

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
27TH OCTOBER 2008

Application to Renew a Sex Establishment Licence

OPEN	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES	<p>Appendix 1 Sex establishment Licence</p> <p>Appendix 2 GIS Map to show location</p> <p>Appendix 3 Council's Policy on Sex Establishments</p> <p>Appendix 4 Application to renew the Sex Establishment Licence</p> <p>Appendix 5 Public Notice</p> <p>Appendix 6 Letter of objection from Mr Boxall dated 19 September 2008</p> <p>Appendix 7 Response letter from Principal Licensing Officer to Mr Boxall</p> <p>Appendix 8 Further letter from Mr Boxall dated 2 October 2008</p> <p>Appendix 9 Letter from objector Mr Matthew dated 23 September 2008</p> <p>Appendix 10 Response letter from Principal Licensing Officer to Mr Matthew</p> <p>Appendix 11 Further letter from Mr Matthew dated 9 October 2008</p>

1. PURPOSE OF REPORT

- 1.1 To consider an application made by Simply Pleasure Limited under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to renew the Sex Establishment Licence for 51/52 Blackwell Street, Kidderminster DY10 2EE.

2. RECOMMENDATION

The Committee is asked to DECIDE that:

- 2.1 the Sex Establishment Licence should be renewed.**

3. BACKGROUND

- 3.1 Simply Pleasure Limited is a licensed sex establishment located in a mixed retail/residential area at 51/52, Blackwell Street, Kidderminster, Worcestershire (copy Licence attached at Appendix 1).
- 3.2 A plan is attached showing the proximity to residential areas (copy GIS map attached at Appendix 2).
- 3.3 The Licence was granted in accordance with the Council's Policy on Sex Establishments (copy of the Policy attached at Appendix 3).

4. KEY ISSUES

The Application

- 4.1 The Application was made by Simply Pleasure Limited to renew the Licence on the 3rd September 2008 (copy attached at Appendix 4).

Public Notice

- 4.2 The Notice of the Application was given by the applicant in accordance with relevant statutory regulations and a public notice was posted on the Premises, and in a local newspaper circulated in the District of Wyre Forest (copy attached at Appendix 5).
- 4.3 The period for public consultation was for 28 days expiring on the 1st October 2008.

Relevant Representations

- 4.4 On the 19th September 2008 Mr Luke Boxhall, a resident of Kidderminster, wrote to the Council objecting to the renewal of the Licence to Simply Pleasure Limited (copy attached at Appendix 6).
- 4.5 On the 23rd September, 2008 the Principal Licensing Officer responded to Mr Boxhall by letter enclosing a copy of the Council Policy on sex establishments (copy attached at Appendix 7).
- 4.6 Mr Boxall was not satisfied with the response and wrote a further letter dated 2 October 2008 asking for his previous concerns to be determined (copy attached at Appendix 8).

- 4.7 On the 23rd September 2008 Mr C G Matthew wrote to the Council objecting to the renewal of Licence to Simply Pleasure Limited (copy attached at Appendix 9).
- 4.8 On the 3rd October 2008, the Principal Licensing Officer responded to Mr Matthew by letter enclosing a copy of the Council Policy on sex establishments (copy attached at Appendix 10).
- 4.9 Mr Matthew was not satisfied with the response and wrote a further letter dated 9 October 2008 asking for his previous concerns to be determined (copy attached at Appendix 11).

Key Points

- 4.10 The Objectors ask if the following points could be considered:

Matters within the Policy:

- The renewal process in the face of public consultation.
- The appropriate number of sex establishments for the relevant locality
- The regard to the location of residences, being close to sensitive premises such as schools, and places of religious worship.
- Families and children access the park via one of the entrances opposite Simply Pleasure.

To have regard to the following additional points:

- The premises are situated at the gateway to the town from Wolverhampton and Stourbridge and the negative impact upon the immediate vicinity of the Horsefair and Kidderminster makes the areas look seedy.
- The presence of the sex establishment could operate as a barrier to regeneration of this part of Kidderminster. People could be put off investing in a less desirable neighbourhood
- The Council should be looking for more worthwhile wholesome enterprises to be located in the Horsefair that will promote good health and welfare, a positive atmosphere, and economic prosperity through more productive employment that generates wealth.

Observations

- 4.11 There is no record at the Council of any complaint against Simply Pleasure during its trading history.
- The Mosque and other religious organisations have made no comment about the licence renewal
 - No complaint has been received on behalf of any family or individual.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Licence Authorities are obliged by Paragraph 10(18) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to have regard to objections of which they have received the requisite notice.

“ Any person objecting to an application for the grant, renewal, or transfer of a licence under this schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application “

- 6.2 Within the scheme of power delegated to Officers of the Council, any objection to the renewal of Sex Establishment Licences must be referred to the Licensing and Environmental Committee.

- 6.3 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. “

7. CONCLUSIONS

- 7.1 It is for the Licensing Authority to determine whether or not the representations are relevant and should consider whether any individual, residence, or business, is directly affected by the operation of the premises.

- 7.2 Councillors can use their own subjective local knowledge in deciding what factors are relevant.

- 7.3 The area has not changed substantially since the licence was first granted.

- 7.4 The Licensing Authority may:

- deem the representations irrelevant having regard to all the circumstances and renew the licence, or
- recommend to Council to make such variations to the sex establishment policy as it thinks fit.

- 7.5 There are no grounds to support the objector’s views and the licence should be renewed.

8. CONSULTEES

8.1 Head of Legal and Democratic Services

8.2 Ward Councillors

9. BACKGROUND PAPERS

9.1 Manchester's Guide to the Licensing of Sex Establishments

9.2 Local Government (Miscellaneous Provisions) Act 1982