

Minutes

Licensing Committee

18th July 2018



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Pell	Yes
P Barlow	Yes	B Rose	Yes
J Baugh (Vice-Chairman)	Yes	Mrs L Walters	No
J Elliott	Apologies	Mrs S Wilson	Yes
J Goodman	Apologies	Vacancy	
A Hensman	Yes		

7 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

8 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 9th May 2018 be approved as a correct record and signed by the Chairman.

9 **QUESTION TIME**

INFORMATION: There was one statement made regarding Agenda Item 5 - Pulse and Cocktails, A12 Northbound, London Road, Rivenhall End - Application for a Sex Establishment.

The statement was made immediately prior to the consideration of the Item.

Members were advised that the application for a sex establishment had been advertised in accordance with legal requirements and that the Committee could not by law treat the points raised during Question Time as objections since these had not been submitted within the prescribed timescale. Furthermore, the Council was not required to notify the operators of similar premises trading in the area that an application for a sex establishment had been submitted.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

**PULSE AND COCKTAILS, A12 NORTHBOUND, LONDON ROAD, RIVENHALL
END - APPLICATION FOR A SEX ESTABLISHMENT**

INFORMATION: The Committee considered an application by Cocktails Ltd under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for a Sex Establishment (Sex Shop) Licence in respect of Pulse and Cocktails, A12 Northbound, London Road, Rivenhall End for Monday to Friday between the hours of 9.00am and 9.00pm, Saturday between the hours of 10.00am and 8.00pm and Sunday between the hours of 11.00am and 5.00pm. The trading activities currently taking place at the premises did not require to be licensed. Mr G Kidd, a Director of Cocktails Ltd attended the meeting and spoke in support of the application.

The application, which had been validated on 22nd May 2018, included a request to amend standard condition no. 1 to enable inaudible DVD trailers to be shown on a loop system. The applicant had also requested that the current signage and window displays at the premises be approved. Photographs of the signage and window displays were enclosed within the Agenda report and colour versions had been sent to the Members of the Committee. If the current signage and window displays were approved by the Licensing Committee any subsequent changes to these would be subject to approval by Council Officers.

It was reported that the application had been advertised in accordance with the requirements of the Act and that one objection had been submitted. The objection was attached as an Appendix to the Agenda report. The objector was not in attendance at the meeting. The applicant had also submitted correspondence from an adjoining business, Clearwater Automotive Ltd, which supported the application. This correspondence was attached as an Appendix to the Agenda report. Photographs showing the type of merchandise sold and the internal layout of the premises, including the area where DVD trailers would be shown were circulated at the meeting.

Members were advised that, in considering the application, the Licensing Committee was not constrained to the grounds set out in the letter of objection. The options available to the Committee were to grant the application, with or without amendment, subject to the standard conditions for Sex Establishments and any other additional special conditions which the Committee deemed appropriate, or to refuse the application on one or more of the discretionary grounds listed in the Agenda report. It was reported that the Council did not have a limit on the number of Sex Establishments including Sex Shops within the locality and that the application could not therefore be refused on this ground. The mandatory grounds for refusal, as set out in Paragraph 12 of Schedule 3 of the Act, were not relevant to this application.

If the Council refused the application, the applicant had a right of appeal to the Magistrates' Court within 21 days of being notified of the decision. However, this right of appeal was limited to the discretionary grounds set out in paragraphs 12

(3) (a) and (b) of Schedule 3 of the Act. There was no right of appeal for objectors.

DECISION: That the application for a Sex Establishment (Sex Shop) Licence in respect of Pulse and Cocktails, A12 Northbound, London Road, Rivenhall End, including the current signage and window displays at the premises be granted, subject to the Standard Conditions for Sex Establishments as amended below:-

Amended Standard Condition No. 1

It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material of an adult theme or nature can be played or broadcast, except on a single screen in the DVD section of the licensed area. This will only show trailers (maximum of 3 minutes in length) on a loop and will be inaudible.

11 **PREZZO, 70 NEWLAND STREET, WITHAM - APPLICATION FOR A PAVEMENT PERMIT**

INFORMATION: Consideration was given to an application submitted by Prezzo Plc for a Pavement Permit in respect of Prezzo, 70 Newland Street, Witham for Monday to Sunday between the hours of 9.00am and 10.00pm. The application proposed that three tables, twelve chairs and a post and canvas barrier should be placed on the pavement. The application sought the continuation of the existing Pavement Permit for the premises and no changes were proposed.

Members were advised that the Council's Pavement Permit policy stated that normal hours of operation were 9.00am to 6.00pm Monday to Sunday and that applications for a permit beyond 6.00pm and up to 10.00pm had to be referred to the Licensing Committee for determination. As part of the consultation process, Essex Highways had issued its consent. No objections had been submitted.

If a permit was granted, the applicant would be required to reduce the seating area when Witham Town Council/The Rotary Club of Witham erected their Christmas tree at the site. This was in accordance with the requirements of previous permits.

DECISION:

- (1) That a Pavement Permit be granted in respect of Prezzo, 70 Newland Street, Witham for a period of one year, from Monday to Sunday between the hours of 9.00am and 10.00pm, subject to the standard Pavement Permit conditions, any conditions required by Essex Highways, and to the seating area being reduced in size during the time that the town's Christmas tree is erected.
- (2) That Officers be authorised to approve future applications for a Pavement Permit in respect of Prezzo, 70 Newland Street, Witham, subject to such

applications being identical to the application granted by the Licensing Committee on 18th July 2018 and to no objections having been submitted.

The meeting closed at 8.03pm.

Councillor M Banthorpe
(Chairman)