

Application for a variation of a sex shop licence
at
Private Shop, 528 Sheffield Road, Chesterfield, S41 8LP

By
Darker Enterprises Limited

For publication

Meeting: Appeals and Regulatory Committee

Date: Wednesday 11th April 2018

Cabinet portfolio: Health and Wellbeing

Report by: Steve Ashby, Licensing Officer

1.0 PURPOSE OF REPORT

- 1.1 To enable members to consider an application by Darker Enterprises Ltd for a variation of the sex shop licence for

Private Shop
528 Sheffield Road
Chesterfield
S41 8LP

- 1.2 Section 18 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 states

- (1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or

restrictions on or subject to which the licence is held as may be specified in the application.

- (2) The appropriate authority
 - (a) may make the variation specified in the application; or
 - (b) may make such variations as they think fit; or
 - (c) may refuse the application.
- (3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

2.0 **BACKGROUND**

- 2.1 A sex establishment licence has been granted in respect of the premise since 1985. A copy of the current licence, number SS0002 and standard conditions are attached at Appendix 1 and 2.
- 2.2 On 6th March 2018 the Licensing Department received the annual fee and licence renewal application for the premises under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The application form is attached at Appendix 3.
- 2.3 The licence renewal is addressed under officer delegated authority. Along with the submission of the application form and payment of the relevant fee, the applicant is required to advertise the application in the local press and by way of a notice displayed at the premises.

- 2.4 These requirements have been met, no representations have been received and thus the renewal application has been granted.
- 2.5 Section 13 of the form at Appendix 3 includes an application to vary the licence in respect of signage displayed on the front of the premises.
- 2.6 Permitted premises signage forms part of Chesterfield Borough Council's Sex Shop standard conditions.
- 2.7 These conditions prescribe the operation and conduct applicable to licences for sex establishments and sex entertainment venues and are shown at appendix 2.
- 2.8 Section 31 of the standard conditions (Appendix 2) states
31. Except as provided for in sub-paragraphs (a) - (c) hereof no advertising material, sign, word graphic or pictorial or other display or representation whatsoever referring to the premises hereby licensed or to the goods, articles or services provided therein shall be displayed outside near to or within the premises hereby licensed in such a position or manner as to be visible to any person lawfully using any street highway close yard court footpath or place to which the public has access for the time being.
- a. The name or trading name, style or title of the holder provided always that no name style or title other than that of person or company granted this licence shall be so exhibited unless and until approved by the Council in writing. The Appeals and Regulatory Committee approved proposed changes to the shop front of 528 Sheffield Road on the 25th May 2011, subject to the deletion of reference to a website address.

- b. Any notice required by any statute or any instrument or regulation made there under.
- c. Any notice required by condition 30 hereunder.

3.0 CHANGES SOUGHT

- 3.1 Darker Enterprises Limited stated in their application form “We wish to vary part 31 of the conditions. We wish to display all or some of the attached posters in our shop window in the future.”
- 3.2 Copies of the posters are attached to the application. Images of the posters are included below.
- 3.3 The original submissions are included at appendix 4, 5, 6, 7 and 8.

Appendix 4



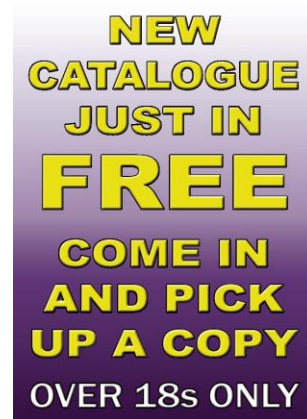
Appendix 5



Appendix 6



Appendix 7



Appendix 8



3.4 Clarity was sought from the applicant as to how the posters would be displayed.

The applicant stated they would seek to display all or some of the posters

- in A3 size
- in the front window of the premises.

They have qualified their application by stating

“Our Customers have often commented that they think that our shop looks closed from the outside, and that there was little visual incentive to resort to the premises.

It is our belief that there would be no detriment to other premises, just a levelling of opportunity to trade and maximising the appearance of the premises without being offensive."

3.5 The E-mail with this response is included at appendix 9. The copies of the posters attached as appendices have been printed in A3 size and will be produced at Committee to better identify their size and impact.

3.6 A photograph of the front of the premises is reproduced below.



3.7 A further photograph of the store front is included hereafter. Three of the five posters have been placed on the window to give an illustration of their impact.

3.8 It is worth noting that the two lighter coloured signs on the extreme edges of the windows are the statutory notices advertising the licence renewal and so can be disregarded. They would not normally be present.

3.9 As can be seen the proposed posters are consistent in size with the current window signage.



4.0 CONSULTATION

4.1 The applicant has served a copy of the application form on Derbyshire Police. Both the renewal application for the licence and the variation application have been discussed with Police Licensing Officers.

4.2 The police have no objection to this application.

4.3 A copy of their e-mail confirming this is included at Appendix 10.

5.0 RECOMMENDATION

5.1 That this variation application by Darker Enterprises Limited regarding exterior appearance of the Private Shop at 528 Sheffield Road, Chesterfield be considered and that the Committee

- make the variation specified in the application; or
- make such variations as they think fit; or
- refuse the application.

5.2 That in determining the application, should the Committee resolve that not all posters may be displayed at the same time then to identify

- which if any of the requested posters may be displayed
- in what size
- and in what number or combination.



Steve Ashby
LICENSING OFFICER

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