

Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Friday, 5 April 2024 at 10.30 am
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)

Councillor Ashley Baxter, Councillor Harrish Bisnauthsing, Councillor Helen Crawford, Councillor Steven Cunnington, Councillor Patsy Ellis, Councillor Paul Fellows, Councillor Jane Kingman, Councillor Robert Leadenham and Councillor Nikki Manterfield

Agenda

- 1. Apologies for absence**
- 2. Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
- 3. Minutes of the meeting held on 16 February 2024** (Pages 3 - 8)
- 4. Application Renewal: Pulse and Cocktails, A1 Southbound, Stoke Rochford, Grantham, NG33 5EW** (Pages 9 - 50)
Committee to determine an application to renew a Sex Establishment Licence for Pulse and Cocktails on the A1 Southbound, Stoke Rochford, report ENV878 from the Licensing Officer.
- 5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

This page is intentionally left blank

Minutes

Licensing Committee

Friday, 16 February 2024,



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)

Councillor Ashley Baxter
Councillor Harrish Bisnauthsing
Councillor Steven Cunnington
Councillor Patsy Ellis
Councillor Jane Kingman
Councillor Robert Leadenham
Councillor Nikki Manterfield

Cabinet Members present

Councillor Phillip Knowles (Cabinet Member for Corporate Governance and Licensing)

Officers

Graham Watts (Monitoring Officer)
Heather Green (Licensing Manager)
Mandy Braithwaite (Legal Advisor)
Amy Pryde (Democratic Services Officer)

43. Apologies for absence

Apologies for absence were received from Councillors' Helen Crawford and Paul Fellows.

44. Disclosure of interests

There were none.

45. Minutes of the meeting held on 2 February 2024

The minutes of the meeting held on 2 February 2024 were proposed, seconded and **AGREED**.

46. Hackney Carriage and Private Hire Licensing Policy - Review of Department of Transport Consultation Response

The Licensing Manager presented the report.

The current Policy had been adopted and became operational on 1 April 2021. The Policy was fundamental to protecting public safety and keeping people from harm

and provided the framework upon which the Authority delivers its statutory functions relating to hackney carriage and private hire licensing.

The Department for Transport (DfT) issued a public consultation document, which the Licensing Committee considered on 10 May 2022 and approved the response submitted on behalf of South Kesteven District Council. In November 2023, the DfT's consultation response was issued.

The Cabinet Member for Corporate Governance and Licensing provided further background and history of the policy. Concern was raised on the opinion of local taxi drivers.

The Cabinet Member for Corporate Governance and Licensing read out a statement on behalf of Councillor Tim Harrison.

Members queried the timeframe in which a decision had to be made on the policy.

It was confirmed that the policy decision had no official deadline. It was further clarified that dependent upon the decisions Licensing Committee would take during the meeting in regard to consultations that may be voted for, that the consultation response may not be considered by Full Council on 29 February 2024.

Appendix 1 provided a table showing a summary of areas in the revised guidance which were inconsistent with the Council's existing Policy. The roles of licensing authorities were discussed individually:

Role of Licensing Authorities

3.7 – Changing licensing policy and requirements

The Committee queried whether any consultation with taxi drivers had taken place.

One Member questioned how regularly English tests were completed in regard to the review of licences.

The Licensing Manager confirmed that the review of licences were every 3 years. It was noted that there had been a number of complaints from passengers on the level of English spoken by drivers.

The English test taken by licence holders was discussed, drivers were not required to re-take the English test at the point of renewing their licence.

It was highlighted that drivers were required to provide proof of GCSE English qualification to be exempt.

It was proposed, seconded and **AGREED** to only review licences already issued, it was agreed for this to not go out to consultation.

Accessibility

Wheelchair Accessibly Vehicles (WAV)

Members discussed the different sizes and types of wheelchairs and whether they would fit into certain taxis.

It was highlighted that drivers had a duty of care to assist a disabled passenger. It was driver's discretion as to whether they could transport a disabled passenger safely in regard to the size of the wheelchair they can accept, as there was no defined 'standard' size of wheelchair.

A query was raised around accepting assistance dogs into vehicles.

It was proposed, seconded and **AGREED** to not consider amending the policy and for this to not go out to consultation.

Communication barriers

4.2. It was proposed, seconded and **AGREED** to not consider amending the policy and for this to not go out to consultation.

4.2.1. Clarification was sought around drivers refusing to accept assistance dogs.

It was confirmed that drivers may refuse assistance dogs, on the basis that the driver has a medical exemption.

It was proposed, seconded and **AGREED** to amend the policy to ensure the Council provides large print/braille to licence holders and for this to not go out to consultation.

4.2.2. It was proposed, seconded and **AGREED** to not consider whether a wider definition be included within the policy and for this to not go out to consultation.

4.7 – Assistance for all passengers

Members discussed the extent of assistance that could be provided by a taxi driver to a disabled passenger.

The Licensing Manager clarified that the extent of assistance was not covered within the policy, however, licence holders were required to undertake disability training to assist disabled passengers. and add into the policy re assisting passengers to leave or when leaving the vehicle.

It was proposed, seconded and **AGREED** for the assistance of passengers entering or leaving the vehicle to be included within the policy. It was agreed for this to not go out to consultation.

Enforcing the Licensing Regime

5.5 – Points based enforcement systems

The Committee discussed the effectiveness of the 12-month duration for points and whether any evidence saw any improvements from drivers.

Members suggested that the duration be extended from 12 months to 3 years.

It was proposed, seconded and **AGREED** to increase the duration for points to 3 years for drivers and 5 years for operators. It was agreed for this to not go out to consultation.

Driving Licences

6.3 – Disability awareness

It was proposed, seconded and **AGREED** to add a requirement of training in disability awareness for drivers and for this to not go out to consultation.

6.4 – Driver proficiency

Members raised concerns around the costings of training/assessments on attitudes and behaviours. It was noted that taxi companies may not have the funds to provide training to drivers.

