



DERBY CITY COUNCIL

General Licensing Committee 15 OCTOBER 2008

Report of the Corporate Director of Environmental Services

OPENING HOURS OF LICENSED SEX SHOPS

RECOMMENDATION

- 1.1 To consider whether or not to amend the Council's current 'Standard Conditions Applicable to Licence Sex Establishments' to allow Sunday opening on either a permanent or semi-permanent basis.
- 1.2 If any amendments are agreed, recommend approval to Full Council.

SUPPORTING INFORMATION

- 2.1 The Council has recently received a couple of requests from licensed sex shops to open on a Sunday. The first relates to opening every Sunday like other retail premises, a copy of which is attached at Appendix 2. The second relates to opening on the two preceding Sundays prior to Christmas Day each year. A copy of this request is attached at Appendix 3.
- 2.2 In order to trade, a sex shop must have a Sex Establishments Licence which is issued by the Council and is subject to a set of standard conditions. In Derby currently, there are three businesses that hold such a licence. The standard conditions cover a number of areas, including opening hours. At the moment, the conditions that relate to opening hours state:
 5. *Except with the previous consent of the Council, the premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm.*
 6. *Except with the previous consent of the Council, the premises shall not be open on Sundays, Christmas Day or Good Friday.*
- 2.3 The current conditions prohibit Sunday opening without prior consent of the Council. In previous years, some licence holders have requested Sunday opening on the run up to the Christmas period and this consent has been granted.
- 2.4 If Committee decides to allow permanent or semi-permanent Sunday opening, the specific terms of this will need to be determined and the standard conditions will need to be amended.

For more information contact:	Michael Kay, Tel. 01332 641940, email michael.kay@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 - Implications Appendix 2 - Request for Sex Shops to Open Every Sunday Appendix 3 - Request for Sex Shops to Open on Specific Sundays

IMPLICATIONS

Financial

- 1.1 None directly arising.

Legal

- 2.1 Sex Establishments, which include 'sex shops', are licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Under the Act, the Council has the power to attach conditions to the licence.
- 2.3 If Committee decides to amend the standard conditions that relate to opening hours, the amendments will apply to every business that holds a licence.
- 2.4 Any person aggrieved by Council's standard conditions could elect to seek a judicial review.

Personnel

- 3.1 None directly arising.

Equalities Impact

- 4.1 The amendments to the standard conditions will apply to all businesses that hold a licence.

Corporate objectives and priorities for change

- 5.1 The recommendations contained in this report contribute to the corporate objective of **creating a 21st century City**.

Request for Sex Shops to Open Every Sunday

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32. Is there any further information you wish the Council to take into account when considering this application?

RENEWAL of LICENCE
AFTER A FEW YEARS.

* SHOULD BE ALLOWED TO OPEN/TRADE ON SUNDAY'S SAME AS OTHER SHOPS.*

* SUNDAY OPEN TIME'S - SAME AS OTHER CITY CENTRE SHOPS -
SAME AS NOTTINGHAM CITY COUNCIL ALLOW OPEN 10AM - 4PM *

Request from Sex Shop Owner to Open on Specific Sundays

Darker Enterprises Limited

Licensing Administration
Unit C, 26 Thames Road, Barking, Essex IG11 0JA
Tel: 020 8591 8517 - Fax: 020 8507 8587
E-mail: licensing@thamesroad.co.uk



The Licensing Clerk
Environmental Health & Trading Standards
Derby City Council
Celtic House
Heritage Gate
Friary Street
Derby DE1 1QX

1 September 2008

Dear Sir

Re: Local Government (Miscellaneous Provisions) Act 1982
Private Shop, 61 Osmaston Road, Derby

It is this company's policy, in order to meet consumer requirements, to seek an extension to the opening hours of our licensed premises in the period prior to Christmas.

Over the past couple of years, we have applied for and have been granted permission to open from 10:00 a.m. to 4:00 p.m. on the two Sundays preceding the Christmas period. We, therefore, wish to apply for a change to Condition 6 attached to the licence. The change requested is to add to the Condition 6 the words: **"The premises may remain open from 10:00 a.m. to 4:00 p.m. the two Sundays preceding Christmas each year"**.

As conditions can be further reviewed at the time of annual renewal, the Council would be empowered to consider whether the change should be amended, revoked or extended at that time but, otherwise would become standard. This would save time and expense of making an application each year for a variation of hours over the Christmas period.

Thank you for your assistance in this matter.

Yours faithfully
for and on behalf of
DARKER ENTERPRISES LIMITED

A handwritten signature in dark ink, appearing to read "C C Mason".

C C Mason
Director