

REQUEST TO VARY CONDITIONS OF SUNDAY OPENING FOR A SEX ESTABLISHMENT LICENCE: THE PRIVATE SHOP, 61 OSMASTON ROAD, DERBY.

RECOMMENDATION

- 1.1 To consider the request
- 1.2 To decide whether to grant or refuse the application.

SUPPORTING INFORMATION

MATTERS FOR CONSIDERATION

- 2.1 A request was received on 19 June 2006, from Mr R G Darker in respect of, The Private Shop, 61 Osmaston Road, Derby.
The request is to vary the standard conditions to allow the premises to open for business on three Sundays (17, 24 and 31 December 2006).
A copy of the request is attached at **Appendix 2**.
- 2.2 A copy of the standard Sex Establishment conditions are attached at **Appendix 3**.
- 2.3 A location map is attached at **Appendix 4**.

Premises History

3. The premises have held a Sex Establishment Licence for in excess of 10 years and was last renewed on 12 November 2005.
In 2004 Darker Enterprises Ltd applied to vary the hours of trading on Sundays in December to take advantage of the Christmas trade, this request was heard by Licensing Sub Committee B on 8 December 2004 and the request was granted with the following conditions
 1. The premises can be opened on Sunday 12 & 19 December 2004.
 2. The premises shall not be opened to the public before 10am and not kept open after 4pm.

For more information**contact:**Michael Kay on 01332 716340 or e-mail: michael.kay@derby.gov.uk**Background papers:**

None

List of appendices:

Appendix 1 – Implications

Appendix 2 – Copy of request letter

Appendix 3 – Copy of standard conditions

Appendix 4 – Plan of Premises

IMPLICATIONS

FINANCIAL

1.1 If the application is refused, the applicant will forfeit the fee. Should they wish to re-apply for a Licence at a later date a fresh fee will have to be paid.

LEGAL

2.1 Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:

2.1.1 dismiss the appeal; or

2.1.2 substitute the decision for another decision which could have been made by the Council; or

2.1.3 remit the case to the Council to dispose of it in accordance with the direction of the Court; and

2.1.4 make an order for costs as it sees fit.

PERSONNEL

3.1 None directly arising.

EQUALITIES IMPACT

4.1 None directly arising.

CORPORATE THEMES AND PRIORITIES FOR CHANGE

5.1. The Council's Statement of Licensing Policy used by Licensing Panel in determining applications contribute to the Council's objectives of **protecting and supporting people and a healthy environment.**