

Bath & North East Somerset Council		
MEETING:	Licensing Sub-Committee	
DATE:	Tuesday 13th May 2014	AGENDA ITEM NUMBER:
TITLE:	Renewal of a Sex Establishment Licence for; The Private Shop, 28 Victoria Buildings, Lower Bristol Road. BA2 3EH.	
WARD:	Westmoreland	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Standard Conditions		
Annex D Highways Notice		
Annex E Objections		

1 THE ISSUE

- 1.1 An application has been received for the renewal of a Sex Establishment Licence in respect of the **Private Shop**, 28 Victoria Buildings, Lower Bristol Road, Bath. BA2 3EH (*Annex A*).

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS

- 3.1 The cost of processing licences are covered by the fees charged. The fee for this application is £1680.

4 STATUTORY CONSIDERATIONS

- 4.1 Bath and North East Somerset Council adopted schedule 3, Local Government Miscellaneous Provisions Act 1982 on 1st January 1994.

- 4.2 Schedule 3, Local Government Miscellaneous Provisions Act 1982 deals with control of Sex Establishments and empowers the Local authority to issue Sex Establishment Licences.
- 4.3 A Sex establishment includes as sex shop which means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating
- (a) sex articles; or.
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or.
 - (ii) acts of force or restraint which are associated with sexual activity.
- 4.4 Subject to the provisions of Schedule 3 no person shall in any area in which the Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the Schedule by the appropriate authority.
- 4.5 When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.6 An Equalities Impact Assessment (EqIA) has been completed. No adverse or significant issues were found.

5 THE REPORT

- 5.1 An application has been received for the renewal of a Sex Establishment (Sex Shop) Licence for **The Private Shop** at 28 Victoria Buildings, Lower Bristol Road, Bath. BA2 3EH (*site plan attached to Annex B*).
- 5.2 The Private Shop was granted a Sex Establishment licence by the City Council on 21st March 1994.
- 5.3 Since the granting of that Sex Establishment licence on 21st March 1994, the premises has applied for and been granted a renewed Licence every year.
- 5.4 Each Licence has been issued subject to Bath and North East Somerset Council's standard conditions for a Sex Establishment (Sex Shop) a copy of these conditions are attached at *Annex C*.
- 5.5 The renewal application is for the period 21st March 2014 to 20th March 2015.
- 5.6 The application proposes the sale of **books, magazines, videos, DVD's, marital aids, health products and other ancillary items**.

5.7 The proposed **opening hours** are:

Monday to Saturday - 09:30Hrs to 20:00Hrs

5.8 There is **no change** to the previous Sex Establishment licence granted for **The Private Shop** by Bath and North East Somerset Council.

5.9 As part of the renewal process a notice was placed on the premises where it could be clearly seen from the highway on 17th February 2014 (*Annex D*).

5.10 The application was also advertised in the Bath Chronicle on 20th February 2014.

5.11 The application was placed on the Bath and North East Somerset Council's website.

5.12 An objection has been received from a local resident. The grounds for objection allege the granting of the renewal application will:

- affect families who are looking to move to the area
- have a negative impact on the City culture
- promote women as sexual objects
- lead to an unhealthy addition to pornography
- make the material available acceptable to young people
- make it appear that abuse is acceptable in relationships

The objector has also submitted a petition.

(Copies of the objection and petition can be found in Annex E)

6 RATIONALE

6.1 The Licensing Sub-Committee must determine the application as objections have been received and in accordance with Schedule 3 paragraph 12 the Authority may refuse an application on one or more of the following grounds

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred 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, renewal or transfer of such a licence if he made the application himself;

[(c) that the number of sex establishments, or of sex establishments of a particular kind, 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 or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

The relevant locality means--

- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Licensing Service has consulted with the Police, Local Ward Councillors and Bath & North East Somerset Council's Trading Standards and Health & Safety Departments.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Michael Dando, Senior Public Protection Officer (Enforcement)# Telephone: 01225 477946
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

SPECIAL DELIVERY

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Bath & North East
Somerset Council

ANNEX A

17 FEB 2014

Received

18th February 2014
(Date of application)

Dear Sir/Madam,

**Re: Local Government (Miscellaneous Provisions) Act 1982
Renewal of Licence: Private Shop, 28 Victoria Buildings,
Lower Bristol Road, Bath, BA2 3EH**

Please find enclosed our application for the renewal of the licence under Schedule 3 of the above Act, in respect of the above premises, together with our cheque in the sum of £1680.00 made payable to Bath & North East Somerset Council, being the fee currently applicable.

