

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION APPLICATIONS SUB-GROUP held in the Burgess Hall, Westwood Road, St Ives, Cambs PE27 6WU on Thursday, 16 December 2010.

PRESENT: Councillor J T Bell – Chairman.

Councillors K M Baker, K J Churchill and Mrs P M Shrapnel.

24. MINUTES

The Minutes of the meeting of the Sub-Group held on 2nd November 2010 were approved as a correct record and signed by the Chairman.

25. MEMBERS' INTERESTS

No declarations were received.

26. APPLICATION

(In attendance was the applicant Mr G Kidd, Director of Cocktails Ltd and his barrister Mr R Barca. Also in attendance was the barrister acting on behalf of Sawtry Parish Council, Mr J Rankin, and those members of the public that had requested to speak against the application.)

Consideration was given to a report by the Head of Democratic and Central Services containing details of an application by Cocktails Ltd of Canklow Meadows Industrial Estate, Rotherham for a licence for a sex shop at the former Little Chef premises, Toll Bar Way, Sawtry made under the Local Government (Miscellaneous Provisions) Act 1982.

In view of the volume and nature of the objections to this application the Sub Group had decided to hear representations by the applicant and objectors before reaching a decision. This had been agreed in advance by the applicant. (A copy of the report by the Head of Democratic and Central Services in respect of the application is appended in the Minute Book).

Following an explanation of the procedure to be followed at the hearing which was approved by the Sub Group, the applicant addressed the Sub Group with regard to his application by way of answering questions posed by his barrister.

Following his submission, the applicant answered questions raised by Members of the Sub Group, the barrister for Sawtry Parish Council and a number of objectors who had received permission to speak at

the hearing.

The barrister acting on behalf of the Parish Council then called three objectors who expanded upon their objection to the application and were questioned by the barrister acting on behalf of the applicant. Six individual objectors then addressed the Sub Group and were questioned by the applicant's barrister.

At the conclusion of the presentations and questions, the barrister acting for Sawtry Parish Council and the applicant in turn summed up their submission to the Sub Group.

(N.B. The meeting was adjourned at 10.45am and reconvened at 11.00am and at 12.10pm and reconvened at 1.35pm.

27. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to an individual and is subject to an obligation of confidentiality.

28. RE- ADMITTANCE OF THE PUBLIC

The Sub Group retired to another room to consider the evidence submitted and determine the application at 3.20pm. The Sub Group then returned to the Burgess Hall to announce their decision at 5.45pm.

29. DETERMINATION

Further to Minute No. 10/26 ante, the Sub Group concluded that, in the light of the evidence that had been presented that was relevant, the site was sufficiently far in distance from Sawtry and properties in Coppingford Road that it could not be said to be an inappropriate location for a sex shop. In so doing, the Sub Group had regard to the views of the Police which had been attached as an appendix to the report of the Head of Democratic and Central Services submitted to the meeting.

In considering the question of locality, the Sub Group noted the fact that there appeared to be a growing tendency for sex shops to be situated in former cafes that were no longer used on trunk roads. While not forming a decision as to the respective merits of such locations for such establishments as opposed to town centre or edge of town locations, the Sub Group did not consider that it would be appropriate for there to be a proliferation of such establishments in a relatively short stretch of the A1 and A1(M) trunk road. (The Sub Group's decision and the reasons for that decision as announced at

the meeting is attached in the Minute Book).

RESOLVED

- (a) A distance of 500 metres either side of the carriageway of the A1 and A1(M) trunk road in Huntingdonshire be regarded as a relevant locality for the purposes of paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the number of sex shops that are considered appropriate within that locality is one; and
- (b) that the application by Cocktails Ltd for a licence for a sex shop at the former Little Chef premises, Toll Bar Way, Sawtry, be approved subject to the regulations for the licensing of sex establishments approved by the Council as varied below and the following special conditions:-
 - (i) The variation of standard condition 5 to read 'Except with the previous consent of the Council and on Christmas Day and Good Friday, the premises shall not be open to the public as a sex shop on Mondays to Saturdays exclusive before 9.00 a.m. and shall not be kept open after 9.00 p.m.'
 - (ii) The variation of standard condition 6 to read 'Except with the previous consent of the Council and on Christmas Day and Easter Sunday, the premises shall not be open to the public as a sex shop on Sundays before 10.00 a.m. and shall not be kept open after 7.00 p.m.'
 - (iii) The variation of standard condition 23 to read 'The playing of music is permitted within the premises while they are open to the public by way of background entertainment only.'

Special Conditions

- (i) One television screen measuring not more than 32" shall be permitted in the premises on which DVDs may be played in accordance with the standard condition 25. The television screen shall be situated where it cannot be seen in the direct line of sight of a customer entering the premises.
- (ii) The window display at the premises shall contain items of clothing only that are for sale at the premises.
- (iii) No signs that are internally illuminated, neon signs or totem signs shall be installed at the premises. All wording for signs to be installed at the premises shall be approved in advance by the licensing authority.
- (iv) Notwithstanding the content of special condition of (iii) above, the licensee is required to obtain advertisement regulations approval for the erection of any signs at the premises from the local planning authority.

- (v) CCTV shall be installed at the premises with cameras located both internally and externally which shall record images continuously for a maximum period of 30 days and such images shall be made available on request to the Police and the licensing authority.
 - (vi) The screen of trees fronting Toll Bar Way shall be retained to a minimum height of 4 metres so long as the premises are licensed for use as a sex shop and planting shall take place to ensure that a continuous length of trees south of the access to the car park screens the premises from sight from Toll Bar Way. The infill planting shall be of a minimum height of 2 metres and of similar species of tree to the existing screening.
 - (vii) A close boarded fence of 1.8 metres in height shall be erected between the car park and the adjacent motel.
 - (viii) Access gates shall be provided at the entrance to the car park which shall be closed and locked when the premises are closed to the public.
 - (ix) The use of the premises as a sex shop shall be restricted to the ground floor of the premises.
 - (x) There shall be no residential occupation of the first floor of the premises.
 - (xi) No goods shall be advertised for sale or on display in the lobby entrance to the premises.
 - (xii) The use of the word Sawtry shall not be used in any advertising of the premises by the licensee.
 - (xiii) Enhanced CRB checks shall be undertaken of all people employed at the premises which shall be submitted to the licensing authority before such persons' employment commences. The licensing authority shall have the right to refuse to permit the employment of any person at the premises on the grounds that they are not considered to be a fit and proper person.
 - (xiv) There shall be a minimum of two members of staff on duty at any time while the premises are open to the public.
 - (xv) The licensee shall operate a Challenge 25 policy whilst the premises are open to the public.
- (c) that the licence hereby granted will expire on 31st March 2012.

Chairman