
  - “Customer” means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
  - “Licensable activities” means the activities permitted by the Sex Establishment licence.
  - “Licensee” means the holder of a Sex Establishment licence under the Local Government (Miscellaneous Provisions) Act 1982.
  - “Other contact of a sexual nature” means contact which can reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
  - “Premises” means the premises licensed as a Sex Establishment.
  - “Private booth” means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.
  - “the Rules” means the Rules for Customers required under condition 23 below.

- “Sexual Entertainment Venue” shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.
- “Staff” means all those working at the premises whether employed or self-employed, including performers and door supervisors.
- “Unclothed” means when breasts and/or genitals and/or anus are fully or partially uncovered. For this purpose “partially uncovered” includes being covered in a transparent material.
- “New Psychoactive Substances” means ‘Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.’

## General – Sex Establishments

2. Every Sex Establishment licence granted, renewed or transferred by the Council shall be subject to the standard conditions set out in these Regulations unless they have been expressly excluded or varied by the Council.
3.
  - a) These conditions or any of them may be excluded or varied by the Council in any special case.
  - c) Any such exclusion or variation may be given unconditionally or on such terms and conditions and subject to such restrictions as the Council thinks fit.
  - c) If the licensee wishes any of these conditions to be excluded or varied, an application must be made to the Council pursuant to Schedule 3 paragraph 13(4) of the Local Government (Miscellaneous Provisions) Act 1982.
4. These conditions may be varied by further Regulation at any time.
5. In the event of any conflict between a condition contained in these Regulations and an individual condition contained in a Sex Establishment licence, the individual condition shall prevail.
6. The licence or a clear copy of the licence shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
7. The premises shall be maintained in accordance with the layout plan and front elevation plan approved by the Council and appended to the licence.
8. Private booths shall not be installed or used for sexual entertainment at any time.
9. The premises shall not be used for licensable activities before or after the hour specified in the licence for such activities.

10. The premises shall not afford public access to any other premises.
11. The licensee shall notify the Council as soon as is reasonably practicable, and in any event within ten working days, of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.
12. The premises may not be used as any other category of Sex Establishment other than as provided for in this licence.
13. The premises shall not sell New Psychoactive Substances

## Management

14.
  - a) At all times that the premises are open to the public the premises shall be supervised by a manager who is present on the premises and engaged in such supervisory activities.
  - c) A notice showing the name of the manager who is supervising the premises at any particular time shall be conspicuously displayed in a position where it can easily be seen by customers or officers on entering the premises.
  - d) The licensee shall ensure through training and monitoring that the manager understands the licence conditions, including the conditions set out in these Regulations and all Codes and Rules referred herein.
  - e) The licensee shall ensure that all managers are trained pursuant to paragraph c above before they first carry out management duties at the premises.
  - f) Ongoing training shall be provided for managers as appropriate.
  - g) A written record shall be kept in relation to training and monitoring of each officer pursuant to this condition.

- g) In this condition “manager” means a person over the age of 18 whose identity has been notified to the Council in writing at least 10 working days before engaging in supervisory activities pursuant to this condition.
15. All areas used for licensable activities shall be supervised at all times so as to ensure compliance with the conditions of the licence.

#### Age controls

16. No person under the age of 18 shall be admitted to any part of the premises at any time or be employed in the business of the Sex Establishment.

#### Exterior of premises

17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-

(i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.

(ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

18. The entrance and windows of the premises shall be so arranged that no person shall be able to see into the premises from outside.

#### Welfare of staff

19. No member of staff shall work at the premises until they have supplied:
- i. proof of age;
  - ii. evidence of a right to work in the UK;
  - iii. an official proof of identity such as passport or driving licence.
20. The licensee shall copy and retain on file the documents and other evidence required by condition 30 which shall be available for inspection by police officers and Licensing Officers at all times.

## Marketing of licensable activities

21. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the Council's area:
- personal solicitation, including on foot or from vehicles;
  - leafleting;
  - fly-posting;
  - handouts;
  - externally displayed advertisements, such as on billboards or cars.
22. No commission or gratuity whether in cash or kind shall be paid nor any other incentive offered to taxi or minicab drivers for bringing customers to the premises.

## Disabled people

23. All parts of the premises which are open to the public shall be accessible to disabled people save for WC facilities where there are other WC facilities specially designated for use by disabled people.

