

# Report to Licensing Sub Committee 3

**5 September 2022**

<b>Subject:</b>	Renewal and Transfer of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Balbir Dhugga Licensing Officer Email: <a href="mailto:licensing_team@sandwell.gov.uk">licensing_team@sandwell.gov.uk</a>

## 1 Recommendations


- 1.1 To consider the application (Appendix 1) made by Mr Stephen Leinster for the renewal and transfer of a sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich, B70 6EU.

## 2 Reasons for Recommendations

- 2.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council's Licensing Policy and to give reasons for their decision.



### 3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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### 4 THE CURRENT POSITION

- 4.1 The premises have traded as a licensed sex shop at these premises since 2003 and the licence has been renewed each year.
- 4.2 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.
- 4.3 Mr Stephen Leinster has worked as the regional co-ordinator for the existing licensee (Darker Enterprises Limited) since 2008 and is taking on some shops that are currently in their portfolio. Mr Leinster is also keeping most of the existing staff.
- 4.4 If the licence is renewed and transferred, it will run for a period of 12 months commencing 1<sup>st</sup> August 2022 and will expire on 31<sup>st</sup> July 2023.
- 4.5 A copy of the current licence and conditions are attached for information as Appendix 2.
- 4.6 A map of the area showing the location of the licensed premises is attached for information as Appendix 3.



4.7 If approved, the licence will run for a period of 12 months.

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

5.1 The applicant has complied with all the statutory requirements with regard to the application process.

5.2 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 15 July 2022 and the applicant has confirmed that the public notice was displayed on or near the premises from 15 July 2022 to 5 August 2022.

5.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.

## **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 grant/renewal/transfer 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 Implications

<b>Resources:</b>	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of sex establishment applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
<b>Legal and Governance:</b>	<p>1.1 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.</p> <p>1.2 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.</p> <p>1.3 Article 6 of the Human Rights Act 1988 states that, in determination of a person's civil rights</p>



	<p>and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>1.4 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>1.5 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.</p>
<b>Risk:</b>	<p>The Police are a statutory consultee for sex establishment applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They consider the crime and disorder and risk assessment.</p> <p>The Police have been consulted on this application and have not identified any concerns regarding this application. Therefore, no representation has been received.</p> <p>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 online, in line with data protection protocols.</p>
<b>Equality:</b>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.</p>
<b>Health and Wellbeing:</b>	<p>This is not applicable to applications for sex establishments submitted under the Local Government (Miscellaneous Provisions) Act 1982.</p>
<b>Social Value</b>	<p>This is not applicable to applications for sex establishments submitted under the Local Government (Miscellaneous Provisions) Act 1982.</p>



## 7. Appendices

Appendix 1 – Application

Appendix 2 – Current Licence

Appendix 3 – Map of Location

## 8. Background Papers

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

