


**REPORT TO  
LICENSING COMMITTEE  
05 August 2019**

<b>Subject:</b>	Renewal of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU
<b>Director:</b>	Director – Prevention and Protection – Stuart Lackenby
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Julie Hadley Licensing Officer Email: licensing_team@sandwell.gov.uk

**DECISION RECOMMENDATIONS**

**That Licensing Sub-Committee:**

1. Consider the grant of an application made by Darker Enterprises Ltd./Private Shops UK Ltd. for the renewal of a sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich B70 6EU, licence number 31/07/2019.

**1 PURPOSE OF THE REPORT**

- 1.1 The Sub Committee is requested to consider the application made by Darker Enterprises Ltd./Private Shops UK Ltd. for the renewal of a sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich B70 6EU.
- 1.2 If approved, the licence will run for a period of 12 months.

**2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Our communities are built on mutual respect and taking care of each other supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods. The Licensing

Authority will work with police and partner organisations to prevent crime and anti-social behaviour and be aware of modern slavery implications with this type of premises.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The application has been submitted by Darker Enterprises Ltd./Private Shops UK Ltd., Unit 3, Chancerygate Business Centre, 33 Tallon Road, Hutton, Brentwood, Essex, CM13 1TE
- 3.2 The applicant has complied with all the statutory requirements with regard to the application process.
- 3.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.
- 3.4 A copy of the application is attached as Appendix 1.

### **4 THE CURRENT POSITION.**

- 4.1 The premises have traded as a licensed sex shop at these premises since 2003.
- 4.2 If the licence is renewed, it will run for a period of 12 months commencing 1<sup>st</sup> August 2019 and will expire on 31<sup>st</sup> July 2020.
- 4.3 At its meeting on 23<sup>rd</sup> September 2008 the committee gave approval for a limited form of open window display at the premises for the display of lingerie on mannequins but nothing of a sexual nature.
- 4.4 A copy of the current licence and conditions are attached for information as Appendix 2.
- 4.5 A map of the area showing the location of the licensed premises is attached for information as Appendix 3.

### **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The applicant is required to advertise the application in a paper circulating in the vicinity of the premises within 7 days of submitting the application and to also display a public notice outside the premises for 21 days. The public notice was placed in the Express and Star on 26<sup>th</sup> June 2019 and the applicant has confirmed that the public notice was displayed on or near the premises from 25<sup>th</sup> June 2019 to 16<sup>th</sup> July 2019.

### **6 ALTERNATIVE OPTIONS**

- 6.1 The grant, renewal and transfer of sex establishment licences are subject to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 6.2 An application for renewal may be refused on one or more of the following grounds:
- 6.2.1 The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason
- 6.2.2 That if the licence were to be renewed, 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 renewal of the licence if he made the application himself.
- 6.2.3 That the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the Panel considers is appropriate for that locality.
- 6.2.4 That the renewal of the licence would be inappropriate, having regard to
- The character of the relevant locality
  - The use to which any premises in the vicinity are put
  - The layout, character or condition of the premises in respect of which the application is made.
- 6.3 An applicant whose application for renewal is refused on any of the grounds specified in paragraphs 6.2 above does not have the right to appeal that decision. In such cases, the applicant could only challenge the Panel's decision by way of judicial review.
- 6.4 An applicant must be given the opportunity of appearing before the body making the decision before an application is refused.

## **7 STRATEGIC RESOURCE IMPLICATIONS.**

- 7.1 There are no direct strategic resource implications associated with this application.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 In 1983, the Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments, including sex shops.
- 8.2 Article 6 of the Human Rights Act 1988 states that, in determination of a person's civil rights and obligations, everyone is entitled to a fair and

public hearing within a reasonable time by an independent and impartial tribunal established by law.

8.3 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.

8.4 Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

9.2 The operators of this premises are responsible for complying with all relevant legislation.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 The Police have been consulted on this application and have not identified any concerns regarding this application.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 In respect of the application, we do not for see any issues in respect of sustainability of proposals.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 This is not applicable to this type of application.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 The premises are privately owned.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing.

**16 BACKGROUND PAPERS**

16.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

**17 APPENDICES:**

Appendix 1 – Application

Appendix 2 – Current Licence

Appendix 3 – Map of Location

**Stuart Lackenby**  
**Director – Prevention and Protection**