## Sex Entertainment Venues Only

### Conduct of Performers and Customers

24. a) The licensee shall provide to the Council a Code of Conduct for performers and any amended Code operated by the licensee from time to time and Rules for Customers.
- c) The licensee shall ensure that all performers are trained in the Code and the Rules before they first perform at the premises.
- d) Ongoing training shall be provided for performers, as appropriate
- e) A written record shall be kept in relation to such training.
- e) Copies of the Code and the Rules shall be prominently displayed in the performers' rest room and changing room.
25. a) At no time may any member of a staff other than a performer be unclothed.
- b) At all times during the performance the performer must be at least 1 metre from the customer or, where more than one customer, each of them.
- c) Prior to the performance or at the completion of the performance there may only be hand to hand payment for the performance.
- d) At no time except during the performance may a performer be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking donations for a performance.
- e) No member of staff may at any time (and whether or not performing):
- i. sit or lie on the lap or any other part of any customer;
  - ii. kiss, stroke, fondle, caress or embrace any customer;
  - iii. straddle any customer;
  - iv. engage in any other contact of a sexual nature with any customer;
- f) No performance may include:
- i. the use of sex articles or similar objects;
  - ii. the touching by performers of their own sexual organs;
  - iii. contact between performers;
  - iv. participation by members of the audience;
  - v. performance to standing customers except from a segregated, raised stage area.
26. a) No solicitation for sexual purposes shall take place on the premises.
- b) The licensee shall ensure that no telephone number, residential address, email address or other information that may facilitate further contact between performers and customers is conveyed on the premises.
27. The licensee shall devise, implement and maintain a system of monitoring, recording and enforcement to ensure that the Code and the Rules are observed by performers and customers at all times. Records of such monitoring, recording and enforcement

shall be maintained and disclosed to Police and Licensing Officers upon request.

28. The licensee shall devise, institute and maintain a policy for prevention of use of the premises for the taking of illegal drugs, whether by staff or customers. The policy shall include regular checks of the premises for evidence of drug use. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and records of checks and monitoring shall be available for inspection at all times by police or Licensing Officers.
29. The licensee shall maintain a record, including dates, of:
  - a) Incidents at the premises.
  - b) Refusals of entry.
  - c) Persons banned from the premises.

The record shall be available for inspection at all times by police officers and Licensing Officers.

30. The licensee shall assess all risks to the welfare of performers, including arising from their gender, and shall devise, institute and maintain a policy for the protection of their welfare while on the premises and when they leave the premises. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and monitoring records shall be available for inspection at all times by Licensing Officers.
31. Suitable changing, rest room, WC and shower facilities shall be provided for performers. The facilities shall comply with the following standards:

- a) The facilities shall be secure, private, for single sex use only and shall not be accessible by customers or, except with permission, by other members of staff or management.
  - b) The changing and rest rooms shall comprise an area or areas of a minimum of 2 square metres per performer engaged to perform at any one time.
  - c) The changing and rest rooms shall be located in the immediate vicinity of, but not within, WC areas.
  - d) Private and lockable storage units shall be provided for each performer for the safe keeping of valuables and clothing.
  - e) A supply of free drinking water shall be provided for all performers.
  - f) Sufficient sitting out space shall be provided for rest breaks for performers.
  - g) Adequate showers shall be provided for performers adjacent to, and directly accessible from, the changing facilities.
  - h) Adequate WCs shall be provided for performers in the immediate vicinity of the changing facilities.
  - i) The WC and shower facilities shall provide privacy and security from intrusion by others, and shall not be accessible or accessed by customers at any time.
32. Single sex WC facilities shall be provided for staff members other than performers. The facilities shall not be used by customers.
33. Doors and openings which lead to part of the premises to which the public are not permitted access shall have notices placed on them marked "NO ADMITTANCE".
34. Performers and customers shall not be permitted to share any external smoking area.
35. The licensee shall not fine performers for misconduct or any other reason.
36. Performers shall be afforded secure transport from the premises at the end of trading hours.
37. The licensee shall take all reasonable precautions and exercise all due diligence to prevent contact between performers and customers away from the premises.
38. The licensee shall employ a "house parent" to supervise and ensure the welfare of performers.

## Protection of customers

39. a) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices, including charges for the company of a hostess or performer.
- b) The tariff shall be:
- i. placed in such a position that it can easily and conveniently be read by customers before paying any fee for admission to the premises;
  - ii. at each bar in the premises;
  - iii. on each customer table at the premises.
- c) The tariff shall be drawn to the attention of every customer before they have paid any fees or charges.
- d) No charge shall be made to any customer except for a service and of an amount shown on the tariff.
- e) No charge shall be made to the customer for any drink provided for a hostess or companion unless the customer has specifically ordered it, having first been made aware of the cost.

## Conduct of customers

40. a) The licensee shall provide to the City Council the Rules.
- b) The licensee shall ensure that all performers are trained in the Rules before they first perform at the premises.
- c) Refresher training shall be provided for performers at least every six months.
- d) A written register shall be kept in relation to such training.
- e) Copies of the Rules shall be prominently displayed in the performers' rest room and changing room.
- f) The Rules shall be prominently displayed:
- i. at each bar in the premises;
  - ii. on each customer table at the premises.

## Management

41.
  - a) All public parts of the premises excluding WCs shall be covered by CCTV cameras at all times.
  - b) All CCTV cameras shall be set to record at all times.
  - c) The CCTV system shall be of sufficiently high quality, and the premises sufficiently lit throughout, to enable clear facial recognition of individuals at all times.
  - d) CCTV footage shall be retained for a minimum of 31 days and be available immediately on request by a police officer or Licensing Officer.
  - e) The licensee shall at all times display clearly visible and legible notices informing members of the public that the premises are covered by CCTV.
  - f) The licensee shall ensure that CCTV images are viewed only by police officers, Licensing Officers or other persons expressly authorised by him.
  
