

Medway Council

LICENSING AND SAFETY COMMITTEE 24 MAY 2002

Held at the Municipal Buildings, Gillingham

RECORD OF THE MEETING

PRESENT: Councillor Mrs Diane Chambers (chairman);
Councillors Richard Andrews, Bowler (substituting for
Councillor Harriott), Davis, Mrs Haydock, Mrs Anita
Webber (substituting for Councillor Luckhurst)

4324 RECORD OF THE MEETING

The record of the meeting held on 22 March 2002 was agreed and signed as a correct record.

4325 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harriott, Luckhurst and Madhu Ruparel.

4326 URGENT MATTERS BY REASON OF SPECIAL CIRCUMSTANCES

The Council's solicitor sought guidance from members regarding the process for future applications for sex establishment licences. She explained that some representations had been received after the statutory deadline had passed and asked members to determine if these representations should be taken into account both when compiling the reports and presenting the cases at committee.

Resolved that all representations including those received after the expiration of the statutory deadline will be considered when determining the licence for a Sex Establishment Licences

ITEM DEALT WITH UNDER DELEGATED POWERS

4327 APPLICATION FOR GRANT OF SEX ESTABLISHMENT LICENCE, 138 HIGH STREET, RAINHAM, KENT

A report was presented by the licensing co-ordinator which gave details of an application for a sex establishment licence at 138 High Street, Rainham. The premises had been trading since 1997, selling a selection of adult goods which did not require a Sex Establishment

Licence as these did not form a significant proportion of the total goods sold. The applicant now wished to sell R18 classified video's and DVD's which could only be distributed from a licensed sex shop.

The applicant had complied with the statutory requirements and had given notice in the local press and on the premises. Three letters of objection had been received and these were attached at Appendix G of the report.

In response to a question regarding the content of the videos/DVD's that would be on sale, the Licensing Co-ordinator circulated guidelines relating to the Restricted 18 category.

Members of the Committee asked the applicant, licensing co-ordinator and council solicitor various questions relating to the application which they answered. The police representative stated that she had no objection to the application.

Resolved that a sex establishment licence be granted at 138 High Street, Rainham for a 12 month period subject to the Medway Council (Sex Establishment) Regulations 2000 and the following conditions:

- (i) An ordinary shop display front being maintained with a backing which precludes passers-by from seeing into the shop;**
- (ii) No material to be displayed in the window that would require a sex establishment licence;**
- (iii) The R18 Videos/DVD's being displayed at the rear of the premises near to the counter.**

EXEMPT AND CONFIDENTIAL ITEM

4328 EXCLUSION OF THE PRESS AND PUBLIC

The Committee resolved that the press and public should be excluded from the meeting for the following item of business on the grounds it would involve the likely disclosure of exempt information as defined in paragraph 12 (legal proceedings) in the report.

4329 APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE AT THE STAR PUBLIC HOUSE

The assistant director's (legal and contracts) report gave details of the current position of the appeal relating to an application for a Public Entertainment Licence at the Star Public House, Watling Street, Gillingham.

Further papers were circulated to the committee, which included a letter from the applicant's solicitor and additional letters of objection from local residents.

Resolved that the offer to settle the appeal be accepted as outlined in the letter from the applicant's solicitor dated 23 May 2002.

Chairman

Date