

Community Protection Committee

DATE 14/09/2022
REPORT OF Sharon Wroot
Executive Director of Environment, Economy & Resources

SUBJECT Determination of Application to Renew Sex Shop Licence –OMG Adult World (Formally The Private Shop) 189 Grimsby Road, Cleethorpes

STATUS Open

CONTRIBUTION TO OUR AIM

Stronger Community:

- Protecting the community through compliance with requirements of the licensing regime and the conditions of the licence.

Stronger Economy:

- Supporting business through licensing of a legally compliant sex shop.

EXECUTIVE SUMMARY

- This report provides the process to be followed and details required to determine the transfer application for a Sex Shop Licence at the above premises.

RECOMMENDATIONS

- To grant the renewal application.

REASONS FOR DECISION

- An application to transfer the licence has been properly made and must be determined.

1. BACKGROUND AND ISSUES

1.1 Introduction

Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 enables a local authority to adopt the provisions in Schedule 3 of the Act, which require that a sex cinema or sex shop has a licence issued by the local authority. This allows the authority to prescribe certain conditions regulating the premises.

By resolution dated 24th November 1982 Cleethorpes Borough Council resolved that Schedule 3 of the Act should come into force in its area from the 1st February 1983. This resolution has been transferred to North East Lincolnshire Council.

North East Lincolnshire Council has adopted Schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009 in order to Licence Sex Shops, Sex Cinemas and Sexual Entertainment venues within the district.

1.2 Application

Mrs Jeanette Christine Ann Rayment has applied for the renewal of a sex shop licence at OMG Adult World (formally The Private Shop), 189 Grimsby Road, Cleethorpes.

1.3 Licence

Licences for sex shops are granted for a period of no more than 12 months and applications for transfer or renewal can be made at any time prior to the expiry of the licence. Conditions can be further reviewed at the time of the annual renewal. (Copy of current licence in Appendix B)

1.4 Consultation

Consultation to all the statutory consultees has been undertaken. The applicant placed a notice in the Grimsby Evening Telegraph and at the premises for the required 28 day period.

1.5 Compliance

The premises has not been visited following the application due to Covid restrictions but the licensing section has not received any complaints or other information to indicate the premises is not operating in compliance with the licence conditions.

1.6 Determination.

There have been no objections to the application and none of the mandatory or other grounds for refusal apply.

2. RISKS AND OPPORTUNITIES

Human Rights / Equality and Diversity – The Council would be at risk if it failed to be mindful of Article 1 of the First Protocol of the European Convention on Human Rights is engaged which means no one shall be deprived of his personal possessions except in the public interest. People's possessions have included licences. The Human rights of the applicant are also affected if they do not receive a fair hearing so the Council would be at risk of legal challenge should they not provide one.

Value for Money – As there have been no objections and none of the mandatory or other grounds for refusal apply the Council is at risk from legal action and possible costs being awarded against it if the licence is not granted.

The Impact on the Social, Economic and Environmental well-being of the Borough – There could be a social and economic impact on staff and customers should this application be refused. In the absence of any objections to this application there would be no significant impacts if the application was granted.

Economic Risk – No significant economic risk in the grant/refusal of this licence

Economic Opportunity – No significant economic opportunities in the grant/refusal of this licence.

3. OTHER OPTIONS CONSIDERED

To amend the licence conditions – no evidence to justify or support this option.

Refuse the application - no evidence to justify or support this option.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential positive reputational implications in relation to effective implementation of this legislation as outlined in the report. An action plan has been agreed with the Council's communications service covering information requirements and communication channels to be utilised.

5. FINANCIAL CONSIDERATIONS

The proposal outlined within the report supported the Council's key financial objectives to shift our financial resource to support delivery of the Council's vision and reduce reliance on central government funding. The fee for processes is set on a cost recovery basis.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

No direct implications

7. FINANCIAL IMPLICATIONS

The licence renewal will allow income to continue to be received on a cost recovery basis.

8. LEGAL IMPLICATIONS

Paragraph 12(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds on which an application can be refused.

An application to renew a licence may only be refused on one or more of the following grounds:

- a) That the applicant is unsuitable to hold a 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 of a licence if he or she made the application themselves;

c) 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 authority consider is appropriate for that locality.

d) That the grant of the licence would be inappropriate having regard to:

- i. The character of the relevant locality; or
- ii. The use to which any premises in the vicinity are put; or
- iii. The layout, character or condition of the premises in respect of which the application is made.

In the absence of any objections or evidence of crime and disorder the renewal of the licence should be granted.

Section 8(1) of the Local Government (Miscellaneous Provisions) Act 1982 provides that the authority may grant the renewal on such terms and conditions and subject to such restrictions as may be so specified. If the Committee wishes to impose any additional restrictions or conditions, which are not already in place, there must be a good reason for doing so

9. HUMAN RESOURCES IMPLICATIONS

There are no HR implications arising from the contents of this report.

10. WARD IMPLICATIONS

Sidney Sussex Ward

11. BACKGROUND PAPERS

Appendix 1: Application to Renew Sex Establishment Licence

Appendix 2: Current Sex Establishment Licence for OMG Adult World

12. CONTACT OFFICER(S)

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