

Slough Borough Council

Report To:	Licensing Sub-Committee
Date:	6 th July 2023
Subject:	Renewal Application for Simply Pleasure, 32 Windsor Road, Slough.
Chief Officer:	Richard West
Contact Officer:	Russell Denney-Clarke
Ward(s):	Herschel Park
Exempt:	NO
Appendices:	Appendix A – Copy of SEV Licence Appendix B – Copy of Renewal Application Appendix C – Copy of Objection Appendix D – Copy of SBC SEV Policy Appendix E – Location picture Appendix F – Map Location, 32 Windsor Road

1. Summary and Recommendations

- 1.1 This report details an objection to the Sex Shop (SS0001) renewal application for Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ.

Recommendations:

- 1.2 The Licensing Sub-Committee recommendations:
- 1.3 Having had regard to the representations made by all parties, the Sub-Committee must consider the application to renew the Sex Shop licence for Simply Pleasure.
- 1.4 The statutory options available are:
- (a) Grant the renewal application
 - (b) Refuse the renewal application.

2. Report

Introductory paragraph

- 2.1 As quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub-Committee can only consider relevant factors and must ignore irrelevant factors. The decision must be based on evidence, which logically shows the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Sub-Committee must give fair consideration to the contentions of all persons entitled to make representation to them.

- 2.2 The Sub-Committee can only consider matters within the report.
- 2.3 Members should note that the Sub-Committee is meeting on this occasion solely to perform the role of Licensing Authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.
- 2.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing issues. In addition, as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

Options considered

- 2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the decision is outside the scope of these priorities.

Background

- 2.6 On 12 April 2023, a renewal application for a Sex Shop, Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ, (licence number **SS0001**) issued under the Local Government (Miscellaneous Provisions Act) 1982 ("**the Act**") was received by Slough Borough Council. A copy of the licence is attached at **Appendix A** and a copy of the application is attached at **Appendix B**.
- 2.6.1 On 4 May 2023, the Licensing Team received an objection to the renewal application (attached at **Appendix C**) on behalf of Slough Baptist Church. The grounds for the objection can be summarised as follows.
- The premises is situated on a busy pedestrian route to local shops and services.
 - Housing in the area has increased and more families with children use the route to local schools and facilities.
 - The proximity of the premises to a family church.

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 There are no financial implications to the Council.

3.2 Legal implications

- 3.2.1 The Sub-Committee must have regard to the Council's Sex Establishment Policy Statement which sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Act. Section 4 (page 11) of the Policy Statement details relevant considerations regarding the location of a premises.

3.2.2 Slough Borough Council adopted the original provisions of Schedule 3 of the Act for Sex Cinemas and Sex Shops on 19th March 1984 and the new provisions for the Sexual Entertainment venues under the amendments of the Policing and Crime Act 2009 on 30th September 2010.

3.2.3 The Council does not take any moral stand in adopting its Sex Establishments Policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments and that such businesses are a legitimate part of the retail and leisure industry.

3.3 Risk management implication

3.3.1 Consideration has been given to risk management implications however the nature of the decision is outside the scope of these priorities.

3.4 Environmental implications

3.4.1 Consideration has been given to environmental implications however the nature of the decision is outside the scope of these priorities.

3.5 Equality implications

3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 of the Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

3.5.2 When determining the case and considering imposition of conditions the Sub-Committee must be satisfied that any decision which interferes with the rights of the applicant or of others, only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be appropriate.

3.5.3 The Sub-Committee is specifically referred to the following Convention rights:

- (i) Article 6 (the right to a fair trial),
- (ii) Article 8 (the right to respect for private and family life)
- (iii) Article 1 of the First Protocol (the protection of property)

4. Background Papers

- Slough Borough Council Sex Establishments Policy Statement
- Schedule 3 of the Local Government (Miscellaneous Provisions Act) 1982.