



**LICENSING COMMITTEE**  
**21 January 2016**

**ITEM 6**

Report of the Strategic Director of Communities & Place

## **Opening Hours of Licensed Sex Shops**

### **SUMMARY**

- 1.1 A request has been received by the holder of a licensed sex shop to open their retail premises on Sundays throughout the year.
- 1.2 The current licence conditions prohibit such premises from opening on Sundays without the prior consent of the Council.
- 1.3 Any alteration to Sunday trading hours will require amendment of the Council's standard licence conditions for sex establishments.

### **RECOMMENDATION**

- 2.1 To amend the Council's Standard Conditions for Sex Establishment Licences to allow licensed premises to open on Sundays in accordance with existing Sunday trading legislation.

### **REASONS FOR RECOMMENDATION**

- 3.1 Allowing Sunday trading would be in keeping with other retail outlets in the area.

### **SUPPORTING INFORMATION**

- 4.1 In November 2015, the Council received a request from an existing licence holder to open on a Sunday. The request was contained within the annual renewal application. A copy of the request is attached at Appendix 2.
- 4.2 In order to trade, a sex shop must have a Sex Establishment Licence which is issued by the Council and is subject to a set of standard conditions. The current conditions are attached at Appendix 3. In Derby currently, there are two businesses that hold such a licence. The standard conditions cover a number of matters, including opening hours.

- 4.3 At the present time, the conditions that relate to opening hours state:
5. Except with the previous consent of the Council, the premises shall not open to the public before 9.00am and shall not be kept open after 11.00pm.
  6. Except with the previous consent of the Council, the premises shall not be open on Sundays, Christmas Day or Good Friday.
- 4.4 The current conditions prohibit Sunday opening without the prior consent of the Council. In previous years, the licence holders have requested limited Sunday opening on the run up to Christmas, and this consent has been approved by the General Licensing Sub-Committee.
- 4.5 If Committee decides to allow permanent Sunday opening, the specific terms will need to be determined and the standard conditions will need to be amended.
- 4.6 If Committee is minded to approve an amendment to the licence conditions, the possible wording of condition 6 could be:
6. The premises are permitted to open on Sundays between the hours of 10.00am and 4.00pm, and will be subject to Sunday trading legislation.

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Not applicable.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	-
<b>Human Resources officer</b>	-
<b>Service Director(s)</b>	John Tomlinson
<b>Other(s)</b>	-

<b>For more information contact:</b>	Michael Kay 01332 641940 e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Sunday Opening Request Appendix 3 – Current Standard Conditions for Sex Establishment Licences

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

1.1 As set out in the report.

**Legal**

2.1 As set out in the report.

**Personnel**

3.1 None directly arising.

**IT**

4.1 None arising from this report.

**Equalities Impact**

5.1 None arising from this report.

**Health and Safety**

6.1 As set out in the report.

**Environmental Sustainability**

7.1 None arising from this report.

**Property and Asset Management**

8.1 None arising from this report.

**Risk Management**

9.1 None arising from this report

**Corporate objectives and priorities for change**

10.1 The proposals set out in this report will deliver **better outcomes for communities**.

