



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Licensing Committee ENV878

5 April 2024

Pulse and Cocktails, A1 Southbound, Stoke Rochford, Grantham, NG33 5EW

Report Author

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Committee to determine an application to renew a Sex Establishment Licence for Pulse and Cocktails on the A1 Southbound, Stoke Rochford.

Recommendations

The Committee decide whether to approve the renewal application for a Sex Shop Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Healthy and strong communities

Which wards are impacted? All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 If a licence is granted the appropriate licence fee as outlined in the report will need to be levied upon the establishment. The only other potential financial impact is in the event of an applicant making an appeal against a decision which was then subsequently upheld, the Council may incur additional legal costs.

Legal and Governance

- 1.2 The grant, renewal and transfer of licences for sex establishments are governed by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009.
- 1.3 The Committee should consider any representations from the Chief Officer of Police or any other person who objects to the application and has submitted a representation in writing.
- 1.4 The proper grounds for considering the application are found within the body of the report. The decision to grant or refuse the licence must be reasonable and proportionate and made in accordance with the attached sex establishment procedures. Any refusal must be supported by evidence that the statutory grounds for refusal are met and full reasons must be given to the applicant.

Community Safety

- 1.5 Community Safety implications will be considered in accordance with Section 17 of the Crime and Disorder Act 1998.

2. Background to the Report

- 2.1 The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to permit the Licensing Authority to license Sex shops.
- 2.2 A Sex Shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –
- a. sex articles; or
 - b. other things intended for use in connection with, or for the purpose of stimulating or encouraging-
 - c. sexual activity; or
 - d. acts of force or restraint which is associated with sexual activity. This includes adult films and magazines.
- 2.3 Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds. These are:

Mandatory grounds

The Council must refuse an application if:

- a. the applicant is under 18 years of age; or
- b. the applicant is for the time being disqualified from holding a licence under Schedule 3 Paragraph 17 (3) of the Act following revocation of a previous licence; or
- c. the person applying is not resident in the United Kingdom, or was not so resident during period of six months immediately preceding the date when the application was made; or
- d. where a body corporate is the applicant - it is not incorporated in the United Kingdom; or
- e. the applicant has been refused the grant or renewal of a licence for the same premises within a period of 12 months immediately preceding the date when the application was made, unless the refusal has been reversed on appeal.

Discretionary grounds

The Council may refuse an application for the grant or renewal of a licence if:

- a. the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- b. the business would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c. the number of sex establishments or sex establishments of a particular type in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality;
- d. “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
 - (ii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.”

2.4 The applicant has run a sex shop at these premises since April 2009. There have been no complaints about these premises during this time.

2.5 We received the renewal application and a fee of £1874 for Pulse & Cocktails to hold a Sex Shop Licence on 5th February 2024. We have received no objections during the 28-day consultation period. (Appendix 3)

2.6 They are not varying the licence in any way and are only applying to renew the licence as it stands. The days and times the premises are open are:

Monday – Sunday, 09:00 to 22:00hrs (including Bank Holidays)

3. Key Considerations

3.1 When determining the application, the Committee shall have regard to:

- a. The authority’s sex establishment procedures. (Appendix 1)
- b. The Human Rights Act 1998.
- c. SKDC’s regulations prescribing standard conditions. (Appendix 2)
- d. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

3.2 The options open to the Committee are:

- a. To renew the application as applied for.
- b. To renew the application with modifications and/or additional conditions.

- c. Refuse the renewal. If, having considered the renewal application the committee decides to refuse it, it must provide the applicant with the reasons for the decision in writing.

4. Other Options Considered

- 4.1 None identified.

5. Reasons for the Recommendations

- 5.1 The recommendations outlined follows legislative requirements.

6. Consultation

- 6.1 The Statutory 28-day consultation period took place between 5 February 2024 and 4 March 2024.

7. Background Papers

- 7.1 [Schedule 3 of the Local Government \(Miscellaneous Provisions\) Act 1982](#)
[Human Rights Act 1988](#)

8. Appendices

- 8.1 Appendix 1 – South Kesteven District Councils sex establishment procedures
Appendix 2 - SKDC's regulations prescribing standard conditions
Appendix 3 – Pulse & Cocktails application form