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DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 5 AUGUST 2020

Present: Cllrs Jon Andrews (Chairman), Les Fry and Emma Parker

Also present: Mr N Honeybun (Applicant)
Cllr L Hamilton, Weymouth Town Council (Objector)

Officers present (for all or part of the meeting):

Lara Atree (Senior Lawyer - Regulatory), Kathryn Miller (Acting Team Leader - Licensing), Aileen Powell (Team Leader Licensing) and Helen Whitby (Senior Democratic Services Officer)

14. Election of Chairman and Statement for the Procedure of the Meeting

Cllr Parker, as Chairman of the Licensing Committee, set out the procedure for the meeting and asked those present to introduce themselves.

Cllr Fry proposed that Cllr Andrews be elected as Chairman, and this was seconded by Cllr Parker

Decision

That Cllr Jon Andrews be elected Chairman for the meeting.

15. Apologies

No apologies for absence were received at the meeting.

16. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

17. My Amazing Fantasy, Weymouth

The Sub-Committee considered a report by the Executive Director for Place on an application from My Fantasy, Ranelagh Road, Weymouth to vary the conditions of the Sex Shop's Licence.

The application sought amendments to current conditions:-

Condition 29 - to modify the shop's entrance to allow circulation of air around the premises without allowing passers-by to see into the premises when it was open; and

Condition 43 - to allow a bigger LCD display than currently specified for the advertisement of non-licensed material.

No objections had been received when the current licence was renewed, but two objections had been received to the amendments - one from Weymouth Town Council and one from a local resident. Details were contained within the report.

The premises had been operating responsibly for a number of years. There had been a complaint earlier in the year relating to the size of the LCD display screen. It was confirmed by visit that this was bigger than stipulated in the licence and this was rectified by the owner.

The Sub-Committee could grant, vary or refuse the application.

The applicant in support of his application stated that other shops in Weymouth were able to use large LCD screens and he wanted the chance to be able to move forward in line with the rest of the high street. He had invested in being more environmentally friendly and having a larger screen would make the business easier to manage. He was not in business to shock or scare people and would only display non-sex licensed products, which would be mainly underwear. The window would only allow a maximum of a 50" screen, similar to those currently on display in Boots, Vodafone and Free.

Members had made a site visit to the premises and at that time the doors had been propped open which was contrary to the current licence. Concern was expressed for what passers-by could see and for those visiting the premises.

In response the applicant explained that he had thought a recent press article had meant that the application had been successful and apologised for this misunderstanding. He had made similar changes to his other premises without any complaints. He explained that licensed products would be towards the back of the shop and not be visible from outside the premises. He was willing to work with the authority to ensure conditions were not breached.

Cllr Lucy Hamilton stated that Weymouth Town Council's Planning and Licensing Committee had considered this application on 16 June 2020. They had not objected to the renewal of the licence but objected to a TV screen of any size in the window display, that any such screen should not display controversial or offensive material, should not contravene the Weymouth Local Plan and not be inappropriate for the area. The Committee had also felt that the lobby must be set up to prevent passers-by from seeing licenced products but it was recognised that the establishment had run for a number of years without issue.

Members asked what difference having a TV screen would make in this area compared to other parts of Weymouth, where other shops had larger TV screens on display. Cllr Hamilton explained that the premises were situated near to the railway station and would be seen by visitors on their arrival. This was in a conservation area and needed to be in proportion with the advertising and planning policy (Env14). The shop front should not dominate

the street scene and because it was not among other shops would be more prominent and have a bigger impact.

In response, the applicant stated that he wanted to work with the community and the area and was not out to shock anyone. The first things visitors saw when they got off the train had been his shop with its blacked-out windows and door which had been imposing and not welcoming. It was now a bright and vibrant shop and an asset to the town. There were complaints about drunks causing trouble in the local area and he had tried to move these on to clean up the area. He wanted to work with the Councils. With regard to the TV screen, he confirmed that this would be switched on between 9.00am and 10.00pm, would not be used all year round, but would be used more in winter. Shop opening hours were 10.00am to 7.00pm Monday to Saturday and 10.00am to 4.00pm on Sunday.

Cllr Hamilton attended to represent the Town Council's Planning and Licensing Committee who welcomed the shop being in the town and steps to improve the area around the train station. The Town Council were investing in the area and was happy to work with store to make a balanced street scene.

The Sub-Committee then withdrew to consider the application and information provided.

Decision

The Sub-Committee carefully considered all the information presented and agreed to allow the application subject to changes to Conditions 29 and 43 as set out in the attached decision notice.

18. Somewhere Else, Weymouth

This item was withdrawn before the meeting.

19. Urgent items

There were no urgent items.

20. Exempt Business

There was no exempt business.

Decision Notice

Duration of meeting: 10.00 - 10.30 am

Chairman

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Notification of Determination

Application to vary a sex shop licence for My Amazing Fantasy, Weymouth 5 August 2020

Applicant(s): Nick Honeybun

Premises: My Amazing Fantasy, Ranelagh Road, Weymouth Dorset.

Sub Committee members: Cllrs J Andrews (Chairman), E Parker and L Fry

Decision

To **GRANT** the variation to Conditions numbered 29 and 43 of the Sex Shop Licence to the wording set out below. For the avoidance of doubt all other conditions of the Sex Shop Licence remain in full force and effect.

New Condition Number 29.

The entrance lobby to the premises may be arranged so as to allow the opening of the front internal door to allow circulation of air but the internal layout of the premises must be arranged in such a manner that prevents passers-by from being able to see any licensed sex articles.

New Condition Number 43.

During the hours that the premises is open to the public a television screen of not more than 50 inches may be used in the window display of the premises to advertise non licensable sex related articles only.

Reasons for the Decision:

The Sub-Committee carefully considered the documentation, written representations and oral submissions made by all the parties. The Sub-Committee had regard to the Dorset Council (Weymouth & Portland) Sex Establishment Policy 2016-2020 and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3.

1. The Sub-Committee considered the potential adverse impact that granting the variations in the terms set out above might have on local residents and vulnerable people. They determined that with regard to condition number 29, the variation would still ensure that no licensable articles could be viewed by any passer-by walking past the premises. In relation to the variation to condition number 43 the Sub-Committee concluded that the varied wording would ensure that no licensable articles could be shown on the screen in the window display and that the size of the screen would be limited.

2. The Sub-Committee therefore determined that these were reasonable variations to make to those two conditions which would not have an adverse impact on vulnerable people.

Right of Appeal:

The Applicant has a right to appeal this decision within 21 days of the date of receipt of this notice. Any such appeal should be made Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS.

Councillor J Andrews

Date 5 August 2020