

The majority of business was done via drop-shipping however, a small stock was held at the premises. Customers were not permitted to attend the premises, nor were couriers, with distribution carried out by existing staff taking shipments directly to courier depots and/or private delivery. The Sub-Committee were advised that there was no external signage at the premises and no footfall, other than from existing staff members.

The Licensing Enforcement Team Leader referred Members to the issues to consider and explained it was generally accepted that the power to require licensing of sex establishments arose from a need to ensure that such establishments were not located in inappropriate locations, such as in the vicinity of schools or places of religious worship, in order to protect persons from being exposed to inappropriate materials or situations, particularly those under the age of 18 years. However, the Sub-Committee noted that in relation to the operation of the applicant's business, the risk to this principle was very small.

The applicable fee for a sex shop licence was set at £2103 and the maximum period of time a licence could be granted for was one year; therefore, representing a significant burden to the business. The Sub-Committee were to consider whether this small risk and associated large financial cost on the business would make requiring a licence unreasonable and/or inappropriate.

It was also understood that the Council, as the Landlord, was in the process of drafting a lease for the business to occupy the premises. It was understood that this was a six-year lease, however Members were instructed that this was not to influence the Sub-Committee's decision in regards the licence.

In response to questions from Members, the Licensing Enforcement Team Leader clarified that the Council was satisfied that the activity carried out by the business was licensable, but it was for the Sub-Committee to determine whether requiring a licence would be unreasonable and/or inappropriate.

In making his representations, the applicant's representative detailed the operations of the business and outlined how the premises was used. The Sub-Committee were advised that following collection, all deliveries were concealed and only removed from the van when it was parked inside the premises unit. Products would then be checked for any damages at the site before being distributed to courier depots or via private delivery, therefore the products would remain inside the premises for a maximum period of one week.

In response to further questions from Members, the Licensing Enforcement Team Leader supported the idea that the premises could be considered as a trans-shipment/intermediary base, based on how business was operated at the site.

The Licensing Enforcement Team Leader reassured the Sub-Committee that if they chose to waive the licence and there was a future change in circumstance which could then make it reasonable to acquire a licence, then the Council could reconsider this and terminate the waiver at any time, with no right to appeal.

Decision

The Sub-Committee considered all of the documentation and submissions in this matter together with all relevant statutory guidance and **resolved (unanimously) to grant a waiver for the requirement to hold a sex shop licence for a period of six**

year as it deemed it unreasonable and inappropriate to require a licence, having taken into account all the facts in the case, pursuant to paragraph 7(4) and (5) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The reasons for this decision were:

- 1. The business was online only, with no public access - including no couriers,**
- 2. All deliveries were concealed,**
- 3. Distribution was carried out by existing staff taking shipments directly to courier depots/private delivery,**
- 4. No signage was visible,**
- 5. The risk to young children was very low.**

Chair

Date