

Licensing Sub Committee

Tuesday 5 March 2013

PRESENT:

Councillor Rennie, in the Chair.
Councillor Singh, Vice-Chair.
Councillors Churchill and Mrs Bowyer (Fourth Member).

Also in attendance: Ann Gillbanks, Senior Lawyer, Katey Johns, Democratic Support Officer, Linda Perez, Licensing Officer, Mr. Mitchell. Slinkies Manager (on behalf of the applicant), Mr Dallaway, Slinkies Sales Assistant, and Mr Dave Strudwick, Headteacher Designate of the Plymouth School of Creative Arts (on behalf of the objector).

The meeting started at 10 am and finished at 11.15 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

79. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Singh is appointed Vice-Chair for this meeting.

80. DECLARATIONS OF INTEREST

There were no declarations of interest made by members in accordance with the code of conduct.

(Councillor Mrs Bowyer (Fourth Member) left the meeting immediately following consideration of this item).

81. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

82. SLINKIES, 16 MANOR STREET, PLYMOUTH - RENEWAL OF SEX ESTABLISHMENT LICENCE (SEX SHOP)

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard from the applicant's shop manager (the applicant's appointed representative) that:
 - the premises had been there for 40 years without issue with the

police;

- there was a large row of trees which, along with parked vehicles, obscured the premises from the school;
- staff had observed parents walking past without issue or crossing the street to avoid the premises;
- they had a wide client base;
- CCTV installed now includes monitoring the front of the premises and a double door entrance prevents unauthorised admittance;
- they had offered to revise the premises opening hours as per the objector's request (delay opening until 9.30 am and close between 3.15 – 4.15 pm for the first year, to be reviewed to 3.15 – 4.30 pm after that);
- no complaint had been received from Keystone Surestart Centre;
- they had complied with the Sub-Committee's condition imposed in February 2012 and changed the signage;

(iii) heard representations from the Headteacher Designate of the Plymouth School of Creative Arts (the School) (the objector's appointed representative) and considered the written representation that:

- the School had intended to locate in Millbay, subject to planning and final government approval in funding and that the planning application for the school will be submitted in spring;
- the School intended to launch in September 2013 with 150 pupils in the Cargo Building, Phoenix Street with an intake of Reception, Year 1 and 2. In September 2014 a brand new campus between Phoenix Street and Martin Street would be opened. At that point the Secondary school will take 240 Year 7 and 8 pupils and a further 90 pupils into the Primary years. Within 5 years the school will be full with 420 Primary pupils and 600 Secondary pupils;
- the School would help to regenerate the area and there was a perception that the shop could potentially have a negative effect on the character of the area;
- when the school reaches full capacity it is anticipated that the catchment will be mainly from the local neighbourhood and as such the pedestrian usage past the shop is likely to be increased.

(The meeting adjourned for ten minutes at 10.20 am for the applicant and objector to discuss whether mutually acceptable opening hours could be agreed).

(iv) considered representations under the licensing objectives (as set out in the Council's policy on Sex Establishment Licensing) as follows:

(a) **Prevention of crime and disorder –**

No representations heard;

(b) **Protection of safety, health and public decency –**

No representations heard;

(c) **Prevention of Nuisance –**

No representations heard;

(d) **Protection of Children from Harm**

That the School were concerned about the protection of children from harm in travelling to and from the school and the impact on safeguarding of the shop attracting customers to the Union Street area;

(e) **Protecting the nature, amenity and character of a neighbourhood –**

The proposed location of the school is under 400 ft from the applicant's shop, directly across Union Street and a likely route into the school for local families living north of Union Street;

(f) **Quantity Limit Statement –**

Considered the Council's Policy and Quantity Limit Statement which states that it is appropriate to have one in number sex shop in the Union Street location.

Agreed that having taken into account all of the above representations the application is GRANTED with a condition on opening hours be made as follows:

From September 2013 not to open before 9.30 am and to close between the hours of 3.15pm to 4.15 pm with a final closing hour of 8 pm.

83. **EXEMPT BUSINESS**

There were no items of Chair's urgent business.

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