It was proposed, seconded and **AGREED** to include the requirement for taxi and private hire drivers to undertake training/assessments focussed on attitudes and behaviour, at first application and renewal. It was agreed for this to not go out to consultation.

6.5 – Acceptance of non-uk driving licence

It was proposed, seconded and **AGREED** to not change the requirement of drivers having to hold a driving licence issued by the UK or EC/EEC for 12 months which had been registered with DVLA. It was agreed for this to not go out to consultation.

6.13 – Vehicle condition check

Members raised the importance of ensuring a vehicle was safe before transporting members of the public.

It was proposed, seconded and **AGREED** to accept the requirement for a driver to undertake a walkaround check before the vehicle is used. It was agreed for this to not go out to consultation as a whole, however, consultation should take place on whether drivers should be issued with 6 points if the checks were not completed.

(The meeting adjourned for a 5 minute break)

Private Hire Operator Licensing

7.2 – Disability Awareness

It was proposed, seconded and **AGREED** to include disability awareness training for all customer facing roles and people managing service delivery. It was agreed for this to not go out to consultation.

Vehicle Licensing

8.3 – Pedicabs & Rickshaws

It was proposed, seconded and **AGREED** to not consider amending this aspect of the policy and for this to not go out to consultation.

8.4 – Vehicle age limits

The Committee discussed whether other authorities had age limits of vehicles.

One Member suggested that the age limit be changed to 8 years from first registration. The average miles a car could do per year was discussed.

Concern was raised on health and safety of public in relation to climate control with older vehicles.

It was highlighted that cars registered after September 2015, were compliant with Euro 6 emission monitoring.

It was proposed, seconded and **AGREED** for a 4-week consultation to take place and for the results to be taken to Full Council on 23 May 2024.

8.5 – Vehicle safety ratings

It was proposed, seconded and **AGREED** to not consider amending this aspect of the policy and for this to not go out to consultation.

8.6 – Environmental considerations

It was proposed, seconded and **AGREED** to add the below requirement to the policy:

- *Euro 6 was September 2014 (new approvals) and September 2015 (most new registrations). So if your car was registered after this date, it's likely to be Euro 6 compliant.*

It was agreed for this to go out to consultation (as at 8.4 – Vehicle age limits).

(Councillor Harrish Bisnauthsing left the meeting at 12:20)

8.9 – Accessible Fleet

Members queried whether there was a taxi register on vehicles that were suitable for wheelchair users.

It was confirmed that taxi registers of accessible fleet was published online.

It was proposed, seconded and **AGREED** to not consider adding the requirement to the policy and to not go out to consultation.

8.11 – Accessibility equipment

It was proposed, seconded and **AGREED** that the requirement was desirable but not enforceable. It was agreed to not go out to consultation.

8.12 – Vehicle identification and signage

It was proposed, seconded and **AGREED** to not consider adding the requirement to the policy and to not go out to consultation.

8.13 – Passenger capacity

It was proposed, seconded and **AGREED** to continue to take the seating capacity from the V5 document. It was agreed to not go out to consultation.

8.14 – Carrying children

Members queried whether the child's parent or the driver should be responsible in relation to licensing capacity of the vehicle.

It was proposed, seconded and **AGREED** to include that children aged 3 years and over count towards the vehicle capacity. It was agreed to not go out to consultation.

8.16 – Partitions in vehicles

It was proposed, seconded and **AGREED** to not consider adding the requirement to the policy and to not go out to consultation.

8.17 – In vehicle visual and audio recording – CCTV

One Member queried whether Local Authorities would pay for CCTV in their licensed fleet vehicles. The cost of CCTV in fleet vehicles could cost anywhere between £300-£500.

Concern was raised on issues in regard to GDPR around CCTV in taxi vehicles.

It was proposed, seconded and **AGREED** to not consider adding the requirement to the policy and to not go out to consultation.

47. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

There were none.

48. Close of meeting

The Chairman closed the meeting at 13:10.



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Licensing Committee ENV878

5 April 2024

Pulse and Cocktails, A1 Southbound, Stoke Rochford, Grantham, NG33 5EW

Report Author

Elizabeth Reeve, Licensing Officer

 licensing@southkesteven.gov.uk

Committee to determine an application to renew a Sex Establishment Licence for Pulse and Cocktails on the A1 Southbound, Stoke Rochford.

Recommendations

The Committee decide whether to approve the renewal application for a Sex Shop Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Healthy and strong communities

Which wards are impacted?

All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 If a licence is granted the appropriate licence fee as outlined in the report will need to be levied upon the establishment. The only other potential financial impact is in the event of an applicant making an appeal against a decision which was then subsequently upheld, the Council may incur additional legal costs.

Legal and Governance

- 1.2 The grant, renewal and transfer of licences for sex establishments are governed by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009.
- 1.3 The Committee should consider any representations from the Chief Officer of Police or any other person who objects to the application and has submitted a representation in writing.
- 1.4 The proper grounds for considering the application are found within the body of the report. The decision to grant or refuse the licence must be reasonable and proportionate and made in accordance with the attached sex establishment procedures. Any refusal must be supported by evidence that the statutory grounds for refusal are met and full reasons must be given to the applicant.

Community Safety

- 1.5 Community Safety implications will be considered in accordance with Section 17 of the Crime and Disorder Act 1998.

2. Background to the Report

- 2.1 The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to permit the Licensing Authority to license Sex shops.
- 2.2 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-
 - c. sexual activity; or
 - d. acts of force or restraint which is associated with sexual activity. This includes adult films and magazines.
- 2.3 Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds. These are:

Mandatory grounds

The Council must refuse an application if:

- a. the applicant is under 18 years of age; or
- b. the applicant is for the time being disqualified from holding a licence under Schedule 3 Paragraph 17 (3) of the Act following revocation of a previous licence; or
- c. the person applying is not resident in the United Kingdom, or was not so resident during period of six months immediately preceding the date when the application was made; or
- d. where a body corporate is the applicant - it is not incorporated in the United Kingdom; or
- e. the applicant has been refused the grant or renewal of a licence for the same premises within a period of 12 months immediately preceding the date when the application was made, unless the refusal has been reversed on appeal.