42. All entrances to the premises shall be supervised by door supervisors licensed by the Security Industry Authority (or any successor body) at all times that the premises are open to the public
  
43. The licensee shall maintain a register in a form approved by the Council recording which staff who are on duty at any time at which the premises are being used for licensable activities. On their request, the register shall be produced immediately to a police officer or a Licensing Officer.
  
44. All staff other than performers shall be clearly identified as members of staff.

## Age Control

45. The licensee shall implement and maintain a Challenge 25 policy, and a Challenge 25 notice to this effect will be posted on the exterior of the premises.

## Appendix D – Procedure for Hearings for Sex Establishment Licence Applications

1. This procedure shall apply to all hearings conducted under the provisions of the Local Government (Miscellaneous) Provisions Act 1982 (as amended) in relation to licences for sex establishments.
2. Public hearings conducted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 shall take the form of a discussion led by the Licensing Committee. Cross-examination will be permitted only when the Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Committee, on the points set out below.
3. At the start of the hearing the Chair of the Committee will introduce himself and other Members of the Committee as well as the Licensing and other officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.
4. The Chair will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of spokesman will be encouraged by the Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chair may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.
9. In the event that the Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.

10. The Chair will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Committee will then retire to consider their decision in the presence of the Licensing Solicitor. They may call for assistance by the representatives of the Licensing Authority but those persons will play no part in the decision-making process.
13. In due course, the Committee will return to announce their decision or to inform those present when the decision will be given.

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**LICENCE FOR SEX ESTABLISHMENT**

**Simply Pleasure SS04**

**UNDER SECTION 2 OF THE ABOVE ACT A LICENCE IS HEREBY GRANTED TO:**

**ABS Holdings**

Spring Lane  
Forest Gate  
Ringwood  
BH2 3FH

**LICENCED PREMISES SITUATED AT:**

**156 Sidwell Street  
Exeter  
EX4 6RT**

**AND TRADING AS:**

**Simply Pleasure**

**HOURS OF OPERATION:**

Monday to Saturday	9:00am	6:00pm
Sunday	10:00am	4:00pm

**Except Easter Sunday**

**VALIDITY:**

This licence is issued by Exeter City Council and is valid from **1 February 2025**  
The licence will expire on **31 January 2026**

**IMPORTANT NOTES**

This licence is granted subject to the standard terms and conditions and restrictions contained in regulations made by the authority relating to such licences set out in the Schedule attached.

The possession of this document does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing team, or public register of licences, available at <https://publicaccess.exeter.gov.uk/online-applications/>

**LICENSING AUTHORITY SIGNATORY**

Authorised Officer

**Simon Lane**  
Service Lead – Environmental Health and Community Safety

Signature



Date:

**4 March 2025**

# CONDITIONS

## Local Government (Miscellaneous Provisions) Act 1982

### Standard Licence Conditions for Simply Pleasure, Licence Number SS04.

#### Definitions

1. In these Regulations, unless the context otherwise requires:
  - “Council” means Exeter City Council.
  - “Officer” means any person authorised in writing by the Council.
  - “Customer” means any person visiting the premises other than employees or tradespersons.
  - “Licensable activities” means the activities permitted by the Sex Establishment licence.
  - “Licensee” means the holder of a Sex Establishment licence under the Local Government (Miscellaneous Provisions) Act 1982.
  - “Premises” means the premises licensed as a Sex Establishment.
  - “Sex Shop” shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.
  - “Staff” means all those working at the premises.
  - “New Psychoactive Substances” means ‘Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.’

#### General - Sex Establishments

2. Every Sex Establishment licence granted, renewed or transferred by the Council shall be subject to the standard conditions set out in these Regulations unless they have been expressly excluded or varied by the Council.
3. Exclusions:
  - a) These conditions or any of them may be excluded or varied by the Council in any special case.
  - b) Any such exclusion or variation may be given unconditionally or on such terms and conditions and subject to such restrictions as the Council thinks fit.
  - c) If the licensee wishes any of these conditions to be excluded or varied, an application must be made to the Council pursuant to Schedule 3 paragraph 13(4) of the Local Government (Miscellaneous Provisions) Act 1982.
4. These conditions may be varied by further Regulation at any time.
5. In the event of any conflict between a condition contained in these Regulations and an individual condition contained in a Sex Establishment licence, the individual condition shall prevail.
6. The licence or a clear copy of the licence shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
7. The premises shall be maintained in accordance with the layout plan and front elevation plan approved by the Council and appended to the licence.

