

## LICENSING AND SAFETY COMMITTEE

13 OCTOBER 2009

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PRIVATE SHOP, 18 HIGH STREET CHATHAM ME4 4EP

Report from: Deborah Upton. Assistant Director (Housing & Corporate Services)

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#### Summary

The purpose of this report is to ask the Licensing and Safety Committee to determine the formal request for permission for Sunday opening at the Private Shop located at 14 High Street Chatham ME4 4EP

#### 1. Background

- 1.1 A formal request has been lodged formally requesting that 14 High Street Chatham be permitted to open every Sunday from 10:00am to 4:00pm. Copy of request and site location plan attached as appendices.
- 1.2 The Council has a current policy setting a limit on the number of sex establishments licenses allowable to be a maximum of two within the Medway area. 18 High Street Chatham is one of these.
- 1.3 The Council has also made regulations pursuant to paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. A copy of these regulations, with standard operating conditions is attached for the committee's guidance. The committee will note the times of opening and the requirement for consent from the council for Sunday opening.

#### 2. Financial and legal implications

- 2.1 There are no direct financial implications arising from the formal request at present.
- 2.2 Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 is the relevant piece of legislation for licensing sex establishments throughout England and Wales, including the London Area.

- 2.3 On 19 July 2000 the Council resolved that Schedule 3 should apply to the entire administrative area of Medway with effect from Friday 1 September 2000 and gave the Licensing and Safety Committee delegated authority to determine applications for sex establishment licences and to impose on any licences granted such terms, conditions and/or restrictions as may be lawful and they may deem necessary.
- 2.4 In adopting Schedule 3 (paragraph 8.1 refers) the Council also made regulations pursuant to paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 2.5 Paragraph 5 of these regulations states “Except with the previous consent of the Council the premises shall not be open on Sundays or on Christmas Day or on Good Friday.”

### **3. Recommendations**

That the formal request be considered and determined by the committee.

The following options are available: -

- Grant the formal request for opening every Sunday from 10:00 a.m. to 4:00 p.m.
- Refuse the formal request for opening every Sunday from 10:00 a.m. to 4:00 p.m.
- Give alternative timescales for opening

That appropriate publicity be given to the decision of the committee.

### **Lead officer contact**

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### **Background papers**

1. Local Government (Miscellaneous Provisions) Act 1982.
2. Council Regulations.
3. Minutes of Council 19 July 2000.
4. Formal request for opening on Sundays.
5. Application documents File.