Discretionary grounds

The Council may refuse an application for the grant or renewal of a licence if:

- a. the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- b. the business 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 or sex establishments of a particular type in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality;
- 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
 - (ii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.”

2.4 The applicant has run a sex shop at these premises since April 2009. There have been no complaints about these premises during this time.

2.5 We received the renewal application and a fee of £1874 for Pulse & Cocktails to hold a Sex Shop Licence on 5th February 2024. We have received no objections during the 28-day consultation period. (Appendix 3)

2.6 They are not varying the licence in any way and are only applying to renew the licence as it stands. The days and times the premises are open are:

Monday – Sunday, 09:00 to 22:00hrs (including Bank Holidays)

3. Key Considerations

3.1 When determining the application, the Committee shall have regard to:

- a. The authority’s sex establishment procedures. (Appendix 1)
- b. The Human Rights Act 1998.
- c. SKDC’s regulations prescribing standard conditions. (Appendix 2)
- d. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

3.2 The options open to the Committee are:

- a. To renew the application as applied for.
- b. To renew the application with modifications and/or additional conditions.

- c. Refuse the renewal. If, having considered the renewal application the committee decides to refuse it, it must provide the applicant with the reasons for the decision in writing.

4. Other Options Considered

- 4.1 None identified.

5. Reasons for the Recommendations

- 5.1 The recommendations outlined follows legislative requirements.

6. Consultation

- 6.1 The Statutory 28-day consultation period took place between 5 February 2024 and 4 March 2024.

7. Background Papers

- 7.1 [Schedule 3 of the Local Government \(Miscellaneous Provisions\) Act 1982](#)
[Human Rights Act 1988](#)

8. Appendices

- 8.1 Appendix 1 – South Kesteven District Councils sex establishment procedures
Appendix 2 - SKDC's regulations prescribing standard conditions
Appendix 3 – Pulse & Cocktails application form

This page is intentionally left blank

APPENDIX 1



SEX ESTABLISHMENTS

SOUTH KESTEVEN DISTRICT COUNCIL

PROCEDURES

Revised 6 January 2015

CONTENTS

SECTION		Page No.
1.	INTRODUCTION AND DEFINITIONS	3
2.	BACKGROUND	4-6
3.	MAKING AN APPLICATION	6-8
4.	DETERMINATION OF APPLICATIONS	8-11
5.	HEARINGS	11-12
6.	APPEALS	12-13
7.	ENFORCEMENT	13
8.	MONITORING AND REVIEW	13
9.	EQUALITY AND DIVERSITY	13-14
APPENDIX		
1.	HEARING PROCEDURES	15-16

1. INTRODUCTION AND DEFINITIONS

1.1 Introduction

South Kesteven is one of the biggest and most widespread districts in the UK, covering 365 square miles of some of England's finest countryside. Our four traditional market towns: Grantham, Stamford, Bourne and The Deepings, together with over 80 villages, are home to over 132 000 residents.

For more information about South Kesteven go to www.southkesteven.gov.uk.

1.2 Definitions

In this document the following phrases bear the following meanings:-

'Act'

The Local Government (Miscellaneous Provisions) Act 1982 (as amended).

'Committee'

Licensing Committee (South Kesteven District Council)

'Council'

South Kesteven District Council.

'Display of nudity'

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- in the case of a man: exposure of his pubic area, genitals or anus.

'Licensed Premises'

The premises, vessel, vehicle or stall licensed by the Council as a Sex Establishment.

'Licensing Act'

The Licensing Act 2003

'Licensing Officer'

The Council's licensing officer located at Council Offices, St Peters Hill, Grantham, Lincolnshire. NG31 6PZ

'Organiser'

Any person who is responsible for the organisation or management of the relevant entertainment or the licensed premises.

‘Permitted Hours’

These are the hours of activity and operation that have been authorised under a Sex Establishment Licence.

‘Procedures’

This document.

‘Relevant Entertainment’

Relevant entertainment as defined by Schedule 3, Paragraph 2A (2) of the Act.

‘Relevant Locality’

The locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the Council to decide and will be determined on a case by case basis for the purpose of decision making.

‘Sex Article’

A sex article as defined by Schedule 3, Paragraph 4 (3) of the Act.

‘Sex Cinema’

A sex cinema as defined by Schedule 3, Paragraph 3 (1) of the Act.

‘Sexual Entertainment Venue (SEV)’

An SEV as defined by Schedule 3, Paragraph 2A (1) of the Act.

‘Sex Establishment’

A sex establishment as defined by Schedule 3, Paragraph 2 of the Act.

‘Sex Shop’

A sex shop as defined by Schedule 3, Paragraph 4 (1) of the Act.

‘Transitional Order’

The Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Saving Provisions) Order 2010.

2. BACKGROUND

Origins of the legislation

- 2.1 In 1982 the Act introduced a discretionary licensing regime for sex shops and sex cinemas. These provisions were adopted by South Kesteven District Council on 1st February 1983.

- 2.2 In 2005 the Licensing Act introduced a new licensing regime which amalgamated several pieces of old legislation under the heading "Provision of regulated entertainment". Entertainment of an adult nature such as lap dancing, pole dancing and striptease etc. fell under this heading. However, the power for the community to object to such applications was restricted, as any objection needed to relate to the four specified licensing objectives. This made it difficult for local communities to have any control on the number and/or location of these types of venues.
- 2.3 In order to address these concerns the Policing and Crime Act 2009 introduced provisions creating a new category of Sex Establishment known as a Sexual Entertainment Venue (SEV) to enable local authorities to require venues such as lap dancing establishments to be licensed as Sex Establishments. These provisions are also discretionary but the Council adopted them with effect from 8 April 2011.