8. The premises shall not be used for licensable activities before or after the hour specified in the licence for such activities.
9. The premises shall not afford public access to any other premises.
10. The licensee shall notify the Council as soon as is reasonably practicable, and in any event within ten working days, of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.
11. The premises may not be used as any other category of Sex Establishment other than as provided for in this licence.
12. The premises shall not sell New Psychoactive Substances

## **Management**

13. General:
  - a) At all times that the premises are open to the public the premises shall be supervised by a manager who is present on the premises and engaged in such supervisory activities.
  - b) A notice showing the name of the manager who is supervising the premises at any particular time shall be conspicuously displayed in a position where it can easily be seen by customers or officers on entering the premises.
  - c) The licensee shall ensure through training and monitoring that the manager understands the licence conditions, including the conditions set out in these Regulations and all Codes and Rules referred herein.
  - d) The licensee shall ensure that all managers are trained pursuant to paragraph c above before they first carry out management duties at the premises.
  - e) Ongoing training shall be provided for managers as appropriate.
  - f) A written record shall be kept in relation to training and monitoring of each officer pursuant to this condition.
  - g) In this condition “manager” means a person over the age of 18 whose identity has been notified to the Council in writing at least 10 working days before engaging in supervisory activities pursuant to this condition.
14. All areas used for licensable activities shall be supervised at all times so as to ensure compliance with the conditions of the licence.

## **Age controls**

15. No person under the age of 18 shall be admitted to any part of the premises at any time or be employed in the business of the Sex Establishment.

## **Exterior of premises**

16. The following matters and no other shall be displayed on the outside of the premises:
  - a) The name, style or title as approved by the Council.
  - b) The words “Licensed Sex Establishment” in characters no higher than 10cm.
  - c) The opening hours of the premises.
  - d) The street number, where appropriate.
  - e) A notice stating: “No admittance to persons under 18 years of age”.
  - f) Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Council.

17. The entrance and windows of the premises shall be so arranged that no person shall be able to see into the premises from outside.

### **Welfare of staff**

18. No member of staff shall work at the premises until they have supplied:

- i. proof of age;
- ii. evidence of a right to work in the UK;
- iii. an official proof of identity such as passport or driving licence.

19. The licensee shall copy and retain on file the documents and other evidence required by condition 18 which shall be available for inspection by police officers and Licensing Officers at all times. There is no requirement to provide this to the council, it merely needs to be retained securely on the premises.

### **Marketing of licensable activities**

20. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the Council's area:

- i. personal solicitation, including on foot or from vehicles;
- ii. leafleting;
- iii. fly-posting;
- iv. handouts;
- v. externally displayed advertisements, such as on billboards or cars.

**APPLICATION FOR A SEX ESTABLISHMENT  
LICENCE LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1982 PART II SCHEDULE 3.**

Notice is hereby given that on ...16/12/25.... I,  
Timothy Hemming of Simply Pleasure Ltd, Forest  
Gate Business Park, Spring Lane, Ringwood, Hants  
BH24 3FH applied to Exeter City Council in respect  
of the premises known as: Simply Pleasure.Com,  
156 Sidwell Street, Exeter, Devon, EX4 6RT under  
the provisions of the local government  
(miscellaneous provisions) act 1982, part h,  
schedule 3 for a licence to use the premises as a  
sex shop.

Any objections to this application must be sent in  
writing to Environmental Health And Licensing  
Manager, Civic Centre, Exeter. EX1 IRQ no later  
than 28 days after the date of this application  
stating the grounds of objection.

The identity of objectors will not be revealed to  
applicants unless the objectors so agree in writing.

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Name	Email Address	Objection Status	Objection
[REDACTED]	[REDACTED]	Withdrawn	<p>I am objecting to this for the reasons below.</p> <ol style="list-style-type: none"> <li>1. On a school route</li> <li>2. There's a drug and drink problem in Sidwell Street and the shops have a bad enough time and putting a sex shop will just exactly exacerbate the problems already there.</li> <li>3. <a href="#">Sidwell street</a> houses vulnerable people and it is nearly opposite the St Sidwell centre</li> <li>4. Health centre, which would attract elderly vulnerable people.</li> </ol>
[REDACTED]	[REDACTED]	Withdrawn subject to existing conditions being maintained.	<p>I am writing to object to the application of Simply <a href="#">Pleasure.Com</a>, 156 Sidwell Street.</p> <p>I am a local secondary school teacher and it concerns me that a sex shop opening on a prominent high street in Exeter, could encourage even more young people to illegally engage in pornography. By having a shop of this category on the high street, it normalises the topic of sex for pleasure, which in turn normalises pornography, which people view for sexual pleasure. It could be argued that this topic has its place in an over-18 environment, but the high street can be accessed by all people, including under-18s. Having a sex shop on the high street therefore goes against the government's best efforts at making pornography hard to reach for under-age people, further normalising under-age sexual activity.</p>