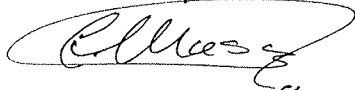
We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the private addresses in an envelope marked 'Private & Confidential' in order to protect the family homes. We would be grateful if you would observe the confidentiality of this information and not release same to members of the public.

We confirm that a copy of the application has been sent to the Avon & Somerset Constabulary. We also confirm that the public notice will be published in a local paper and a copy of the notice will be displayed at the premises for a period of 21 days from the date of application. We will forward a copy of the newspaper carrying the public notice to you as soon as this is to hand. The notice sent to us for display at the premises is not in accordance with the above act. We have, therefore, prepared a notice for display at the premises in accordance with the Act.

Will you please note that any Licence issued should be in the name of Darker Enterprises Limited, the applicant, and all communication relating to the above premises should be directed to this office.

If you have any queries or require additional information or clarification on any point, please do not hesitate to contact us.

Yours faithfully
For and on behalf of
Darker Enterprises Limited

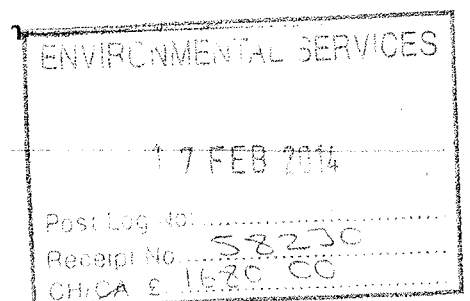


C C Mason
Director

RENEWAL OF A SEX ESTABLISHMENT LICENCE

THE PRIVATE SHOP 28 VICTORIA BUILDINGS BATH BA2 3EH

1	Full names, addresses and dates of birth of each current holder of licence (record details on separate sheet if necessary).	Darker Enterprises Limited Unit 11B, Trade City Ashton Road Harold Hill Romford Essex Date of birth:
2	Contact telephone number	0208 114 1007
3	Details of all convictions of each applicant of any offence in any Court of law since the last application. (If none write "NONE" otherwise complete the box).	Date: Court: Nature of offence:
4	The date or dates, or the period of time for which the licence is required (maximum one year)	From: 21 March 2014 To: 20 March 2015
5	Give details of all directors, staff and persons responsible for management. Include capacity, name, address, date of birth and convictions (if no convictions write "NONE" otherwise give details).	<p style="text-align: center;">PERSONAL INFORMATION BLANKED OUT.</p>
6	Has the applicant held a licence for a sex establishment in the twelve months immediately preceding the date of this application?	Yes



7	<p>Are the premises:</p> <p>a) a Sex Shop, or b) a Sex Cinema</p> <p>as defined by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982</p>	Sex Shop
8	<p>If a sex shop, is any part of the premises to be used for displaying films, videos or other moving pictures?</p>	No
9	<p>Articles to be offered for sale</p>	Books, magazines, videos, DVDs, marital aids, health products and ancillary items.
10	<p>What advertisements or displays are to be exhibited?</p>	Only those previously approved by the Council.
11	<p>Days of the week, and hours of operation on those days, required</p>	Monday to Saturday 09:30 - 20:00


LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
RENEWAL OF A SEX ESTABLISHMENT LICENCE AT THE PRIVATE SHOP
28 VICTORIA BUILDINGS BATH BA2 3EH

I/We DARKER ENTERPRISES LIMITED

hereby give notice that I/we intend to apply for the renewal of our sex establishment licence in accordance with the particulars in the attached Schedule.

- I/We enclose the requisite fee of £1680
- I/We certify that there have been no structural alterations to the premises, or any other departures from the arrangements shown on the drawing(s) last deposited.
- I/We will send Licensing Services a copy of the newspaper advertisement once it has been published.
- I/We declare that the information given in this application is true.