Sex Establishments

- 2.4 The definitions contained within the Act are complex defining three types of sex establishments licensable by this Council:
- Sex Shop;
 - Sex Cinema;
 - SEV.
- 2.5 In general -
- "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 is associated with sexual activity." This includes adult films and magazines.
 - "sex cinema means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –
 - (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions;" (e.g. pornographic movies). However, dwelling houses and cinemas showing films covered by the Licensing Act (e.g. a film rated by the British Board of Film Classification) are excluded from this definition.

- SEV "means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." "...relevant entertainment" means
 - (a) any live performance; or
 - (b) any live display of nudity;which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)." Nudity is not a necessary element of such a performance and an audience can comprise one person. The term 'SEV' is therefore likely to cover lap dancing, pole dancing, table dancing, strip shows, peep shows, live sex shows and potentially, burlesque.

2.6 These procedures apply to all forms of sex establishments unless otherwise stated. Whilst the Act allows applicants to apply to the Council for the requirement for a licence to be waived, the presumption is that such applications will be refused. Waivers will only be granted where applicants can establish that exceptional circumstances exist making it unreasonable or inappropriate for the premises to be licensed as a sex establishment.

3 MAKING AN APPLICATION

3.1 All applications relating to sex establishments **must**:-

- be made on the Council's prescribed form which is available from the Licensing Section at the Council or via the website at www.southkesteven.gov.uk; and
- must be accompanied by a layout plan (for premises) and the relevant fee. Full details of the fees can be obtained from the Licensing Section or the Council's website.

3.2 Applicants **must**:-

1. Serve a copy of their application on the Police at the address stated within the application form.

2. Give public notice of the application, in the form prescribed by the Council. A copy of this form is available from the Licensing Section. Notice of the application must be given by publishing an advertisement in a local newspaper circulating in South Kesteven not later than 7 days after the date of the application.
3. Where the application relates to premises - display a copy of the notice for 21 days beginning with the date of the application, on or near the premises and in a place where the notice can be conveniently read by the public.
4. Provide a copy of the site notice, the relevant page of the newspaper containing the advertisement, and a certificate confirming that the application has been publicised and served in compliance with the legislation to the Licensing Officer.

3.3 Any failure to comply with the requirements of paragraphs 3.1 and 3.2 above may result in the application being deemed invalid and being rejected.

3.4 Whilst applicants for variation are not legally obliged to advertise their applications and serve a copy on the Police, it is the Council's directive that they should comply with paragraph 3.2 above.

3.5 Once an application has been received the Licensing Officer may consult other relevant officers of the Council, local Councillors and other relevant partners and stakeholders, so as to gather appropriate information to be placed in the report to the Committee regarding the character of the relevant locality, the use to which any premises in the vicinity are put, and details as to the layout, character, and condition of the premises.

3.6 Any person wishing to object to an application must do so in writing within 28 days of the date of the application stating the general terms of the objection. Objections received after this date may only be considered at the discretion of the Council if it feels that they are relevant.¹ In determining whether to exercise the discretion to take late representations into account, the Council will have regard to the following:-

- how late the objection is.
- whether there is a good reason for the objection being late or whether the lateness was intentional.
- whether it introduces new grounds of objection or information or whether it merely repeats other objections which were made in time.

¹ Belfast City Council v Miss Behavin' Ltd Northern Ireland [2007] UKHL 19 [2007] LLR 312

- whether consideration of the late objection would result in unfairness to the applicant or disrupt the Committee's procedures.

In appropriate circumstances the Council may defer determination of an application to allow the applicant time to respond to any late objections.

- 3.7 Applicants will be given notice of any objections that are received, though the names and addresses of objectors will not be disclosed unless the objector gives the Council permission to do so.
- 3.8 With the exception of uncontested transfer applications, all applications relating to sex establishments will be heard by a meeting of the Committee, and both applicants and objectors may be invited to attend. The hearing procedure is outlined in Section 5.

4. DETERMINATION OF APPLICATIONS

- 4.1 Each application will be determined on its own merits. However applications may only be refused on certain defined mandatory or discretionary grounds.

4.2 Mandatory grounds

The Council must refuse an application if:-

- the applicant is under 18 years of age; or
- the applicant is for the time being disqualified from holding a licence under Schedule 3 Paragraph 17 (3) of the Act following revocation of a previous licence; or
- the person applying is not resident in the United Kingdom, or was not so resident during period of six months immediately preceding the date when the application was made; or
- where a body corporate is the applicant - it is not incorporated in the United Kingdom; or
- the applicant has been refused the grant or renewal of a licence for the same premises within a period of 12 months immediately preceding the date when the application was made, unless the refusal has been reversed on appeal.

4.3 Discretionary grounds

The Council may refuse an application for the grant or renewal of a licence if:-

- the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- the business 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;
- the number of sex establishments or sex establishments of a particular type in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality;
- "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
 - (ii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made."

The Council has a wide discretion with regard to variation applications and may refuse the application if it thinks fit. Transfer applications can only be refused if :-

- the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason; or
- the business would be managed or carried on for the benefit of a person other than the applicant, who would be refused the licence if they made the application themselves.

4.4 Suitability of the Applicant

The applicant will be required to demonstrate that he is a suitable person to hold a licence. In determining suitability, the Council will normally take into account:

- previous knowledge and experience of the applicant;
- information relating to the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area;
- information about the applicant and their management of the premises received from objectors, Council Officers or the Police including any known criminal convictions or cautions the applicant or officers of any corporate applicants may have;

- any other relevant information.

The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application. Similar considerations may also apply to persons whom it is alleged would benefit from the grant of the application but would be unsuitable to hold the licence themselves - in such cases the Council will also have regard to any evidence to show that the business would in fact be carried on for their benefit.