			<p>Several of the shops in the area are charity shops, which sell products for the benefit of the community. Many families, particularly in the cost of living crisis, go to these shops to buy clothing, so the footfall of under-18s is high at peak times.</p> <p>Thank you for reading my objection.</p>
			<p>We would like to object in the strongest possible terms to the opening of a sex shop at <a href="#">156 Sidwell Street</a>. We live in the area and know from first hand the problems and poor social behaviour that can occur there. This shop may well attract even more trouble.</p> <p>Also Sidwell Street is a very well used thoroughfare with young children and their parents going to the nearby primary school and local families walking to the shops etc, so we do not think this is a suitable venue for a sex shop.</p>
			<p>I am writing to object to the application from Simply Pleasure.com at 156 Sidwell Street on the basis of the following relevant policies</p> <ul style="list-style-type: none"> <li>. Local Government (Miscellaneous Provisions) Act 1982</li> <li>. Exeter City Council Sex Establishment Policy July 2013 (the Policy)</li> <li>. Sexual Entertainment Venue Home Office Guidance</li> <li>. The Human Rights Act 1998</li> </ul> <p>discretionary grounds set out in Schedule 3 Paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982.</p>

			<p>Paragraph 12(3)(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.</p> <p>And paragraph 12(3)(d) that the grant or renewal of the licence would be inappropriate having regard</p> <p>i. to the character of the relevant locality; or</p> <p>Page 5ii. iii. to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p> <p>paragraph 12(3)(c) of the Act and Policy 7 of the Council’s Sex Establishment Licensing Policy headed ‘The Number of Sex Establishments’. Policy 7 states that there is no locality within Exeter in which it would be appropriate to licence a Sex Entertainment Venue. Accordingly the appropriate number of this category of sex establishment for each and every locality within Exeter is nil.</p> <p>12(3)(d)(i) of the Act and Policy 8 of the Council’s Sex Establishment Licensing Policy headed ‘Character of Locality’. Policy 8states that sex establishments are unsuitable uses in localities whose character is or is significantly one or more of the following: educational, residential, religious, family leisure, late night entertainment and shopping.</p>
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			<p>Policy 9 of the Council’s Sex Establishment Licensing Policy headed ‘Vicinity’. Policy 9 states that the Council will not normally grant a licence where any premises within the vicinity are used for the following: School, place of worship, family leisure, domestic residential buildings, important historic buildings, youth facilities and important cultural facilities.</p> <p>Sidwell Street is one of the key pedestrian routes into the City Centre for visitors, residents and workers with a number of bus stops and the central Bus Station nearby. All of the above criteria is relevant as to why this type of premise’s is not suitable in this location.</p> <p><b>Residential</b></p> <p>Directly in the immediate location are multiple student accommodation blocks – approximately 1500 student rooms with further planning permission granted for more student blocks and co-living blocks in Summerland Street, The vast majority of university students live within the City centre (St James, Pennsylvania, Newtown St Leonards) and will pass through Sidwell St continuously throughout an average week.</p> <p>There are a large number of residential properties both on Sidwell Street and surrounding streets, residents of all ages live in the immediate area including families with children.</p>
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			<p><b>Educational establishments</b></p> <p>Exeter College is also located in the city and many students will be using Sidwell Street as their main route to the college or to access buses</p> <p>We have a number of primary schools located within this area – Newton Primary, St Sidwell’s Co of E, Stoke Hill Primary – some also have pre schools and the Grosvenor nursery is also located nearby.</p> <p>Many young people living in the locality will attend St James Secondary school and walk along Sidwell street daily to attend school.</p> <p>The Exeter Mosque is also located on York Road near to Sidwell Street and runs an Islamic school – this is very popular and many people use Sidwell Street to walk to the Mosque with their children to attend the school.</p> <p>As many bus routes are on Sidwell Street -or accessed via the bus station many school or college aged children will be walking through Sidwell Street daily to access public transport</p> <p><b>Family Leisure and Youth Facilities</b></p> <p>St Sidwells Point is located very close by – this is Exeter’s main family leisure centre and it offers a variety of family-based leisure activities at varying times of the day seven days a week. It would be impossible for many people to get to the leisure centre without access to Sidwell Street - and neither should families have to avoid a main road due to a premises of this nature.</p>
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		<p>The Bone Yard arcade is due to open its new premises at <u>108-182 Sidwell Street</u> – just yards away from this site. The Boneyard arcade is a much-loved family retro games arcade – it was mentioned by young people as being a great place for young teenagers to visit in a recent Customer Scrutiny meeting which focussed on safety in Sidwell Street.</p> <p>Positive light s project – this is a fantastic and very popular not for profit community arts based centre based on Sidwell Street which runs a number of activities for young people and children and families</p> <p>St Sidwells Community centre – this facility based in Sidwell Street is an invaluable recourse to families and the wider community, it offers training, meeting rooms, a café, inclusive events and support and mentoring services</p> <p>Both the Odeon and Vue Cinemas are located either on or near to Sidwell Street – these cinemas are used daily by families and young people both during the day and into the evening</p> <p><b>Religious buildings</b>  St Sidwells Chapel  St Sidwells Methodist church  Exeter Mosque – the mosque has around <u>2000-3000</u> users and many will access via Sidwell Street.  Pentecostal Church</p>
