

**Report to:** **Public Protection Sub-Committee**

**Relevant Officer:** Sharon Davies, Head of Licensing Service

**Date of Meeting:** 7<sup>th</sup> April 2015

## **PRIVATE SHOP – APPLICATION FOR A SEX SHOP LICENCE**

### **1.0 Purpose of the report:**

1.1 To consider the attached application for a sex shop licence.

### **2.0 Recommendation(s):**

2.1 The Sub-Committee is requested to consider the objection received and determine whether to grant the application or hold a hearing to consider representations from the applicant and the objector.

### **3.0 Reasons for recommendation(s):**

3.1 A decision must be made on whether to grant the application following receipt of an objection.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? No

3.3 Other alternative options to be considered:

The Sub-Committee can grant the application or defer for a full hearing to take place.

### **4.0 Council Priority:**

4.1 The relevant Council Priorities are:

- Safeguard and protect the most vulnerable
- Create safer communities and reduce crime and anti-social behaviour

## **5.0 Background Information**

- 5.1 The Private Shop, 311 Church Street, Blackpool has been licensed as a sex shop since the legislation was adopted in 1984. A sex shop licence must be renewed every 12 months.
- 5.2 The renewal application for consideration today was received on 2<sup>nd</sup> March 2015. Notice of the application was published in Blackpool Gazette on 5<sup>th</sup> March 2015 and a notice has been displayed on the premises.
- 5.3 Officers from the licensing enforcement team have inspected the premises and no issues were found.
- 5.4 The last date for objections is the 31<sup>st</sup> March 2015. At the time of writing the report one objection had been received. This can be found at Appendix 4(a).
- 5.5 Unlike the Licensing Act 2003, there is no actual requirement to hold a hearing to consider objections. The only stipulation is that before refusing to grant a licence to the applicant, the authority must give the applicant the opportunity of appearing before it and being heard.
- 5.6 There are five mandatory grounds for refusal of an application. These are that the applicant:
- Is under the age of 18
  - Is for the time being disqualified from holding a sex establishment licence
  - Is not a body corporate and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application
  - Is a body corporate which is not incorporated in an EEA state
  - Has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises in respect of which the application is made, unless the refusal has been reversed on appeal

None of the mandatory grounds for refusal apply in this case.

- 5.7 The following are discretionary grounds for refusal:
- The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason
  - If the licence was to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself
  - The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or

exceeds the number which the authority consider is appropriate for that locality

- The grant would be inappropriate, having regard-
  - To the character of the relevant locality
  - To the use to which any premises in the vicinity are put
  - To the layout, character or condition of the premises in respect of which the application is made

5.8 As indicated previously this shop has been licensed since 1984. The applicant, Darker Enterprises has held the licence for the whole of that period. Officers have no concerns about the suitability of the applicant or their operation of the premises. The Council policy is to licence two sex shops – this application would not cause the Sub-Committee to depart from that policy.

5.9 The objection does not express specific concern about this shop. It appears to be an objection against sex shops as a whole. As such the Sub-Committee may decide to attach very little weight to the objection.

5.10 The Sub-Committee may feel that the licence can be granted given the applicant's unblemished record in the town and the non-specific nature of the objection. If however the Sub-Committee feels that the nature of the objection may affect its decision, then the application can be deferred for a full hearing. As the renewal application was submitted before the existing licence expired, they are able to continue trading pending the determination of this renewal application.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 4(a) – objection from member of the public

**6.0 Legal considerations:**

6.1 The grounds for refusal are set out in the legislation and are detailed in the report.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None