4.5 Character of the relevant locality and use of other premises in the vicinity

The Council will not grant or renew a licence for a sex establishment if, in the Council's opinion, it would be inappropriate to do so with regard to the character of the relevant locality or if the appropriate number of sex establishments, or of a particular type of sex establishment, in that locality would be exceeded. Whilst not intended to be an exclusive list, the Council will have particular regard to the following matters:-

- the proximity of residential premises, including any sheltered housing and accommodation for vulnerable people;
- the proximity of educational establishments;
- the proximity of places of worship;
- access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;
- the proximity to shopping centres;
- the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs, etc.;
- any planned or proposed regeneration of the area;
- any relevant planning considerations such as whether the premises are in a conservation area or areas designated as primarily residential or prime retail frontage;
- any complaints or reports of nuisance, disturbance, crime and /or disorder caused by or associated with the premises;
- the proximity of other sex establishments.

Many of these issues will also be relevant when considering the uses to which other premises within the vicinity are put.

4.6 Layout, character and condition

The Council will not grant or renew a licence for a sex establishment if, in the Council's opinion, it would be inappropriate having regard to the layout, character and condition of the proposed sex establishment.

Whilst not intended to be an exclusive list the Council will have particular regard to the following:-

- the type of activity to which the application relates;
- the days and hours of operation of the activity;
- the layout and condition of the premises with particular concern for public safety, health and safety and the prevention of crime and disorder.

4.7 **Disability Access**

Applicants are reminded of their duties under Equality Act 2010 and should provide such facilities so as to enable the admission of disabled people.

4.8 **All sexual establishment licences**

Any licence granted by the Council, may be subject to conditions which the Council imposes.

5. **HEARINGS**

- 5.1 With the exception of uncontested transfer applications, all applications relating to sex establishments will be heard by a meeting of the Committee. It will be the general practice of the Council to invite the Police and/or others who have lodged objections to appear and be heard at any hearings in addition to the applicant. However, the Council has a discretion and can, as a result, decide not to invite the Police and/or other objectors to hearings. In deciding whether to exercise the discretion the Council will consider the facts surrounding each particular application and will aim to act fairly at all times.
- 5.2 Officers will notify the applicant, Police and objectors of the date and time of the hearing. These parties shall give notice to the Council stating:-
- a. whether they will attend the hearing; and
 - b. the names and addresses of any witnesses that they intend to call;
and
 - c. a time estimate for their representations to the Committee.
- 5.3 An agenda will be circulated to members prior to the hearing. This will include a copy of the application, a copy of any representations made by the Police and a copy of any objections received. The identity of the objector(s) will not be made known without their prior consent (although information as to the general vicinity in which the objector(s) live may be included).

- 5.4 Whilst additional material in support of the application or representation may be taken into account at the hearing, such material should be provided to the Council as soon as possible and at least 5 working days before the hearing.
- 5.5 Where there has been a failure to adhere to paragraph 5.4 above, or where additional material is produced at the hearing, this will only be admitted at the discretion of the Committee. This will usually be allowed only in exceptional circumstances and if the late production does not prejudice any other party in being able to respond fully.
- 5.6 Late objections/representations will be dealt with in accordance with paragraph 3.6 above.
- 5.7 Where a party does not attend the hearing and is not represented the Council may either adjourn the hearing or may continue with the hearing in the party's absence. If the latter option is followed the Committee will still consider any application, representation or notice submitted by the absent party in so far as it is relevant.
- 5.8 The hearing will concentrate on matters which are relevant to one or more of the grounds upon which a licence may be refused under Schedule 3 of the Act. (See Section 4 above.)
- 5.9 The hearing will be inquisitorial and not adversarial. The procedure outlined in Appendix 1 will normally be followed.

6 APPEALS

- 6.1 Appeals against decisions of the Council are generally made to the Magistrates' Court and appeals against decisions of the Magistrates may be made to the Crown Court. However, not all decisions carry a right of appeal.
- 6.2 The only persons entitled to appeal are:
- i) an applicant for the grant, renewal or transfer of a licence whose application has been refused; or
 - ii) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application for variation is refused; or
 - iii) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - iv) a holder of any such licence whose licence is revoked.

However, even these persons do not have a right of appeal in every case.

6.3 There is no right of appeal for the following:-

- objectors;
- an applicant who has been refused the grant/renewal or transfer of a licence on any one of the mandatory grounds, unless he seeks to show that the grounds for refusal does not apply to him;
- an applicant who is refused a licence on the grounds:-
 - i) that there are sufficient sex establishments in the locality, or
 - ii) that to grant the licence would be inappropriate having regard to the relevant locality, use to which premises in the vicinity are put, or the layout, character, or condition of the establishment.

The only means of challenge available for such persons is by way of Judicial Review.

6.4 Any application for an appeal must be lodged within 21 days from the date that the applicant was notified in writing of the decision against which he is appealing. A fee will be payable and the relevant court will advise as to the amount.

7 ENFORCEMENT

7.1 All decisions, determinations, inspections and enforcement action taken by the Council will have regard to the relevant provisions of the Act, and the enforcement policy of the Council.

8 MONITORING AND REVIEW OF THESE PROCEDURES

8.1 These procedures will be reviewed as and when appropriate. In preparing any succeeding procedures regard will be had to data and information collated over the operating period of the current procedures.

9 EQUALITY AND DIVERSITY

9.1 Delivery of this licensing regime will be in accordance with the Corporate Equality Scheme. The use of an Impact Needs Assessment process will inform service delivery and will be subject to ongoing monitoring and customer/stakeholder consultation during the life of this procedure with the framework of the regime. Relevant matters that come to light as a result of monitoring and consultation may result in changes to service delivery and where necessary may result in changes to these procedures.