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		<p>Sidwell street is of course only a very short walk to the cathedral which welcomes thousands of visitors every year – we would very much hope that these visitors also chose to explore Exeter shopping areas and this kind of premises is simply not suitable for a main shopping and pedestrian area of the city.</p> <p><b>Late Night entertainment</b>  Sidwell Street has a bustling late night economy – the road is often very busy until late in the evening  The Duke of York recently successfully applied for a later licence and some food venues now operate with 24 hour opening  Cafes and restaurants on Sidwell Street reflect the diverse nature of the area and appeal to residents, families, students, visitors – such as football fans, tourists,  Other late opening premises include betting shops and supermarkets.  Sidwell Street is also close to nightclubs such as Timepiece which operates <u>until 2am</u> Tuesday- Saturday – this is a popular club with students many of whom will be walking back through Sidwell Street late at night.</p> <p><b>Cultural and Heritage</b>  Exeter welcomes almost 120,000 visitors a year – many will be visiting the city to see cultural sites such as the cathedral which is just a short walk away from Sidwell Street or The underground tunnels on nearby Paris Street which attracts around 15,000 visitors a year. Sidwell Street is known for its diverse restaurants and attracts a lot of football generally</p>
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			<p>from passing visitors who may have parked nearby or be visiting Exeter for football or to attend the mosque, be family visiting students at the university.</p> <p><b>Local Crime</b></p> <p>Sidwell Street area has the 8th highest crime rate of 399 local areas in Exeter, it is considered a local crime hotspot. Overall crime levels in this area are significantly higher than in the surrounding streets and the wider area. Specific policing activity has been focussed on Sidwell Street to try and tackle some of the key issues of crime and Anti Social Behaviour</p> <p>The overall crime rate in the area around Sidwell Street (EX4 6RH) in the last 12 months was 792.2 per 1,000 residents and was 485.4% higher than the Newtown and St Leonard's average (135.3 per 1,000 residents). In the last 12 months, this area's most reported crimes were <b>Violence and sexual offences</b> with 188 offences recorded</p> <p>Reports of sexual assault and rape have increased across Exeter in 2024, instances of sexual assault and rape recorded in the postcode EX4 have increased in the past 3 years, rising from 146 in 2021 to 185 in 2023. Reports of sexual assault</p>
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			<p>and rape in 2024 had reached 189 by September — in nine months already surpassing reports across the whole of 2023. This reached a peak in September with 29 reports of sexual assault and rape across the month.</p> <p>Sidwell Street also suffers from ongoing issues relating to street attached an homeless individuals, both in terms of behaviour caused by those who may be intoxicated or using drugs, but also recognising that street attached and homeless individuals are vulnerable and at risk of exploitation from prostitution, grooming and county lines as well as being at risk of being victims of violent and sexual crimes themselves.</p> <p><b>Violence against women and girls – the national picture</b></p> <p>A woman is killed by a man <a href="#">every three days in the UK</a>. Violence against women and girls makes up <a href="#">just under 20% per cent of all recorded crime in England and Wales</a>. In the year ending March 2023, police recorded 103,135 rape and serious sexual offences.</p> <p>In 2024, police chiefs declared VAWG a national emergency through <a href="#">a national statement</a>, calling for a whole-system approach that brings together criminal justice partners, government bodies, health and education to collectively tackle the threat, through</p>
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			<p>earlier identification of perpetrators and prevention work.</p> <p><b>Exeter SWaN Charter</b></p> <p>Exeter City Council has made a very clear commitment to the safety of women and girls through the Safety of Women at Night (SWaN) Charter developed as part of Exeter's commitment to keeping the city a safe place, where women feel confident and safe at night.</p> <p>The Charter is a voluntary pledge to prioritise the safety of women in Exeter, and to acknowledge it is the responsibility of all of us to take practical steps together to keep our city safe for everyone.</p> <p>The Charter unites organisations in developing a whole-city approach to reducing violence against women and girls and keeping them safe at night in Exeter.</p> <p>The following Exeter specific factors illustrate why this Charter is important:</p> <ul style="list-style-type: none"> <li>• Recent criminal convictions for murder and serious assaults against women in the city</li> <li>• The increase in women reporting rape and sexual assault during and post-lockdown</li> <li>• Growing concerns of drink spiking and assaults using needles</li> <li>• Predominance of city centre anti-social behaviour in the evening</li> </ul>
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			<ul style="list-style-type: none"> <li>• Increase in numbers of homeless women in the city</li> <li>• Women at risk from County Lines gangs</li> <li>• Women have told us why they feel unsafe in Exeter through the SWaN survey</li> </ul> <p>The survey, by the Safety of Women at Night (SWaN) project, asked 1,500 women their views. <b>More than 85% of women feel unsafe walking alone down a street at night in Exeter city centre, a survey has found</b></p> <p>More than 70% of respondents said they were more likely to feel unsafe in outside spaces, such as making their way home, while more than 42% said they were likely to feel unsafe moving between establishments.</p> <p>A quarter of those polled also said they had been affected by a sexual offence while one third said they had been harassed in the last three years.</p> <p>The high violent and sexual crime number in Sidwell Street show that there is a serious issue in this area and women routinely report feeling unsafe walking through Sidwell Street – particularly in the evening.</p> <p>I can find no evidence to suggest that this business has even signed up to the SWaN Charter – perhaps this says a lot about how much of a priority they place on understanding</p>
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			<p>the issues relating to sexual violence and the specific impact on women and girls.</p> <p>These kinds of premises will do nothing to help women feel safe in Exeter – the irony is that the annual reclaim the night march also takes place in Sidwell Street- where this organisation feels is an appropriate place to have a sex shop. It is clear that they have either little understanding of the serious issues facing women regarding sexual violence or simply to not care about it.</p> <p>Women and girls have a right to feel safe in any place at any time of the day, a high street used by women and girls of all ages is a completely inappropriate place to even consider placing a venue of this nature.</p> <p>Two similar applications have been made in the past by a business also based on Sidwell Street. They were refused a license on both occasions for the reasons I have highlighted within this objection. Given the same circumstances apply to this application I hope that it will also be refused.</p>

