



LICENSING SUB COMMITTEE

Friday, 16 January 2015

Application for a Sex Establishment Licence

Applicants Name(s)

Darker Enterprises Ltd

Premises Name and Address

Private Shop
17 Commercial Road
Lowestoft
NR32 2TD

Ward

Harbour

Date Application Received

1 December 2014

Consultation end

23 December 2014

Cabinet Member:

Councillor Mary Rudd
Cabinet Member for Community Health & Safety

Supporting Officer:

Caroline Evans
Licensing Manager

01394 444678

caroline.evans@eastsoffolk.gov.uk

SUMMARY OF APPLICATION

This report sets out the application for a Sex Establishment Licence for the Private Shop, 17 Commercial Road, Lowestoft (Appendix A) made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 and adopted by Waveney District Council in July 2010.

The application has been sent to all Responsible Authorities, and has been advertised on the premises and in the press as required by legislation. It has also been advertised on the website of Waveney District Council.

The applicants, Darker Enterprises, were originally granted a Sex Establishment Licence for these premises in 2005. Legislation provides that this type of licence be renewed annually and Darker Enterprises have applied for, and been granted, a renewal every year until 2014. Each renewal application involved a 21 day consultation with statutory public and press notices.

In July 2014 Darker Enterprises did not apply to renew the licence, instead changing the premises into an e-cigarette shop. After a period of just 5 months, and for commercial reasons, the applicants have now made this application to enable them to revert back to operating the premises as a sex shop.

Relevant objections have been received following the period of consultation, which include individual letters and a petition. Nine of the signatories to the petition have also sent in letters (Appendix B).

There has also been one letter of support (Appendix C)

Suffolk Constabulary has responded during the consultation period and has no objection to the application.

Proposed Hours	
Monday to Thursday and Saturday	09.30 to 18.00
Friday	09.30 to 20.00
Sunday	10.00 to 16.00
Monday to Thursday and Saturday for the two weeks preceding Christmas	09.30 to 20.00

OBJECTIONS

Number received

46 signatories to letters 47 signatories on petition

PERSONS OBJECTING

Name/ Organisation	Address	Category
Mr R Coleman	101 Park Road, Lowestoft	Member of the public
Miss P Details withheld	Lowestoft	Member of the public
Cllr Colin Law	139 Higher Drive, Lowestoft	WD Councillor

Name/ Organisation	Address	Category
Cllr J Craig	4 Lime Avenue, Oulton, Lowestoft	WD Councillor
Mr S Details withheld	Lowestoft	Member of the public
Mr and Mrs D Details withheld	Lowestoft	Members of the public
Mr and Mrs W Details withheld	Lowestoft	Members of the public
Mr and Mrs H Details withheld	Lowestoft	Members of the public
Mr and Mrs W Details withheld	Pakefield	Members of the public
J H Details withheld	Oulton Broad	Member of the public
Rev M Payne, Mr A Timberlake and Ms C Williams	Christchurch, Whapload Road, Lowestoft	Members of the public
Mrs C Details withheld	Lowestoft	Member of the public
Mr and Mrs C Details withheld	Lowestoft	Members of the public
Mr and Mrs G Malcolm	2 Benacre Road Henstead Beccles	Members of the public
Mr B Details withheld	Pakefield	Member of the public
Mr O Details withheld	Lowestoft	Member of the public
Mrs L Stather	33 Rock Road, Oulton Broad, Lowestoft	Member of the public
Mrs P Details withheld	Lowestoft	Members of the public
Mr and Mrs M Details withheld	Lowestoft	Members of the public
Mr and Mrs W Details withheld	Lowestoft	Members of the public
Mr N Details withheld	Lowestoft	Member of the public
Mr and Mrs D Details withheld	Lowestoft	Members of the public
Mr and Mrs T Houghton	62 Ipswich Road Lowestoft	Members of the public
Mr and Mrs B Details withheld	Lowestoft	Members of the public
Mr and Mrs A Martin	62 Pinewood Gardens North Cove Beccles	Members of the public
Mrs M Details withheld	Pakefield	Member of the public
Mr K Details withheld	Corton	Member of the public

Name/ Organisation	Address	Category
Ms B Details withheld	Lowestoft	Member of the public
Ms L Details withheld	Lowestoft	Member of the public
Ms C Details withheld	Lowestoft	Member of the public
Mr L Details withheld	Lowestoft	Member of the public
Councillor M Pitchers	24 Lawson Road Lowestoft	WD Councillor
Ms H Details withheld	Lowestoft	Member of the public
Ms H and Mr M Details withheld	Lowestoft	Members of the public
Mr G Details withheld	Lowestoft	Member of the public
Mr S Details withheld	Lowestoft	Member of the public
B and D G Details withheld	Lowestoft	Members of the public
Mr S Details withheld	Lowestoft	Member of the public
Mr W Details withheld	Lowestoft	Member of the public
Mr P Details withheld	Lowestoft	Member of the public
Mr B Details withheld	Lowestoft	Member of the public
Mr Brandon Taylor	Taylor Properties, 19/21 Station Square, Lowestoft	Business owner
Mrs C Details withheld	Lowestoft	Member of the public
Mrs G Details withheld	Lowestoft	Member of the public
Mr B Details withheld	Lowestoft	Member of the public
Petition 47 signatories		Members of the public

SUPPORT

Number received

1

PERSONS SUPPORTING

Name	Address	Category
Mr M Jeffery	16 Amy Court, Lowestoft	Member of the public

POINTS FOR CONSIDERATION

Under section 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Licensing Committee may refuse an application for the grant of a licence 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, 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 of such a licence if he made the application himself;
- c) 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 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, in respect of which the application is made.

RECOMMENDATION

That the Sub Committee considers and determines this application and when announcing its decision, the Sub Committee is asked to state its reasons.

APPENDICES

Appendix A - Application form

Appendix B - Letters and petition in objection

Appendix C - Letter in support

BACKGROUND PAPERS

The Waveney District Council Statement of Policy for Sex Establishments and the Local Government (Miscellaneous Provisions) Act 1982.