

# **SPECIAL LICENSING AND SAFETY COMMITTEE**

**Wednesday, 13<sup>th</sup> July, 2005 at 6.00 p.m.**

**In a Conference Room at the Council House, Walsall**

## **Present**

Councillor Keith Sears (Chairman)  
Councillor Bill Tweddle (Vice-Chairman)  
Councillor Joan Barton  
Councillor Leslie Beeley  
Councillor Joan Beilby  
Councillor Arthur Bentley  
Councillor Barbara Cassidy  
Councillor Gary Clarke  
Councillor Ayshea Johnson  
Councillor Robbie Robinson  
Councillor John Rochelle  
Councillor Carol Rose  
Councillor Harbans Sarohi

806/05

## **Apology**

An apology for non-attendance was submitted on behalf of Councillor Cath Micklewright.

807/05

## **Declarations of Interest**

There were no declarations of interest.

808/05

## **Local Government (Access to Information) Act, 1985**

There were no items for discussion in the private session of the agenda.

809/05

## **Application for Sex Shop Licence - 21/22 Stafford Street, Walsall**

The report of the Head of Democratic Services was submitted:-

(see annexed)

The Senior Constitutional Services Officer, Mr. Brooke, explained the report. He advised Members that no objections had been received within the objection period from the statutory consultees, however, Councillor Khan, as Ward Councillor, had objected to the application and his comments were attached to the report. In addition, two letters of objection had been received outside the statutory time limit, one from Councillor Arif, Ward Councillor, on behalf of the Trade Forum for Stafford Street and the other from Mr. Gladwin, one of the traders. The legal adviser, Mrs. Samuda, advised Members that it was at the discretion of the Committee as to whether these representations were heard.

It was **agreed** that the representations received outside the statutory time limit be taken into account in consideration of the application.

Mr. Sullivan, Management Consultant representing Darker Enterprises, Mr. Mason, Director of Darker Enterprises and Gill Bates, Licensing Administrator for Darker Enterprises, were in attendance. Mr. Sullivan indicated to Members that he was not happy with the procedure to be followed at the meeting, particularly, the proposal to allow objectors to question the applicant on the application as indicated in Paragraph 5 of the procedure.

At this juncture, the Committee agreed to adjourn for five minutes to discuss the procedure and Mr. Sullivan's concerns.

The Committee re-convened at 6.28 p.m. when the Chairman advised Mr. Sullivan that the Committee was prepared to amend Paragraph 5 of the procedure to read that the objector would be allowed to present their case and this would be followed by questions by Members.

Mr. Sullivan accepted the revised procedure.

Mr. Sullivan then spoke on behalf of the applicant. In doing so, Mr. Sullivan outlined the legislation and referred to the only grounds stated in the legislation under which the Committee could refuse an application. He made the point that, in the view of the applicants, there were no grounds for refusal which were relevant to this particular application. He referred to the location of the property and confirmed that the applicant had advertised on the premises and in the local newspaper as required by the legislation. He pointed out that this had resulted in objections being received. He referred to the appearance of the premises and circulated photographs of premises in Portsmouth as an example and pointed out that there was no indication from the outside of the premises that the premises were being used as a sex establishment. He referred to the fact that there would be a double door entry system to the shop and made the point that CCTV would be installed and age restriction notices would be clearly displayed at the premises. He made the point that Darker Enterprises operated a large number of sex establishments throughout the country selling the same sort of material in all of the shops and that any potential problems had been overcome by the imposition of conditions by the Committee.

He asked the Committee to grant the licence subject to conditions.

Mr. Sullivan then responded to questions from Members and explained the entrance arrangements in more detail, particularly, the use of CCTV. With regard to the potential problem of 16/17 year olds trying to gain entry to the premises, this would be controlled by the management and if the Manager was not satisfied as to their age, they would be asked to leave the premises. Mr. Sullivan referred to the selling of DVDs and videos and in response to a question regarding whether there would be a viewing facility, he indicated that there would be a special tape with 90 second excerpts which would be played on a loop system in the shop. This would not be the choice of customers. On the question of advertising on the Internet, Mr. Sullivan indicated that the company had a website listing all of the sites but that its Internet operations were entirely separate to the retail element.

With regard to the location of other establishments owned by Darker Enterprises, Mr. Sullivan indicated that not all of the shops were on High Streets. He pointed out that the company had looked at the availability of premises and that the preferred location was on the outskirts of Town Centres where footfall was, and in less residential areas.

The objectors were then invited to present their case. Councillor Khan expressed his concerns about the location which was in close proximity to the Town Wharf and the New Art Gallery. He added that the new Tesco and college sites would both be in close proximity to the premises and all of this made the premises in Stafford Street a prime Town Centre location. He pointed out that Stafford Street was ripe for re-development itself and if a sex establishment was allowed, then it would dissuade other businesses from setting up in close proximity to the site. He expressed the view that it would give the area a bad image and that the Committee needed to think about the future impact of the shop on the re-development of the area.

Councillor Khan made the point that the establishment was on a major route into the Town Centre and questioned what sort of clients it would be likely to attract. He asked what control there would be over clients outside the premises. He also asked what the impact was likely to be on the existing traders. He suggested that it would have a negative impact on them and that they were already suffering a downfall in trade.

In response to questions from Members, Councillor Khan indicated that there were still quite a few units in the area boarded up but that the area could be improved. He made reference to a shop on the other side of the road dealing with drug addiction which was already affecting trade in the area but he expressed the view that the sex establishment would make the area worse and had the potential to attract the wrong sort of people. He made the point that the impact/image in people's minds was what mattered.

Councillor Arif then addressed the Committee and drew Member's attention to the Trades Forum for Stafford Street who were against the application. He made the point that there was a hairdressers next to the premises who had not been made aware of the application until Councillors approached them. He asked the Committee to give consideration to approaching existing traders in respect of all future applications.

Councillor Arif also referred to the close proximity of the new Tesco store and the new college premises and made the point that Stafford Street was also a major route for children to get to school.

Both parties were then invited to sum up, following which, Members withdrew in order to consider the representations.

The meeting re-convened at 7.53 p.m. when it was **moved** by Councillor Rose and **seconded** by Councillor Clarke and:-

**Resolved** (Eleven Members voting in favour, with Councillors Beilby and Rochelle voting against)

That the application by Darker Enterprises Limited, for a Sex Establishment Licence in respect of 21/22 Stafford Street, Walsall be approved, subject to the standard conditions detailed in Appendix C to the report now submitted and subject to the design of the frontage of the shop being in line with the design of the frontage of the applicant's shop in Portsmouth.

### **Termination of Meeting**

The meeting terminated at 7.55 p.m.

Chairman .....

Date .....