

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13th September 2010

Report of: Allison Jackson, Licensing Enforcement Officer

Title: Renewal of Sex Shop Licence - 74, Edleston Road, Crewe, Cheshire

1.0 Report Summary

- 1.1 This report is to request that the Licensing Committee consider the application for the renewal of the Sex Shop Licence relating to premises at 74, Edleston Road, Crewe

2.0 Recommendations

- 2.1 The Committee is asked to determine the application for the renewal of the Sex Shop Licence relating to 74 Edleston Road, Crewe.

3.0 Reasons for Recommendations

- 3.1 The Committee has the delegated authority to determine this application.

4.0 Wards Affected

- 4.1 Crewe South Ward

5.0 Local Ward Members

- 5.1 David Cannon, Dorothy Flude, Betty Howle

6.0 Policy Implications including - Climate change, Health

- 6.1 The Council has not adopted a policy in relation to the licensing of sex shops, although a set of standard conditions (a copy of which are appended to the report) has been adopted.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 None.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the grant, renewal and transfer of licences for sex establishments (which include sex shops as defined within paragraph 4 of Schedule 3). Schedule 3 provides that where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force until the withdrawal of the application or its determination by the Council.
- 9.2 Paragraph 12 of Schedule 3 contains a number of grounds for refusal of the grant or renewal of a sex establishment licence. The paragraph contains certain grounds (such as a requirement that the applicant is over the age of eighteen) which are mandatory, and other discretionary grounds as follows:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) that 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 consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard –
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 9.3 Paragraph 13 of Schedule 3 provides the authority for the Council to “make regulations prescribing standard conditions applicable to licences for sex establishments.” The Council has adopted standard conditions in relation to sex establishments (a copy of which is attached as an appendix to the report). Paragraph 13 of Schedule 3 provides that where authority has made standard conditions every licence granted, renewed or transferred is presumed to have been granted, renewed or transferred subject to the standard conditions unless they have been expressly excluded or varied.

10.0 Risk Management

- 10.1 Any hearing to determine an application will be carried out in accordance with the rules of natural justice. Schedule 3 of the 1982 Act provides for certain rights of appeal to the Magistrates’ Court in relation to the decision of the Licensing Committee.

11.0 Background and Options

- 11.1 An application has been received from Darker Enterprises Ltd to renew the Sex Shop Licence for the Private Shop at 74 Edleston Road, Crewe, Cheshire, which expired on the 5th August 2010.
- 11.2 Darker Enterprises Ltd have held a Sex Shop licence since 2002 which was granted by Crewe and Nantwich Borough Council Regulatory Committee on the 22nd March 2002. Since the date of the original grant the licence has been renewed each year. The premises are situated in Edleston Road Crewe which is made up of part residential premises and part shops and offices. The licence, which is subject of the renewal application, authorises the use of the premises as sex shop for the following days and hours: Monday to Saturday 9.30am to 20.00 hrs, Sunday 10am to 16.00 hrs.
- 11.3 An objection has been received in response to the notice of renewal application about the poor condition of the property, which states that "The property is dilapidated, a health and fire risk and not nice to the families in the street.
- 11.8 In the circumstances, the Licensing Committee is requested to consider whether to grant Darker Enterprises Ltd the application to renew their Sex Shop Licence for 74, Edleston Road, Crewe.

12.0 Overview of Year One and Term One Issues

- 12.1 Not applicable.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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