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Inspection Sheet**  
**Sex Establishment**

**Premises Name**      Simply Pleasure Licence No SS04

**Premises Address**   156 Sidwell Street, Exeter, EX4 6RT

**Telephone number**   01392 258589

**Date and time of Inspection** 21.01.26 at 10.00hrs      **Inspected by** N J Marston

**Name of person seen:**      [REDACTED] - Interim Store Manager

LG(MP)A 1982	Compliant (Y/N)	Notes
Premises licence or clear copy prominently displayed?	Yes	On display behind the counter
Is the layout the same as that attached to the licence?	Yes	
Are the opening hours the same as those specified on the licence?	Yes	
Do the premises allow access to any other premises?	No	No access to any other premises.
Was there a manager on site at the premises?	Yes	Henri Martin
Was there a notice stating who the duty manager is?	Yes	On display behind the counter
Did the manager have a good knowledge of the licence conditions?	Yes	Knew conditions
Did the premises have any Psychoactive substances available for sale?	No	None are available or sold at the premises.
Were there training records available for all managers?	Yes	Training records kept in individual folders at the counter
Were there training records available for all staff?	Yes	Training records kept in individual folders at the counter
Age policy in place? How staff and customers made aware of the policy?	Yes	All staff trained that there is no admittance to under 18's.
Was the fact that the premises is a licensed sex establishment displayed outside the premises?	Yes	Wording used is "Licensed Adult Superstore on front elevation. See attached photograph.

Were the opening hours displayed outside the premises?	Yes	Displayed on the door. See attached photograph.
Was the street number displayed outside the premises?	Yes	On the front elevation. See attached photograph.
Was a notice displayed stating "No admittance to persons under 18 years of age"?	Yes	Displayed on the door. See attached photograph.
Are the entrance and windows of the premises arranged so that no person can see into the premises from outside?	Yes	
Are the required pre-employment checks being carried out and documented?	Yes	
Are there any areas of concern?	No	No concerns fully compliant premises

**Outcome of Inspection**

Letter to follow

No action required

Referral to other agency

Signed . [Redacted] .....Authorised Officer... *NIGEL J MARSTON*

Signed .. [Redacted] .....Name... [Redacted] .....

**Licensing Inspections**

The Local Government (Miscellaneous Provisions) Act 1982 is enforced by the Licensing Authority, Trading Standards and the Police. The purpose of the inspection is to ensure that you are complying with the authorisation issued under the Act namely a Sex Shop Licence.

**Who will inspect your business?**

Authorised Officers of the Licensing Authority have the power to enter and inspect:

- premises with a sex shop licence or with an application pending;
- any licensed or unlicensed premises that are offering any of the licensable activities.

It is an offence to obstruct a Licensing Officer in the exercise of their duties.

**What are you entitled to expect from the Licensing Officer?**

- To be shown identification;
- A courteous manner;
- Feedback from the inspection;
- A clear distinction about what you must do to comply with legislation and conditions and what the Licensing Officer is recommending as good practice.
- To be informed of the disputes and complaints procedures.

WINDOW

DISPLAY

DISPLAY

FIRST FLOOR

DISPLAY

STOCKROOM/STORAGE

STAIRS

STAIRS

ENTRANCE TO DVD ROOM

DISPLAY

DISPLAY

DISPLAY

DISPLAY

DISPLAY

WINDOWS

WINDOWS

WINDOWS

BACK  
EXIT

STAFFROOM

LOO

ENTRANCE

STOCKROOM

BACK DOOR

DISPLAY

DISPLAY

GROUND FLOOR

STAIRS

DISPLAY

DISPLAY

DISPLAY

CUPBOARD

DISPLAY

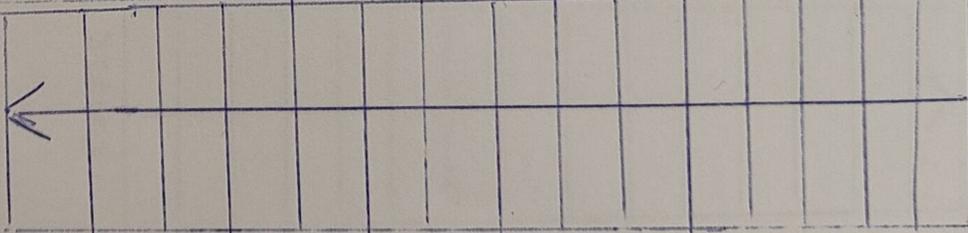
FRONT ENTRANCE

TILL

WINDOW

WINDOW

WINDOW



STAIRS

SECOND FLOOR

WINDOW

WINDOW

WINDOW

**WARNING**  
**PERSONS PASSING**  
**BEYOND THIS NOTICE**  
**WILL FIND MATERIAL**  
**DISPLAYED WHICH THEY**  
**MAY CONSIDER INDECENT**