9.2 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. Guidance documents issued by the Licensing Section will include advice about translation and access to information about services, however it is recognised that local communities will normally have access to alternative translation and advice services. The Council will also signpost customers to other providers of guidance and information relevant to the regime but is not responsible for the accuracy of such information.

CONTACT DETAILS & FURTHER INFORMATION AVAILABLE FROM:

Our website: www.southkesteven.gov.uk

Email: licensing@southkesteven.gov.uk

APPENDIX 1 - HEARINGS PROCEDURE

1. The following procedure will ordinarily be followed at the Committee hearing:
 - i) The Chair will introduce him/herself, the other Committee Members and officers attending. The applicant, then the Police and objector(s) (if invited and present) will introduce themselves and their witnesses. The Chair will outline the procedure to be followed and explain any time limits imposed on representations.
 - ii) The applicant will present his case and ask his witnesses to give their evidence. The applicant and each witness after giving their evidence may, at the discretion of the Chair, be asked questions by the Police, the objector(s), the Committee Members, and the Legal Adviser.
 - iii) The Police and objector(s) (if invited and present), in turn, will then be asked to make their representations following which they will be asked questions by the applicant, the Committee and the Legal Adviser.
 - iv) Once all parties have given their evidence and all questions have been asked, each party will be asked to sum up their case. The order of summing up will be the Police and the objector(s) (if present), and finally the applicant.
 - v) Hearings will normally be conducted in public; however the Committee does have powers of exclusion which cover the public, the press, and even applicants, objectors and their representatives in appropriate circumstances.
2. Whilst it will only hear representations which are relevant, the Committee is not restricted to considering any objections raised. In coming to a decision it will consider all relevant information, including observations by Council Officers, the Police and objectors (whether or not these parties are invited to speak at the hearing), representations by the parties at the hearing, as well as the local knowledge of the Committee Members.
3. Due to time constraints, applications for adjournments will only be granted when absolutely necessary, taking into account the following:
 - i) Once a hearing date has been set it is for the parties to ensure that they can attend or are represented. Hearings may proceed in the absence of a party and their representations will be taken into account.

- ii) If it is not possible for a party or their witnesses to attend the hearing then the Council's preference will be for the hearing to proceed and the representation to be given by way of written evidence.
 - iii) Any party who wishes to make an application for an adjournment should seek the consent of all other parties to the application and notify the Council as soon as possible that an adjournment is being sought. If all parties agree the matter may be adjourned administratively.
 - iv) If an adjournment is not agreed administratively prior to the hearing, then the matter will remain listed and the application for the adjournment will be heard and the Committee will decide whether to allow the adjournment or to proceed on written evidence.
 - v) The Council may adjourn proceedings of its own motion where it considers it necessary for its consideration of any application or objection.
 - vi) Where an adjournment is granted all parties will be notified as soon as possible and notified of the new hearing date.
4. In coming to a decision the Committee will have regard to any rights the applicant may have under the Human Rights Act 1998, Part I Article 10 (Freedom Of Expression) and Part II Article 1 (Protection Of Property), as qualified, and will weigh them in the balance.
5. At the end of the hearing the Committee will retire to make their decision. In all cases the Committee will try to make their decision and to communicate this, with reasons, within a reasonable time of retiring. Where this is not possible the committee may:
- i) announce their decision on the day with reasons to follow; or
 - ii) delay their decision and reasons for a set period.
6. However the decision is delivered, it will always be followed up with written notification of the decision to all parties, including full reasons, and information, where relevant, about the appeals process.



APPENDIX 2

SOUTH KESTEVEN DISTRICT COUNCIL

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

Definition

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:-
 - (i) "Sex Entertainment Venue" "Sex Cinema" "Sex Shop" and Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - (ii) "Premises" (includes vessels, vehicles and stalls) means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - (iv) "Approved" means approved by the Council in writing.
 - (v) "The Council" means South Kesteven District Council.
 - (vi) "He" means he or she and "his" means his or her.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Times of Opening

4. Except with the previous consent of the Council a Sex Establishment shall only be open between _ am and _ pm Monday to Saturday inclusive.
5. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays or any Bank holidays or any public holidays.

Conduct and Management of Sex Establishments

6. Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
7. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.
8. The name of the person responsible for the management of a Sex Establishment (the Licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
9. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the premises.
10. The Licensee shall maintain good order in the Premises.
11. The Licensee shall ensure that there is no nuisance or annoyance to neighbouring residents or commercial occupiers arising from noise emanating from the premises.
12. No person under the age of 18 shall be admitted to the Premises or employed in the business of the Sex Establishment.
13. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.

14. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
16. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
17. A copy of the licence and of these Regulations must to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.
18. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

User

19. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
20. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
21. Neither Sex Articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods available in Sex Establishments

22. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
23. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
24. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council.

Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

External Appearance

25. The licence holder shall comply with any requirements relating to the external appearance of the licensed premises as the Council may consider reasonably necessary for the preservation of public amenity.
26. Without prejudice to the generality of Regulation 19 above, no advertisement shall be displayed outside or on the exterior of the licenses premises or inside the licensed premises so as to be visible from outside such premises without the consent of the Council except:-
 - (i) as required by law or regulation; or
 - (ii) the name of the business carried on at the licensed premises, in not more than one place, in characters not exceeding 15 inches in height.
27. The licence holder shall ensure that the interior of the licensed premises shall not be visible to persons outside the premises.

State, Condition and Layout of the Premises

28. The Premises shall be maintained in good repair and condition.
29. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
30. There shall be exhibited on the licensed premises:-
 - (i) A warning complying with the provisions of Section 1 of the Indecent Displays (Control) Act 1981 in cases where that section applies; or
 - (ii) in any case where the section does not apply a warning notice containing the following words and no others:-

"WARNING"

NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

- (a) the word "WARNING" must appear as a heading;
- (b) no pictures or other matter shall appear on the notice;

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

Safety

37. The Licensee shall take all reasonable precautions for the safety of the public and employees.

38. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council or the Fire Prevention Officer.
39. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use, in accordance with the requirements of the Fire Prevention Officer.