Signed by the applicant(s)

 Colin Mason (Director) Dated 18/02/2014

..... Dated

Please return the completed application to:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Bath and North East Somerset:
District Online

Date: 15-4-2014

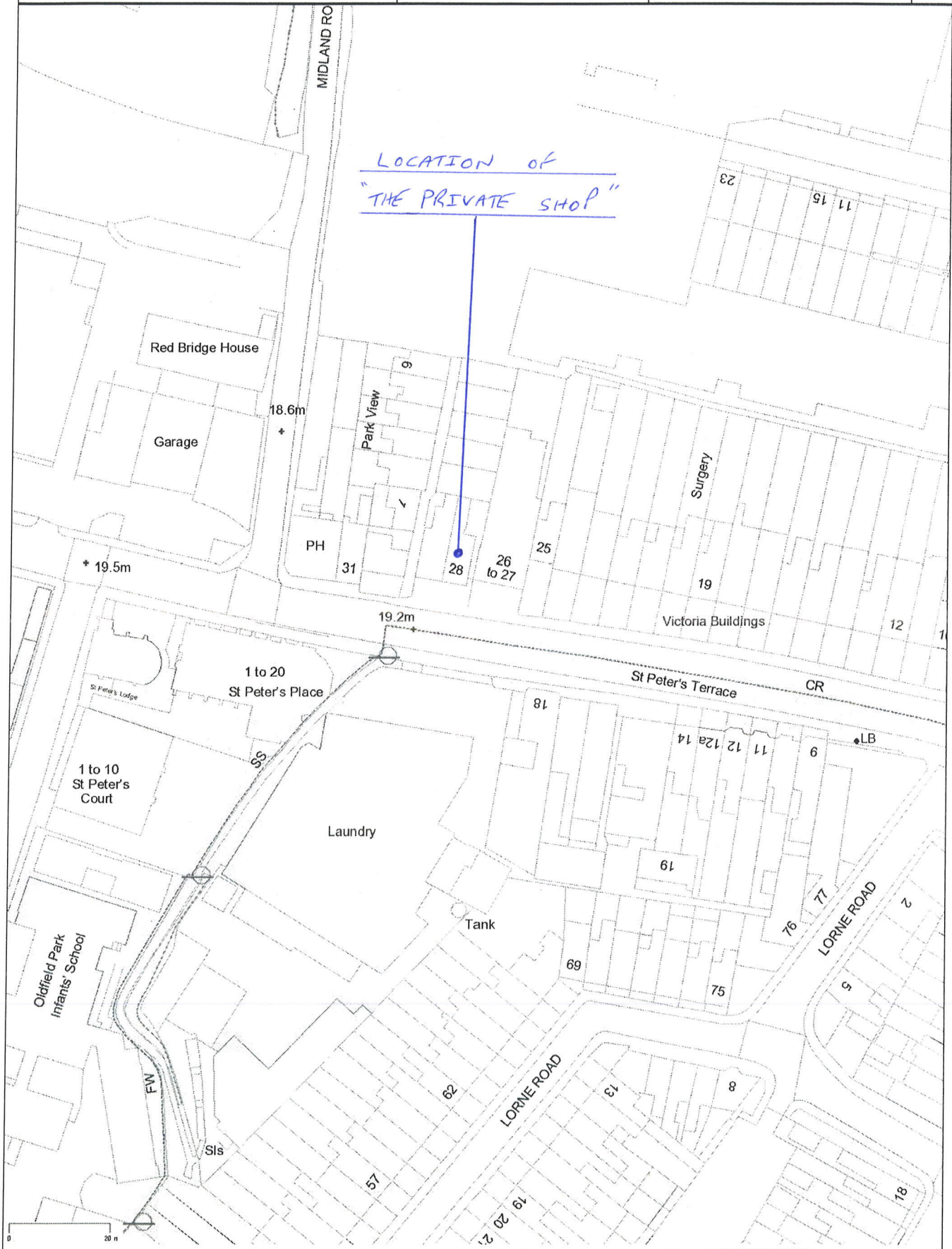
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Bath & North East
Somerset Council

The Private Shop

Map Centre - easting / northing:
373910 / 164793

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BATH AND NORTH EAST SOMERSET COUNCIL**STANDARD CONDITIONS APPLICABLE TO
LICENCES FOR SEX ESTABLISHMENTS**

In these Conditions the following expressions shall have the following meanings:

- i. 'The Council' - The Bath and North East Somerset Council.
 - ii. 'Sex Establishment', 'sex cinema', 'sex shop', and 'sex article', shall have the meanings given them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
 - iii. 'Premises' any vehicle, vessel, stall or premises (which shall include any part thereof, forecourt, yard or storage place in connection with any building) which is the subject of a licence granted under Schedule 3 aforesaid.
 - iv. 'Special Conditions' any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid.
1. A sex establishment shall not be open to the public before 9.00 am and shall not be kept open after 8.00 pm.
 2. A sex establishment shall not be open to the public on Sundays or bank holidays or any public holidays.
 3. The licensee shall ensure that the public are not admitted to any part or parts of the premises which have not been licensed by the Council.
 4. No part of the premises shall be used by male or female prostitutes for the purposes of soliciting.
 5. The licensee shall notify the Council in writing of the person responsible for management of a sex establishment at any time and no person may be responsible for such management unless he is approved by the Council.
 6. The name of the person responsible for management of a sex establishment shall be prominently displayed on the premises throughout the time of his/her management.
 7. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for management of the body shall be notified to the Director of Development and Environmental Services in writing within 14 days of the change.