**NO ADMITTANCE**  
**TO PERSONS UNDER**  
**18 YEARS OF AGE**

**OPENING HOURS**  
**MONDAY - SATURDAY**  
**10AM - 6PM**

 **SIMPLY PLEASURE**  
*Pleasure in all the right places... X*

**WE ARE**  
**NOW OPEN**  
**EVERY**  
**SUNDAY**  
**11AM - 4PM**



**SIMPLY PLEASURE**

*Pleasure in all the right places... X*

**OPENING TIMES  
MONDAY - SATURDAY  
10:00 - 18:00**

**156 SIDWELL STREET,  
EXETER, DEVON.  
EX4 6RT**

**TEL: 01392 258 589**



CCTV cameras in operation.  
Images are being  
monitored for the purpose  
of security. This scheme is  
controlled by ABS Holdings.  
For further information  
contact 01202 868 511



SIMPLY  
PLEASURE.COM

PROWLER 



156

LICENSED ADULT SUPERSTORE

156

NO PERSON  
BEYOND  
WILL FINL  
DISPLAYED  
MAY CONSID

NO ADMIT  
TO PERSON  
18-YEARS

OPENING  
MONDAY -  
10AM

WE ARE  
NOW ON  
EVERY  
SUNDAY  
11AM -



MESSOPOTAMIA FOOD BAZAAR

OFF LICENCE ORGANIC PRODUCTS BROCCERY / FRUIT - VEG BUTCHERY DAIRY PRODUCTS FROZEN FOODS INTERNATIONAL FOOD



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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Equality Impact Assessment: *Sex Shop Renewal Application – Simply Pleasure Limited*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

<b>Committee name and date:</b>	<b>Report Title</b>	<b>Decisions being recommended:</b>	<b>People with protected characteristics potentially impacted by the decisions to be made:</b>
Licensing Committee 27.02.2026	Sex Shop Renewal Application – Simply Pleasure Limited	No recommendation	

**Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers; asylum seekers).			
<b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.			
<b>Sex/Gender</b>	Positive	Low	In terms of gender, the SEV policy was deemed to have a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers and controlling the external appearance, advertising and solicitation associated with such premises. roles in the leisure industry. The Council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.
<b>Gender reassignment</b>			
<b>Religion and belief</b> (includes no belief, some philosophical beliefs such			The SEV policy holds that sex establishments are inappropriate near to particular sensitive uses, including schools, places of

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
as Buddhism and sects within religions).			worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon faith groups and minority faiths groups. The application does not contain any additional information that would change this. The application site is close to several churches and Exeter Islamic Centre
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).	Positive	Medium	The store caters for all sexual orientations
<b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			The SEV policy holds that sex establishments are inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children. The application site is close to a primary school. The application does not contain any additional information that would change this.
<b>Pregnancy and maternity</b> including new and breast feeding mothers			
<b>Marriage and civil partnership status</b>			

**Actions identified that will mitigate any negative impacts and/or promote inclusion**

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**Officer: Nigel J Marston**

**Date: 06.02.2026**

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The Licensing Officer,  
Exeter City Council.

Good evening,

I am writing to object to the application by Mr Hemming, Simply [Pleasure.com](http://Pleasure.com), to use the above premises as a sex shop.

My objection is on the following grounds:

1. Public safety. Exeter has a commitment to the safety of women at night charter (SWaN) and has encouraged local businesses to sign up and support this initiative. This business would be likely to undermine the initiative and harm the safety of the area. Many women who already feel unsafe in the city (not only at night) are likely to feel their safety is threatened further by premises that attract customers of the sex industry into their neighbourhood. Hardworking existing food stores, barber shops and food outlets on Sidwell St, which bring the neighbourhood its income, energy, diversity and vibrancy, may lose custom from those who feel unsafe and unwelcome in the vicinity of a sex shop.
2. Protection of children. Few city councils can have failed to be concerned by the emergence of evidence that many vulnerable children and young people have been groomed, abused and exploited by adult sexual predators in cities across Britain, often centred on premises with a legal purpose, where children have been attracted by offers of food, drink etc. Premises for the sex industry, however much they adhere to the law inside, may attract customers who stay in the vicinity, and of these some may be a serious threat to vulnerable children.

The application appears to present a serious negative change to the safety of the Sidwell St area.

Yours sincerely,



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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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