- 5 FEB 2024

LICENSING

Cocktails Ltd

Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL
Email: clair@pulseandcocktails.co.uk Tel: 07740106728

Licensing Section
South Kesteven District Council
The Council Offices
St Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

02/02/24

Dear Licensing Section

Application for the Renewal of a Sex Establishment Licence at Pulse & Cocktails, A1 Southbound, Stoke Rochford, Grantham.

Please find enclosed completed application and fee for the renewal of this licence.

Yours faithfully



Clair Chapman

Director
Cocktails Ltd

Date of cheque 02/02/2024

Amount of cheque 618.74.00

Date 06/02/2024

Cheque No. 208096

Receipt No.



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 of 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 (Licensing Section, South Kesteven District Council, Council Offices, St Peter's Hill, Grantham NG31 6PZ).

A THE APPLICANT

Question 1

Is the applicant:

- a An individual?
- b A company or other corporate body?
- c A partnership or other incorporated body?

If the applicant is an individual, answer question **2**.

If the applicant is a company or other corporate body, answer question **3**.

If the applicant is a partnership or other unincorporated body, answer question **4**.

Question 2

Answer only where the applicant is an individual N/A

- (1) What is the full name of the applicant?.....
.....

(2) Has the applicant ever been known by a different name? If so, state the applicants former name?.....
.....

Go to question 5

Question 3

Answer only where the applicant is a company or other corporate body

- (a) What is the name of the applicant? Cocktails Ltd
- (b) Where is the applicant registered? GB
- (c) What is the registered number of the applicant? 3666205
- (d) Has the applicant previously been known by any and if so what name?
Trading name: Pulse and Cocktails
- (e) Has the applicant:
 - Ever been convicted of a criminal offence? No
 - Ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked? Yes
 - Ever been served with a winding up petition? No

If the answer to any of these questions is Yes, provide full details.

Grant refused on 'location' at premises in Huddersfield, Sunderland and St Helen's.

(f) What are the names of the applicants Directors and Company Secretary?

Clair Chapman (Director), [REDACTED]

Linda Boothby (Director), [REDACTED]

Sally Boothby (Director), [REDACTED]

Davy Boothby (Director), [REDACTED]

Are there persons responsible for the management of the applicant other than the Directors and the Company Secretary? If so, state their names: No

(g) State the names of all persons with a shareholding greater than 10% in the application Linda Boothby, Davy Boothby, Clair Boothby, Sally Boothby

(h) Is the applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary **No**

Go to question 5.

Question 4 **N/A**

Answer only where the applicant is a partnership or other unincorporated body

- (a) What is the name of the applicant?.....
- (b) What are the names of the applicants partners?.....
.....
- (c) Are there persons responsible for the management of the applicant other than the partners? If so, state their names.....
.....
- (d) Has the applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked?

Yes No

If the answer is "Yes", provide full details.....

Go to question 5

Question 5

Does the applicant have a trading name different from that given in answer to questions 2, 3 or 4 above? If so, state the trading name.

Pulse and Cocktails

Question 6

What is the applicants trading address?

Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL

Question 7

Will the business for which a licence is sought be carried on for the benefit of a person other than the applicant? **No**

If the answer is "Yes", state the name of such person(s). If such person(s) are a company or other corporate body state their place of registration and registered number, and the identity of all Directors, the Company Secretary, and those with a greater than 10% shareholding.
.....

Question 8

Does the applicant operate any other sex establishments, whether licensed or not? If so, state the name, address and type of sex establishment (eg sex cinema, sex shop, sexual entertainment venue) of each.

Yes

1. Barnsley - Doncaster Road
2. Bradford - Tong Street
3. Braintree - A12 Northbound, Rivenhall End
4. Cheltenham - Runnings Road
5. East Riding - A63, Brough
6. Gateshead - 27-28 Tundry Way, Blaydon Business Park
7. Hull - Courtney Street, Mount Pleasant
8. Ipswich - 68 Upper Orwell Street
9. Leeds - Armley Road
10. Wakefield - A1, Wentbridge
11. Rotherham - Canklow Meadows Industrial Estate
12. West Lindsey - Gainsborough Road, Saxilby
13. North Lincolnshire - Trafford Street, Scunthorpe
14. Sheffield - Penistone Road, Hillsborough
15. South Kesteven - A1 South-bound, Stoke Rochford
16. Wolverhampton - Church Lane
17. Lichfield - A38, Northbound, Fradley

Question 9

For each of the individuals named in the answers to Questions 2, 3, 4, 7 and 8, please confirm that the form at Annex A to this application has been completed and submitted as part of this application. Yes – previous applications

B THE PREMISES, VEHICLE, VESSEL OR STALL

Question 10

Is this application in respect of:

- a) Premises b) Vehicle c) Vessel d) Stall

Question 11

Answer only where the application is for a vehicle, vessel or stall

Where is it proposed to use the vehicle, vessel or stall?.....

Question 12

Answer only where the application is for a premise

What is the full address of the premises for which a licence is sought?

Pulse & Cocktails, A1 Southbound, Stoke Rochford, Grantham, NG33 5EW

Question 13

- (a) Is the whole of the premises to be used as a sex establishment? **Yes**
- (b) If not, state the use of the remainder of the premises:
- (c) State the names of those who are responsible for managing the remainder of the premises:
.....

Question 14

- (a) State the nature of the applicants interest in the premises, vehicle, vessel or stall, eg owner, lessee, sub-lessee **Lessee**
- (b) If the applicant is a lessee or sub-lessee, state:
 - (i) the name and address of the landlord **Stoke Rochford Trust Estate, (C/O ABG Solicitors, Friar Lane, NG1 6BX)**
 - (ii) the name and address of the superior landlord (if any)
.....
 - (iii) the length of the unexpired term **20 years**
 - (iv) the length of notice required to terminate the tenancy **None**

Question 15 N/A

- (a) State the current use of the premises
.....
- (b) Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?

