

OPEN

Licensing Sub Committee

Date: 28 October 2025

Application for the renewal of a sex shop licence

Report of: Phil Cresswell, Executive Director - Place

Ward(s) Affected: Crewe South

For Decision or Scrutiny: Decision

Purpose of Report

- 1 To ask Members of the Sub-Committee to determine an application for the renewal of a Sex Shop Licence for the following premises:

Temptations, 100 Nantwich Road, Crewe, CW2 6AT

Executive Summary

- 2 The report provides details of an application, made under the Local Government (Miscellaneous Provisions) Act 1982, sets out the objections made, and provides the legal framework for decisions.

RECOMMENDATIONS

The Licensing Sub-Committee is recommended to:

1. Consider all the relevant information including the submissions made both by the applicant and by objector(s); and
2. To determine whether the application should be granted or refused; and
3. Provide a clear and comprehensive decision notice to all parties

Background

- 3 The application for renewal of a sex shop licence in relation to premises known as Temptations, 100 Nantwich Road, Crewe, CW2 6AT, was received by the Council on 6 August 2025.
- 4 The application is to renew the existing licence, a copy of the application form and additional information from the applicant is included at appendix 1. The hours applied for are the same as the existing licence, as follows:

Monday to Sunday 09:00 – 18:00

- 5 The applicant has held a sex shop licence since 2005. Prior to that date the licence was held by another person. Due to the age of the records (ie pre-dating the inception of Cheshire East Council) we have limited records in relation to the original grant of the licence and are unable to provide a copy of the decision notice.
- 6 Licensing records do confirm that the licence has renewed annually since 2005 without objection or comment from either Cheshire Police, councillors, or members of the public.
- 7 Further to this, there have been no complaints made in respect of the premises since 2005 (ie the earliest records can be accessed).
- 8 The Council has received one letter of objection, from a Cheshire East Borough Councillor, the objection is set out at appendix 2.
- 9 In accordance with paragraph 10(18) of Schedule 3, in considering any application for the renewal of a licence the Council is required to have regard to any observations submitted to it by the Police and any objections of which notice has been sent to it under sub-paragraph 10(15).
- 10 Additional definitions and explanations of the legislation are set out within appendix 3.
- 11 It is important to note that the grounds for refusing an application are limited to the grounds set out within the legislation.
- 12 The discretionary grounds for refusal are:
 - 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, 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 in respect of which the application is made.

- 13 The Sub-Committee does not have delegated authority to determine the appropriate number(s) of sex shops in relevant localities, and this application should be determined on its own merit. Additionally, the applicant has provided an appropriate level Disclosure and Barring Certificate which shows nothing to their detriment.
- 14 Members, in determining the application, should consider each of these issues and determine whether grant or refusal is appropriate and, if so, why.
- 15 However, it would not be lawful to refuse the application merely because Members consider sex shops are immoral or should not be permitted. Further, there are discretionary grounds of refusal. Members have a residual discretion to grant an application despite it falling within one of these grounds, but Members should only do so in these circumstances for good reasons, which would need to be specified.
- 16 In addition to the discretionary grounds for refused, there are also mandatory grounds for refusal. These are set out in more detail in appendix 3. Following assessment of the licensing provided to the Licensing Team, none of these grounds apply to this application.

Consultation and Engagement

- 17 In accordance with paragraph 10(8) of Schedule 3 of the 1982 Act, a notice of the application was published in a local newspaper circulating in the Council's area within seven days of the date of the application. In addition, a site notice was displayed at the premises in accordance with paragraph 10(10).
- 18 Any person objecting to an application for the renewal of a sex shop licence shall give notice of in writing to the local authority, not later than 28 days after the date of the application.
- 19 Further to the statutory requirements, the Council also places notices of these types of applications on our website
- 20 As indicated, one objection from a Brough Member has been received. No objections have been received from anyone else, including Cheshire Police.

Reasons for Recommendations

- 21 In accordance with the Council's Constitution, the Licensing Sub-Committee has the delegated authority to determine this application in accordance with the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Other Options Considered

- 22 No other options have been considered because the process for determining contested applications is set out within the Council's constitution.

Implications and Comments

Monitoring Officer/Legal/Governance

- 23 The legislation requires the Sub-Committee, in considering an application, to have regard to any observations made by the Chief of Police and to any objections of which proper notice has been given.
- 24 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various 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.
- 25 The Human Rights 1998 Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Section 151 Officer/Finance

- 26 No financial implications have been identified.

Risk Management

- 27 An applicant for the grant of a sex shop licence, whose application has been refused, may appeal within twenty-one days of the giving of written notice of the grounds of the refusal, to the Magistrates' Court.

Policy

- 28 The Council's policy confirms the general principles that all cases must be considered on their own merits.

Equality, Diversity and Inclusion

- 29 In accordance with Section 149 of the Equality Act 2010, the Licensing Sub-Committee should have due regard to the Public Sector Equality Duty in its consideration of this application. This includes assessing the potential impact of the proposed licensed activity on individuals with protected characteristics, particularly in relation to sex, age, disability, and pregnancy/maternity. The Sub-Committee should consider whether the location and nature of the premises could disproportionately affect vulnerable groups, including women and children, and whether the presence of the establishment may hinder access to public spaces or services. While moral objections are not a valid ground for refusal under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Sub-Committee must ensure that its decision is fair, transparent, and compliant with equality legislation.

Other Implications

- 30 None identified

Access to Information	
Contact Officer:	Kim Evans, Licensing Team Leader Licensing@cheshireeast.gov.uk
Appendices:	Appendix 1a to 1c – Application information Appendix 2 – Objection Appendix 3 – Definitions and Legislation Appendix 4 – Standard Conditions Appendix 5 – Area Map
Background Papers:	Cheshire East Policy Legislation