

## LICENSING SUB-COMMITTEE 5

Tuesday 11<sup>th</sup> April 2006 at 10.00 am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Taylor (Chairman)  
Councillors Bradney and Ryder

### Officers

Assistant Director of Legal and Democratic Services (Legal Advisor) and  
Mrs J Rees - Directorate of Law and Property

---

65            APOLOGIES FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of  
Councillor Ms Craigie.

---

66            APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor Ryder had been appointed as a substitute  
member for Councillor Ms Craigie for this meeting of the Sub Committee  
only.

---

67            DECLARATIONS OF INTEREST

There were no declarations of interest from Members in accordance with  
the Members' Code of Conduct.

---

68            MINUTES

### RESOLVED

That the minutes of the meeting of the Sub-Committee held on  
the 24<sup>th</sup> January 2006 be approved as a correct record and  
signed.

APPLICATION FOR A LICENCE FOR A SEX SHOP, UNIT 4, 22-23 KING STREET/FLOOD STREET, DUDLEY

A report of the Director of Law and Property was submitted on an application received on behalf of Darker Enterprises Limited, for a Sex Establishment Licence, in respect of Unit 4, 22-23 King Street/Flood Street, Dudley.

Mr C Mason, Director, and Mrs B Francis, Administrator, both of Darker Enterprises Limited, together with Mr Sullivan, Consultant to the Company, were in attendance at the meeting.

The Chairman introduced the Members of the Sub-Committee and Officers in attendance.

Mrs Elliott, Licensing Officer, Directorate of Law and Property then presented the report on behalf of the Council. She informed the Sub Committee that none of the agencies contacted had raised any objections to the application. The Fire Service had advised that they would have no objection to the application, providing that the conditions, as set out in paragraph 8 of the report submitted, were complied with by the applicant.

Mrs Elliott further advised that an anonymous written objection to the application had been received, although no one had come to the meeting to object.

The Legal Advisor advised that the standard opening hours, as set out in the report submitted, were those adopted previously by the Licensing Committee. Any departure from the standard opening hours would need to be referred back to the Committee for a formal resolution. Therefore, if the Sub Committee were minded to grant a licence, it could only be granted for the opening hours set out by the Committee.

Mr Sullivan, on behalf of the applicant, outlined their application, advising that the Darker Enterprises Limited already held licences for 100 Sex Establishments throughout the country, which would indicate the Company suitability for such a facility. He also believed that an application could be refused if individuals were considered unfit to run such an establishment, however Darker Enterprises were a company and not an individual. He therefore considered that Darker Enterprises Limited were a fit and proper company for such a venture, who would comply with and adhere to all conditions laid down in respect of the application. Mr Sullivan confirmed that the applicant was willing to accept the conditions detailed by the Fire Service. The applicant would be more than willing to liaise with the Licensing Officer on any other matters.

Illustrations of possible tasteful frontages for the premises, should a licence be granted, were also circulated.

Mr Sullivan then advised that the applicant would prefer the opening hours as set out in the application, but that it was highly likely the premises would not open for the whole of the time applied for. It was more likely that the premises would be open on one late evening per week, most likely Fridays, in line with other premises elsewhere in the Country. The applicant would be willing to accept the limited opening hours, as set out in the report initially, but would wish to apply for a variation to the times to the full Committee, once the business had been established.

Mr. Sullivan also advised that strict control of all staff details was maintained. The applicant would be more than willing to advise the police and the Local Authority of any changes in staff, within 14 days of any changes taking place. This was a practice already undertaken by the Company in respect of its other premises.

In response to questions by the Sub Committee, Mr Sullivan confirmed that the exact location of the premises was on the corner of King Street, with the main building being situated in Flood Street. The applicant would be willing to take advice from the Licensing Officer as to the preferred option for the entrance to be situated in King Street or Flood Street.

Whichever was the preferred entrance, a double entry door would be installed to ensure the premises could not be viewed from outside by passers by.

Mr Sullivan did not envisage that the business would commence operating until all the regulations and conditions laid down had been complied with and did not think there would any residents living in the upstairs of the premises.

In response to a question from the Licensing Officer, Mr Sullivan confirmed that the shop would be selling videos, but that these would come from a central warehouse and the shop would not have discretion to purchase videos or equipment from elsewhere.

At the end of the discussions, the Chairman requested that the parties withdraw from the meeting to enable a decision to be made.

The Sub-Committee, having made their decision, all the remaining parties were invited to return and the Chairman then outlined the decision.

**RESOLVED**

That the application received from Darker Enterprises Limited, for a Sex Establishment Licence for the establishment of a sex shop at Unit 4, 22-23 King Street/Flood Street, Dudley, be granted, subject to the following conditions:

1. Opening Hours

- (1) That the licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours of 9 am and 6.30 pm on any weekday (including Saturday)
- (2) That the licensed premises shall not be so open or used at all on Sundays, Good Friday, Christmas Day or any other general or public holiday

2. Window Fascia Board Advertisement and Displays

- (1) That the interior of the premises shall not be visible to passers by and to facilitate this the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
- (2) That the windows, doors, fascia board, walls and all external parts of the premises, including the roof, shall not contain any form of writing sign or display save for:-
  - (a) The address of the premises
  - (b) The licensed name of the premises
  - (c) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981; and
  - (d) A notice stating the opening hours of the establishment

3. That the Local Authority and the Police be notified within 14 days of any staff changes made at the premises.

4. Receipt of confirmation by the Licensing Officer that recommendations of the West Midlands Fire and Rescue Service have been carried out.

5. That the exact location of the double entry entrance to the premises, be agreed with the Licensing Officer.

A report of the Director of Law and Property was submitted on an application received from LSD Promotions to vary a street trading licence, in respect of the Farmers Market and the Arts and Crafts Market, High Street, at Lower High Street, Stourbridge.

Mr D McGillicuddy of LSD Promotions on behalf of the applicant, was in attendance at the meeting.

Mr M Caddick, Stourbridge Town Centre Manager was also in attendance.

The Chairman introduced the Members of the Sub-Committee.

Mrs Elliott, Licensing Officer, Directorate of Law and Property, then presented the report on behalf of the Council.

She also informed the Sub Committee that support for the application had been received from the Stourbridge Town Centre Manager. The Commercial Operations Manager had no objections to the application for a twice-monthly market with two themes but would prefer to see the two types of market kept together rather than integrated into one so that all the farmers or produce stalls were together and all the arts and crafts stalls were together.

Mr McGillicuddy presented the case on behalf of the applicant, advising that he was aware of the comments of the commercial operations manager, but considered that it would be very restrictive to have such a condition placed on the market. The two markets had taken place at the same time over the Christmas period and had been a big success in Stourbridge. Having the markets on the same days would also free up the area for other attractions and activities on the days when there was no Farmer's market or Craft market.

The Stourbridge Town Centre Manager advised of his support for the application. Combining the two markets would enable it to be situated in the Crown Centre, which had a number of vacant units currently. It would also enable the town to allow other entertainments and specialist markets to take place.

#### RESOLVED

That the application received from LSD Promotions, to vary a street trading consent, in respect of the Farmers Market and the Arts and Crafts Market for High Street/Lower High Street, Stourbridge, so as to allow for the combination of the two markets, be approved.

It was reported that the application made by Ms J Bailey and Miss C Lloyd for a permit to engage in street trading in Stourbridge Town Centre had been withdrawn by the applicants.

The meeting ended at 11.20 am.

CHAIRMAN