

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Thursday, 5 September 2013 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier
J M Smith
R J Thompson

Also Present: Mr C Mason (Minute No. 173)

Officers: Senior Solicitor
Acting Licensing Team Leader
Team Leader – Democratic Support
Democratic Support Officer

169 APOLOGIES

There were no apologies for absence received.

170 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

171 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

172 MINUTES

The Minutes of the meeting of the Committee held on 5 August 2013 were approved as a correct record and signed by the Chairman.

173 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - LICENCE VARIATION - SEX SHOP, 64 LONDON ROAD, DOVER CT17 0SP

The Committee was advised that premises operated by Darker Enterprises Ltd, a national retailer, had been found in breach of Condition 21 of its licence relating to its external appearance during a compliance visit by the Licensing Enforcement Officer. The display was removed following the visit and a variation application made in respect of a new display.

Mr C Mason, on behalf of Darker Enterprises, accepted that there had been an unintentional breach of the conditions and as soon as this was drawn to their attention the display was removed. It was emphasised that there had been no intention to display anything indecent and that they would be willing to accept a condition requiring the removal of any display immediately upon receipt of a notice from the Council.

The application had been advertised in accordance with the legislation by means of a public notice sent to Kent Police, an advertisement in the local paper and a sign at the shop. There had been no representations received from Kent Police or local residents.

The Committee withdrew to consider the application. Upon reconvening the Committee stated that it would grant the application with conditions but that it was emphatic that the applicant must strictly comply with the conditions to protect the public and not offend public decency.

RESOLVED: That the application for a variation to the Sex Shop Licence in respect of 64 London Road, Dover, Kent CT17 0SP be granted subject to the following conditions:

- (a) Any display must be arranged in such a way that the interior of the premises, other than the window display itself, is not visible from the exterior.
- (b) Wording shall not be used in any window display or on the exterior of the premises that could be considered as stimulating or encouraging sexual activity, or acts of force or restraint associated with sexual activity.
- (c) No article or material shall be displayed on the premises so as to be visible from outside of the premises that are for use in connection with, or for the purpose of stimulating sexual activity, acts of force or restraint associated with sexual activity, genital organs, urinary or excretory functions.
- (d) A maximum of three mannequins may be used in any window display for the purpose of displaying such clothing as lingerie, nightwear, underwear, fancy dress, etc. Such displays shall not include any clothing or item which could be considered to be for use in connection with, or for purpose of acts of force or restraint. Where mannequins are used they shall not be posed in such a fashion as to suggest sexual activity or acts of force or restraint.
- (e) If the council notifies the licensee in writing of the unsuitability of any poster, photograph, sketch, painting, image or any form or display visible to members of the public who are not on the premises, then the item shall be removed or obscured from the sight of members of the public not on the premises immediately upon receipt of such notice.

The meeting ended at 10.31 am.