

Report of	Meeting	Date
Corporate Director of Governance	General Licensing Sub-Committee	4 February 2009

APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SCHEDULE 3, PARAGRAPH 6

PURPOSE OF REPORT

1. To enable Members to determine an application to renew the sex establishment licence for premises known/trading as 'M & M Sensations'. To further enable Members to consider a petition signed by 182 signatories to relocate the sex shop.

RECOMMENDATION(S)

2. Members are asked to determine the application for renewal of the sex establishment in light of the written representations received and any representations made at the meeting.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

4. An application to renew the sex establishment licence has been received in respect of the 'M & M Sensations' premises situated at 75 Bolton Road, Chorley. The premises has had the benefit of a sex establishment licence since 22 August 2002.
5. In accordance with the requirements of Section 10, paragraphs (7)-(10) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, the Applicant has advertised the application in the local press and displayed a notice of the application premises, within the required statutory time limits.
6. The local Police have been consulted and their views sought. They have confirmed that they have no objection to the renewal of the Licence.

7. The Fire Service has stated that they have no objection to the Licence renewal.
8. The Council's Environmental Services have been consulted and have no comments to make relating to this application.
9. The Licensing Enforcement Officer has confirmed that there have been no enforcement issues with these premises.
10. A letter objecting to the renewal of the Licence has been received. A copy of this letter is attached to this Report (appendix 1). The objector has been invited to attend this meeting.
11. A petition has been received signed by 182 signatories. The petition is headed 'Petition to relocate the Sex Shop on Bolton Street'. A copy of the petition will be circulated at the meeting. All signatories 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:
 - 12.1 that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
 - 12.2 that if the licence were renewed the business to which it relates would be managed or carried on for the renewal 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;
 - 12.3 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;
 - 12.4 the renewal of the licence would be inappropriate, having regard:
 - (i) To the character of the relevant locality.
 - (ii) To the use to which any premises in the vicinity are put, or
 - (iii) 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.

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

LEGAL IMPLICATIONS

15. The legal issues are set out in the report.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Janet Brereton	5204	22 January 2009	LEGREP/2201LM1