

## Medway Council

### LICENSING AND SAFETY COMMITTEE 21 JUNE 2002

Held at Municipal Buildings, Gillingham

### RECORD OF THE MEETING

**PRESENT:** Councillor Mrs Diane Chambers (chairman);  
Councillors Richard Andrews, Davis, Harriott, Mrs Haydock,  
Luckhurst and Madhu Ruparel.

#### 4406 RECORD OF THE MEETING

The record of the meeting held on 24 May 2002 was agreed and signed by the chairman as correct.

#### 4407 CHAIR'S ANNOUNCEMENTS

The chairman advised that reports published in the media regarding minute 4408 (Application for grant of sex establishment licence, 14-16 High Street, Chatham, Kent) would not be taken into account by the committee in determining the application.

#### ITEM DEALT WITH UNDER DELEGATED POWERS

#### 4408 APPLICATION FOR GRANT OF SEX ESTABLISHMENT LICENCE, 14-16 HIGH STREET, CHATHAM, KENT

A report was presented by the licensing co-ordinator which gave details of an application for a sex establishment licence at 14-16 High Street, Chatham. Photographs of the premises in question and shops near to the proposed application were on display at the meeting as well as photographs of those premises owned by the applicants and operated as a sex establishment in Cambridge.

The committee was advised that the applicant had complied with the statutory requirements and had given notice in the local press and on the premises. Fifty seven letters of objection had been received and these were attached at appendix G of the report. It was noted that the application was only for a sex establishment and not for a sex cinema and that it had never been the applicant's intention to have a sex cinema on the premises.

## Licensing and Safety Committee, 21 June 2002

Members of the committee asked the applicant, licensing co-ordinator and council solicitor various questions relating to the application which they answered.

The Licensing and Safety Committee was aware of the existence of a Licensed Sex Establishment located on premises immediately adjacent to the application site. This establishment had existed on the adjacent site since 1983.

The Police representative reported that there was no proof that there are links between sex shops and prostitution and soliciting.

In reaching its decision the Licensing and Safety Committee carefully considered the statutory provisions contained in the Local Government (Miscellaneous Provisions) Act 1982 which relate to the licensing and control of sex establishments.

The Licensing and Safety Committee accepted the contention that the applicant was a fit and proper person to hold a Licence and that there was no connection between the level of prostitution within a locality and the presence of one or more sex establishments.

Members, whilst recognising that the application site was located within a designated Conservation Area advised that objections based on this issue were considered to be irrelevant.

The committee did not take into account any issues relating to considerations of morality and it did not take into account issues that could be considered by the Council under the provisions of the Town and Country Planning Act 1990.

### **Resolved that:**

- (A) On the basis of the available evidence and taking into consideration the various representations placed before it the Licensing and Safety Committee found that:-**
- (i) the “relevant locality” for the purposes of considering the context for the application is the area of Chatham encompassed by Bath Hard to the west; Manor Road to the east; the River Medway to the north; and New Road to the south;**
  - (ii) this area was considered to be the “relevant locality” because it is all within a short, reasonable walking distance from the application site;**
  - (iii) the “relevant locality” as defined by the Licensing and Safety Committee was found to be an area of mixed development comprising a mixture of residential and retail uses together with**

educational uses; and that the retail uses were now a declining and smaller proportion of the total uses;

- (iv) the “relevant locality” as defined had experienced a significant change in its character recently involving the introduction of an increase in the level of activity arising from uses of a residential character together with an increase in the level of activity arising from social uses; the application site is located in an increasingly important street which is now supporting a higher level of residential uses with a residential character;
  - (v) in the context of the change in the character of the defined relevant locality the Licensing and Safety Committee found that the proposed new sex establishment put forward in the application was inappropriate on the application site because:-
    - (a) it would be inconsistent with the character of the relevant locality;
    - (b) it would be discordant with the character of the relevant locality;
- (B) The licensing of a new sex establishment in such a locality would be inappropriate owing to the clear conflict between the new character of the area and the nature of the sex establishment proposed which would have an impact on the character of the area;
- (C) in view of the above findings in (a) relating to the relevant locality, the application for a sex establishment be refused on the sole ground that the grant of the licence would be inappropriate, having regard to the character of the relevant locality pursuant to section 12, subsection 3, paragraph (d) (i) of The Local Government (Miscellaneous Provisions) Act 1982;
- (D) written notification of the committee’s decision be sent to the applicant within seven days of the date of this meeting;
- (E) in reaching its decision the Licensing and Safety Committee found that the other representations submitted by the objectors had not been substantiated and could not be taken into account.

The meeting which commenced at 2.30pm, finished at 5.30pm.

Chair

Date