

Licensing Committee

Minutes

Monday, 04 September 2017 at 18:30

Present :

Councillor Walker (in the Chair); Councillors Annison, Bensly, Borg, M Coleman, Fairhead, Jeal, Lawn, Mavroudis, Rodwell and Weymouth

Mrs D Wilby (Licensing and Elections Manager), Ms J Cooke (Head of Organisational Development), Mr D Lowens (Solicitor, Nplaw) and Mrs S Wintle (Senior Members Services Officer).

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Stenhouse.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest declared at the meeting.

3 MINUTES

The minutes of the meeting held on the 24 July 2017 were confirmed.

4 APPLICATION FOR A NEW SEX SHOP LICENCE

The Committee received and considered the Licensing and Elections Managers report which asked the Committee to determine an application for a

new sex shop licence.

The Licensing and elections Manager reported that an application had been received from Mr Kendrick for a sex shop Licence for Unit 10, Estcourt road, Great Yarmouth.

The Committee were advised of the definitions of a sex shop as follows :-

- a sex shop is defined in the Local Government (Miscellaneous Provisions) Act 1982 as 'any premises used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating (a) sex articles or (b) other items intended for use in connection with or for the purpose of stimulating or encouraging of the following :-

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity

The Licensing and elections Manager reported that during the 28 day objection period a total of six representations were received. Ranging from local councillors, local residents and a representative of a housing association who had detailed concerns primarily in relation to the locality of the premises and the close proximity to residential units. Members were reminded that a summary of concerns raised could be found within the agenda pack.

Councillor Bird (Ward Councillor) summarised his objection and main concerns in relation to the application to the Committee as follows :-

- Predominantly residential area
- inappropriate for the area
- noise nuisance
- the potential for future earmarked residential use

Councillor Walch (Ward Councillor) summarised his objection and main concerns in relation to the application to the Committee as follows :-

- Parking issues (Astley Cooper Place)
- Congestion
- Privacy of residents
- Noise nuisance

A resident (Objector) commented that his main concern in relation to the application was with regard to parking.

The Licensing and Elections Manager advised the Committee that she had received an email from Cotman Housing Association in relation to their objection to the application, the email was read aloud to the Committee. The main concerns from Cotman Housing Association were as follows :-

- Privacy concerns
- Families in residence
- noise nuisance
- safeguarding issues
- parking issues

The applicant, Mr Kendrick stated that signs had been erected on Astley Cooper Place to prevent parking, he raised concerns as to the legality of this due to Council owned land, the Solicitor nplaw advised that if the road was classed as a private road then unless invited, parking on the road would be classed as trespassing.

A Member asked the resident objectors whether they had considered the impact this application if succesful would have on their homes, a resident stated that she was in the process of looking to purchase her property from Cotman Housing Association however advised that should the application be succesful she would not be pursuring her property purchase.

The applicant, Mr Kendrick summarised the salient areas of his application to the Committee and advised Members that he had liasied with the the Council, Local Police, Social Services and Fire Officers.

A Member asked in relation to the application whether membership was required to attend, the applicant advised that attendees paid a entrance fee to attend an event and that the premises was not classed as a club.

A Member asked why the licence had been applied for, the applicant advised that he had applied for the licence due to the loaning of equipment within the premises.

A Member asked why the applicant had sought a place in Great Yarmouth for this type of establishment, the applicant advised that the rates payable within Great Yarmouth were more reasonable than those in Norwich.

A Member asked whether an age limit was in place at the establishment, and they were advised that no persons under the age of 21 were allowed entry.

A Member asked how the windows at the front of the proerty were balcked out, the applicant reported that these had been painted and boarded securely.

The applicant stated that he had looked at numerous premises to find a suitable location and that he has taken steps to prevent any noise nuisance when customers are leaving by placing notices up on the door stating customers must appreciate residential area when leaving.

The applicant, objectors and the Licensing and Elections Manager left the meeting to allow the Committee to deliberate in private.

The Committee entered into a general debate to discuss the issues that had arisen from considering the application.

RESOLVED :

That the Committee agree that the grant of the sex shop licence would be inappropriate, having regard to the character of the relevant locality being the immediate streets surrounding the premises which are of a highly residential nature containing children, old persons and vulnerable persons and with limited parking and the application is therefore refused under the power contained in Schedule 3 Paragraph 12 (3) (d) (i) of the Local Government (Miscellaneous Provisions) Act 1982.

5 ANY OTHER BUSINESS

There was no other business determined by the Chairman as being of sufficient urgency to warrant consideration.

6 EXCLUSION OF PUBLIC

RESOLVED :

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

7 MINUTES

(Confidential Minute on this Item)

The meeting ended at: 20:30