

**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**  
**22ND OCTOBER 2007**

**Application to vary the terms, conditions and restrictions  
of a Sex Establishment Licence**

<b>OPEN</b>	
<b>RESPONSIBLE OFFICER:</b>	<b>Head of Planning, Health and Environment</b>
<b>CONTACT OFFICER:</b>	<b>Brian Kent - Ext. 2593 brian.kent@wyreforestdc.gov.uk</b>
<b>APPENDICES</b>	Appendix 1 Photograph of Premises Appendix 2 GIS Map to show location Appendix 3 Conditions attached to Licence Appendix 4 Application to vary terms of conditions Appendix 5 Photographs to show examples of open window display

**1. PURPOSE OF REPORT**

- 1.1 To consider an application made by Simply Pleasure.com under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions ) Act 1982 to:

Vary the terms, conditions and restrictions of the Sex Establishment Licence Condition number 18, to enable goods to be displayed in an open window display at 51/52 Blackwell Street, Kidderminster DY10 2EE.

**2. RECOMMENDATION**

**The Committee is asked to consider whether or not to RECOMMEND to Cabinet to RECOMMEND to Council:**

- 2.1 **to vary Condition No. 18 of the Council's licence conditions relating to sex establishments to permit goods to be displayed in open windows, to enable an open window display at 51/52 Blackwell Street, Kidderminster.**

**3. BACKGROUND**

- 3.1 Simply Pleasure.com is a licensed sex establishment located in a mixed retail / residential area (Photographs at *Appendix 1*).
- 3.2 A plan is attached showing the proximity to residential areas (GIS map at *Appendix 2*).

3.3 The licence states the current permitted licensed activities and the Conditions Attached (copy at *Appendix 3*).

#### **4. KEY ISSUES**

4.1 Condition number 18 states inter alia, that:

*No window displays of any kind shall be permitted and in particular, no display, advertisement, word, letter, model, sign placard, notice, device, representation, drawing writing or any matter or thing ( whether illuminated or not ) shall be exhibited so as to be visible from the outside of the premises.*

4.2 The shop frontage at 51/52 Blackwell Street, conforms to these conditions. The glass window is opaque and the business of the premise is anonymous save for the company logo.

4.3 On the 14<sup>th</sup> September 2007, a letter was received from the owner of Simply Pleasure.com seeking permission from the Council to operate an open shop window display at 51/52 Blackwell Street, Kidderminster.

4.4 This request seeks to vary the terms, conditions and restrictions of Licence Condition number 18 (copy at *Appendix 4*).

4.5 Any goods offered for sale from a display would be in the form of lingerie and sexually provocative clothing.

4.6 Similar displays are already in operation at other branches operating at stores in Mansfield, Birmingham, Watford and Taunton (Photographs at *Appendix 5*).

4.7 The interior of the premises will not be visible from the outside of the premises.

#### **5. LEGAL AND POLICY IMPLICATIONS**

5.1 Variation of terms conditions and restrictions.

5.2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides:

*“An Authority may grant to any applicant, and from time to time renew, a licence ..., on such terms and conditions and subject to such restrictions as may be so specified. “*

5.3 The licence holder under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restriction on or subject to which the licence is held as may be specified in the application.

5.4 Any change to the licence conditions must be referred to Council as a matter of Policy.

#### **6. CONCLUSIONS**

6.1 The Committee may recommend to Cabinet to:

- Make the variation specified in the application
- Make such variations to it as it thinks fit, or
- Refuse the application

**7. CONSULTEES**

7.1 Head of Legal and Democratic Services.

**8. BACKGROUND PAPERS**

8.1 Manchester's Guide to the Licensing of Sex Establishments.

8.2 Local Government (Miscellaneous Provisions) Act 1982

24<sup>th</sup> September 2007