

Chief Executive's Office

Please ask for: Mr G K Bankes
Direct Dial: (01257) 515123
E-mail address: gordon.bankes@chorley.gov.uk
Your Ref:
Our Ref: GKB/AJS
Doc ID:
Date: 10 October 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:
Jeffrey W Davies MA LLM

Dear Councillor

A special meeting of the Licensing and Safety Committee is to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 2nd November, 2005 commencing at 1.00 pm.

Please note the commencement time of the meeting.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Application for Renewal of a Sex Shop Licence, Bolton Road, Chorley (Pages 1 - 4)**

Report of Director of Legal Services (enclosed)

4. **Exclusion of the Public and Press**

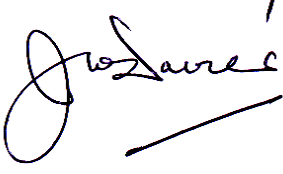
To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act `1972

5. **Application for License to Drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley - MrJ M S (DOB 5/11/68) (Pages 5 - 6)**

Report of Director of Legal Services (enclosed)

Continued....

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Licensing and Safety Committee (Councillor R Snape (Chair), Councillor Iddon (Vice-Chair), Councillors Bedford, Mrs D Dickinson, D Dickinson, A Gee, T Gray, Hoyle, M Lees, Lennox, McGowan, Mrs Smith, E Smith, Walker and Mrs Walsh) for attendance.
2. Agenda and reports to Director of Legal Services and Licensing Manager for attendance.
3. Agenda to all remaining Chief Officers for information.
4. Agenda to all remaining Members of the Council for information.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

یکہئے:



Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	2 November 2005

APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE

PURPOSE OF REPORT

- To enable Members to determine an application to renew the sex establishment licence for premises known/trading as 'M & M Sensations'.

CORPORATE PRIORITIES

- There are no specific implications arising from this report

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	Information	
Reputation	Regulatory/Legal	✓
Financial	Operational	
People	Other	

- There is a right of appeal against the decision of this Committee to the Magistrates Court.

BACKGROUND

- An application to renew the sex establishment licence has been received in respect of these premises situated on Bolton Road, Chorley. The premises have had the benefit of a sex establishment licence since 22 August 2002.
- In accordance with the requirements of paragraphs 9(7)-(10) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, the applicant has advertised the application in the local press and on the application premises, within the statutory time limits.

CURRENT POSITION

- The local police have been consulted and their views sought. They have responded by saying that they have no objection to the renewal of the licence.

Continued....



8. The Council's Environmental Services Unit have been consulted and have no comments to make relating to this application.
9. The fire service have stated that they have no concerns regarding this application.
10. The Licensing Enforcement Officer has confirmed that there have been no enforcement issues with these premises.
11. A petition has been received signed by 90 objectors. The petition is on the basis that the undersigned 'object to the renewal of the licence for a sex shop at 75a Bolton Street, Chorley. We have concerns about preserving and protecting wholesome family values. As far as we are concerned, this business is sleazy and promotes an entirely wrong image of Chorley.' The petition will be circulated at the meeting. All objectors have been invited to attend the meeting.

LEGAL POSITION

12. The Local Government (Miscellaneous Provisions) Act 1982 provides that an application for the renewal of a licence may be refused on a number of grounds:
 - i) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
 - ii) that if the licence were renewed the business to which it relates would be managed or carried on for the benefit of a person , other than the applicant , who would be refused the grant, renewal or transfer of such a licence if they made the application himself;
 - iii) That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considered appropriate for that locality;
 - iv) The renewal of the licence would be inappropriate, having regard -
 - to the character of the relevant locality
 - to the use to which any premises in the vicinity are put: or
 - to the layout, character, condition of the premises in respect of which the application is made.

13. This Authority resolved on 4 September 2002 the following:

"This Authority will not normally grant a sex establishment licence sought to be established in the Borough within a distance of 2.5 miles from an existing sex establishment calculated as the crow flies. That as part of this policy account should be taken of existing licences in local authority areas that immediately border the Borough boundary".

In terms of the application before the Committee there are no premises within the criteria mentioned above.

COMMENTS OF THE DIRECTOR OF FINANCE

14. There are no comments from the Director of Finance.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 15. There are no staffing implications.

RECOMMENDATION(S)

- 16. Members are asked to determine the application for renewal of the sex establishment licence.

ROSEMARY A LYON
 DIRECTOR OF LEGAL SERVICES

Report Author	Ext	Date	Doc ID
Janet Brereton	5164	17/10/2005	LEGREP/90617AJS

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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