8. The licensee shall not let, licence or otherwise dispose of any part of the premises.
9. No display, advertisement or notice of any kind shall be exhibited so as to be visible from outside the premises unless approved in writing by the Council.
10. The entrance doors to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
11. Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and drawings showing the proposed scheme shall be submitted to the Council for prior approval. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 10 hereof.
12. Neither the licensee nor his servant or agent shall personally solicit custom for a sex establishment outside or in the vicinity of a sex establishment.
13. There shall be no change of user from a sex cinema to a sex shop or from a sex shop to a sex cinema without written consent from the Council.
14. No sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. All sex articles and other things displayed for sale, hire, exchange or loan in a sex shop shall be clearly marked with their prices.
16. All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase.
17. Alterations or additions either internal or external shall not be made to the licensed premises without written consent from the Council.
18. The licensee shall take all reasonable precautions for the safety of the public and employees required by the Council.
19. The licensee shall comply with any fire prevention and safety measures required by the Council.
20. In the event of any inconsistency between these conditions and any special conditions of the licence the special conditions shall prevail.

21. Where in these Conditions reference is made to 'approval' or 'consent' by the Council this shall be approval or consent in writing from the Director of Development and Environmental Services and no approval given under any other powers of the Council will be sufficient, e.g. planning permission approval, under building regulations, and approval given under any other powers exercised by the Council shall not preclude the necessity for approval or consent in writing under these Conditions.
22. No-one shall be admitted to the premises who is, or appears to be, under the age of 18. A Notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
23. No person under the age of 21 shall be employed on the premises.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

The Private Shop 28 Victoria Buildings Bath BA2 3EH

Notice is hereby given that an application has been made to Bath & North East Somerset Council for a Sex Establishment Licence at the above premises as detailed below:

Applicant(s): **DARKER ENTERPRISES LIMITED**
 UNIT 11B, TRADE CITY
 ASHTON ROAD
 HAROLD HILL
 ROMFORD
 ESSEX
 RM3 8UJ

Hours: **MONDAY TO SATURDAY 09:30 - 20:00**

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned within 21 days from the date of this notice.

Dated 17 February 2014



Andrew Jones
Environmental Monitoring and Licensing Manager

Licensing Services
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Bath And North East
Somerset Council

17 MAR 2014

Received

Licensing Service

Bath And North East Somerset Council
Lewis House
Manners Street
Bath
BA1 1JG

16th March 2014

To whom it concerns,

My name is Jo-ling Chew, I am a student here in the city of Bath, representing a number of young adults within Bath Spa University.

The purpose of this petition is to appeal against the renewal of a licence to use the premises at; PRIVATE SHOP, 28 Victoria Road, Bath, BA2 3EH, to be used as a sex shop.

Our reasons to appeal against the renewal of the License are listed below,

- We believe it is and will affect potential families who are looking to move to the area, due to the potential risk of their children being exposed to the trade of this shop.
- We believe that this shop has a negative impact on this city's culture.
- There is a number of people who feel the merchandise of this shop objectifies women in a negative manner by solely promoting women as sexual objects.
- We believe the merchandise sold within this shop will lead to an unhealthy addiction to pornography. In which, customers of this shop may pursue more extreme genres of pornography, leading to a further distorted view on relationship. Which in turn will have a negative affect on the city.
- There are two local schools situated within a mile of the shop. Hayesfield Girls School is situated only 0.2 miles from the shop along with Oldfield Junior School being situated only 0.8 miles away. We believe having a Private Shop located in a populated area can make its material appear acceptable to the young people of the area, when in fact it shouldn't be.
- More extreme versions of pornography can make it appear that abuse is acceptable within relationships.

These are our reasons against the renewing of the licence of the Private Shop.

Yours sincerely,

Jo-ling Chew and the young adults of the surrounding area. (Please see petition attached)