Yes No
- (c) If so, state the date of the planning permission
.....

(d) If not, state whether and why the use as a sex establishment is lawful, eg because there is a certificate of lawful use, giving full details.....
.....
.....

Question 16

(a) Are the premises, vehicle, vessel or stall licensed under any other Act, eg the Licensing Act 2003? **No**

Provide full details including the name of any Designated Premises Supervisor

.....
.....

(b) Does the applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act? **No**

(c) Does the applicant intend to operate the sex establishment in conjunction with any other licence? **No**

If so, provide full details.....
.....
.....

Question 17

(a) Is each customer access to the premises, vehicle, vessel or stall:

- Directly from the street or a public thoroughfare
- From other premises?

If from other premises, provide full details
.....

(b) Is each customer access from the street to be supervised at all times the premises are open to the public? **Yes**

If the answer is "No" give full details of proposed door control and supervision

.....

Question 18

Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled? **Yes**

If the answer is "No", state the applicant's proposals for affording such access.

.....

Question 19

- (a) Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application? **Yes**
- (b) If the answer is "Yes", state the name and address of the person or body now operating the business **Cocktails Ltd**

C THE BUSINESS

Question 20

Under what name will the business be known? **Pulse & Cocktails**

Question 21

Is the application in respect of:

- a a sex shop
- b a sex cinema
- c a sexual entertainment venue

Question 22

Has the applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share arrangement? **No**

If so, provide full details together with a copy of any such agreement

Question 23

Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements.....

Question 24

Is the business required to purchase merchandise from a particular person or body? **No**

If so, provide full details.....

D MANAGEMENT OF THE BUSINESS

Question 25

- (a) State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager') Cocktails Ltd is 'the management'. The persons in charge / store manager is detailed on a separate sheet.
- (b) Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business there will be his / her sole and exclusive occupation Yes
- (c) Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ('the Relief Manager(s)')
See separate sheet
- (d) Confirm that the Relief Manager(s) or one of them will be based at the premises full-time in the absence of the Manager Yes
- (e) For each of the Manager and Relief Manager(s), confirm that the form at Annex A to this application has been completed and submitted as part of this application. Yes – see previous applications

Question 26

This question need not be answered in the case of renewals

Give details of the times during which it is proposed to open the business.

Days of the week / Hours of the day Mon – Sun (incl. Bank Hols) 9am-10pm

Question 27

State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used As existing

Please note that a plan of the exterior showing such signage and advertising is required to be submitted with new applications.

Question 28

- (1) What means are to be taken to prevent the interior of the premises being visible to passers-by? As existing
- (2) What if any window displays are to be exhibited? Please indicate size and nature of the intended display As existing

Question 29

State any proposals for solicitation of business in public areas, eg through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles No proposals

Question 30

State what age restrictions are to be applied in respect of admissions, and how are these to be enforced. (In answering, state what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For sex shops provide details of arrangements for preventing proxy sales)

As existing/ per licence conditions, Over 18's Only.

Question 31

State the arrangements for CCTV and for retention of recordings (In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded)

As existing – full CCTV of public areas, monitored with recordings

Question 32

Answer only where the application is for a sexual entertainment venue
N/A

(a) State whether the proposal is for full nudity

Yes No

(b) Give full details of the nature of the entertainment, eg lap-dancing, pole dancing, stage strip-tease.....

(c) State what, if any, separation between performers and audience is proposed, eg performers on stage, 1 metre, no contact or full contact.....

(d) State whether arrangements are proposed for private booths or areas. If so, provide full details, including proposals for supervision of such areas.....

Question 33

This question need not be answered in the case of renewals

(a) State proposals for preventing nuisance to residents and businesses in the vicinity

- (b) State proposals for promoting public safety.....
- (c) State proposals for preventing crime and disorder.....
- (d) State proposals for protecting children from harm.....
- (e) Set out the applicants system for checking the age and right to work in the UK for all employees.....
- (f) For sexual entertainment venues, set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance. NOTE, the code of practice must be attached to this form
.....
- (g) For sexual entertainment venues, set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance. NOTE, the Rules for Customers must be attached to this form
.....
- (h) For sexual entertainment venues, set out the system for monitoring compliance with the venue’s Policy for Welfare of Performers. NOTE, the Policy for Welfare of Performers must be attached to this form
.....
- (i) Applicants are reminded that Health and Safety risk assessments are required by law. These assessments should cover all reasonably foreseeable risks (this will include violence or unacceptable behavior) to staff and others including the public. A format for carrying these risk assessments out is available on the HSE website and at the rear of the publication “An introduction to health and safety” (www.hse.gov.uk/publications). Any significant risks identified must be recorded in writing together with the actions taken to mitigate them. Further advice can be obtained from Environmental Health Services at SKDC”.

Question 34

Set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority’s Sex Establishment Licensing Policy.....

Question 35

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen

[Personal home addresses and contact details for confidentiality reasons](#)

E APPLICANT CONTACT DETAILS

Please give the contact details which you would like used for the purposes of this application

Name Clair Chapman
Organisation Cocktails Ltd
Address Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL
Telephone number 01709 835147
Mobile number 07740106728
Fax number N/A
Email address clair@pulseandcocktails.co.uk

F SIGNATURE AND DECLARATION

The following declaration must be signed in all cases:

- a If the applicant is an individual, by that individual;
- b If the applicant is a partnership, by all individuals who are partners;
- c If the applicant is a company, by a director or the company secretary;
- d In any other case, by a duly authorised officer of the applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Licensing Authority should any of the information given in this application change.

Name: Clair Chapman

Position in organisation Director

Date: 02/02/24

Signature:

