



The Memorial Hall, High Street, Newmarket, CB8 8JP
Tel: 01638 667 227

For the attn of Thomas Wright,
Licensing Office
Forest Heath District Council
District Offices
College Heath Road
Mildenhall
Suffolk
IP28 7EY

Date: 7th October 2016

Dear Sir,

Re: Application by Heaven Awaits Ltd for a renewal of its Sex Establishment Licence at 109 High Street, Newmarket CB8 8JH

Members of The Newmarket Town Council have considered the above application by Heaven Awaits Ltd for the renewal of their licence as a sex establishment and resolve unanimously to object strongly to the application.

The objections are made on the following basis:

1. The renewal of such licence would fundamentally infringe the guidelines set out in the Section 6.3 of the Forest Heath District Council 's Sex Establishment Licencing Policy which states that FHDC will "not normally grant a licence where any premises within the vicinity are used for the following:-

- a) School – (no school particularly close to the site in question.);
- b) Place of worship – The Stable (a place of worship) on the High Street is 73 metres from the said premises. Additionally, both St. Marys Church and All Saints Church are in close proximity to these premises. Furthermore the Memorial Hall itself is used for religious ceremonies and events; and the Memorial Hall is not only directly opposite 109 High Street but religious events held there as well as events involving children, take place there at the very same time as Heaven Awaits Ltd would be open.

- c) Family Leisure – These premises are 18 metres from The Memorial Gardens play area which is used on a daily basis by numerous mothers and their children (most, if not all of whom, are under 16 years of age.);
- d) Domestic Residential Buildings – These premises are in close proximity to these houses and flats in The Avenue. The first and largest block of flats is 32 metres from these premises;
- e) Important Historic Buildings – These premises are located at the gateway to Newmarket High Street, next to the famous Jockey Club Rooms historic buildings and within a short distance of the National Heritage Centre for Horseracing and Sporting Art, the Palace of King Charles II and Tattersalls. Importantly, as FHDC will be well aware, 109 High Street is in itself an important historic building;
- f) Youth Facilities – These premises are 18 metres from the Memorial Gardens play area which is used by several hundred mothers and their children and just across the road, opposite, the King Edward VII Memorial Hall, a community facility used by youngsters attending recreation clubs and various events. These facilities at the Memorial Hall and Memorial Gardens are used on a daily basis. In addition The Stable in the High Street holds youth club activities every week;
- g) Important Public and Cultural Facilities – Newmarket is the unique and historic international home of horseracing with numerous public and cultural facilities. The National Heritage Centre for Horseracing and Sporting Art is now fully open. As the cultural home of horseracing the town is famous and revered. It is totally unacceptable to continue to ruin its appeal with a tawdry sex establishment opposite the King Edward IV Memorial Hall and Memorial Gardens, a community centre and hub of public facilities. These premises are located at the start of Newmarket High Street which is the centre piece of this world famous historic town.

2. Part 5 of the conditions applying to sexual entertainment venues in FHDC's Sex Establishment Licensing Policy states, under the heading "Performers", at Paragraph 13 that:-

"At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience."

This requirement is not fulfilled. The dressing rooms are upstairs and most of the changing between performances takes place in a public collecting area in the main auditorium.

Again, under Section 36 of Part 5 it is stated that:-

"The approved access to the dressing rooms shall be maintained whilst striptease or entertainment of a like kind is taking place. This access is not maintained."

3. It is stated in Appendix F under paragraphs 2 and 3 that:-

"The Council may refuse:-

(a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below; or

(b) an application for transfer of a licence under either or both of the grounds shown in Paragraph 3(a) and 3(b) below."

Paragraph 3 (d) reads as follows:-

"..... that the grant or renewal of a licence would be inappropriate having regard to:-

- 1. The character of the relevant locality;*
- 2. The use by which any premises in the vicinity are put; or*
- 3. The layout, condition or character of the premises in respect of which the application is made."*

For reasons stated above, the Town Council is of the view that the renewal of a licence for these premises would be inappropriate having regard to each and every one of the matters set out in Appendix F Clauses 2 and 3 (d).

In addition, of course, the High Street is currently being improved and regenerated by the BID and the High Street Regeneration Committee. Our focus is to develop A1 and A2 Retail Premises and to make it an attractive centre for both residents and tourists, including the Legends of the Turf Walk of Fame (which include the High Street) and the Bill Tutte Memorial. On this basis this sex establishment proposal is totally out of keeping with our High Street.

Examination of the application also reveals that the size of the signage at 2300 x 1500 mm is outside the legal permitted size of 420 x 594mm. The size of the signage remains inappropriate for the Conservation area and would be inappropriate, and on this basis Newmarket Town Council strongly objects.

As set out above, this Sex Establishment Licence must be refused as it is in close proximity to places of worship, family leisure amenities, domestic residential buildings, important historic buildings, youth facilities and important public and cultural facilities, and is the gateway to Newmarket High Street,. We request that the Council also takes into account the Cumulative Impact Policy when determining this application.

Furthermore, this licence must be refused pursuant to section 21.4 of the FHDC's Sex Establishment Policy as "the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, and/or the premises themselves."

In summary, Newmarket Town Council, continues to object to the FHDC Licensing Committee's flagrant refusal to adhere to its own Sex Establishment Policy in this matter to the detriment of historic Newmarket.

Yours sincerely,

ClIr Rachel Hood
ClIr Justin Wadham
ClIr Chris O'Neill