

Agenda

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Licensing and Registration Sub Committee

Date: **Tuesday 12 July 2011**

Time: **5.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

Lois Stock, Democratic Services Officer

Telephone: 01865 252275

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Licensing and Registration Sub Committee

Membership

Chair

Vice-Chair

Councillor Clark Brundin

North;

Councillor Colin Cook

Jericho and Osney;

Councillor Michael Gotch

Wolvercote;

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AGENDA

Pages

1 ELECTION OF CHAIR

Two of the members tonight are reserve members of this Sub Committee. Because of this, the Sub Committee is asked to elect a Chair for this meeting only.

The Chair and Vice Chair for the Council Year 2011/2012 will be elected at the next meeting.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

Guidance note is attached.

4 SEXUAL ENTERTAINMENT VENUE LICENCE - THE COVEN, OXPENS ROAD

1 - 54

The Head of Environmental Development has submitted a report (attached) concerning an application for a Sexual Entertainment Venue Licence at the premises known as "The Coven", Oxpens Road.

The Sub Committee is asked to:-

- (1) Hear representations from the parties;
- (2) Consider all relevant information, including written representations;
- (3) Determine the application.

5 MINUTES

55 - 58

Minutes of the meeting held on 29th March 2011 attached.

6 MATTERS EXEMPT FROM PUBLICATION.

If the Sub Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for the Sub Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act

if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

To: Licensing and Registration Sub-Committee
Date: Tuesday 12 July 2011
Report of: Head of Environmental Development
Title of Report: Sexual Entertainment Venue Licence

Summary and Recommendations

Purpose of report: To provide information which will assist the Sub-Committee in hearing and determining an application for a Sexual Entertainment Venue Licence that has met with public objections.

Approved by:

Legal: Daniel Smith
Finance: Gillian Chandler

Policy Framework: Improving local environment, economy and quality of life and public safety.

Recommendation:

i) The Sub Committee is recommended to hear from the parties, consider all relevant information and determine the application for the Sexual Entertainment Venue licence for the premises known as The Coven, Oxpens Road, Oxford.

1 The Application

1.1 An application has been submitted for the grant of a licence to use the premises known as The Coven, Oxpens Road, Oxford, as a Sexual Entertainment Venue. The applicant is Mr. Alistair Lockwood Thompson.

1.2 The premises are currently operating as a Night Club licensed under the Licensing Act 2003

1.3 In order to provide sexual entertainment the Premises requires a Sexual Entertainment Venue Licence. Their Premises Licence continues to apply in relation to other licensable activities. .

1.4 A copy of the application and any supporting documents can be found as **Appendix A**.

The proposed hours for sexual entertainment are:

- 21.00 to 05.00 hours the following day Monday to Saturday

(The Applicant has amended the hours applied for from those shown in his application form)

2. Legislative Background: Adoption of Provisions

On 19 April 2010 The Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment venues would apply in this District.

The new powers took effect in Oxford from 10th June 2010.

3. Public Notice

3.1 The legislation sets out procedures regarding the form of application and requirements for public notices relating to the application. In addition, the Chief Officer of Police must be informed.

3.2 In considering the application, the Council has a duty to consider any objections submitted to it, in writing, by the Police or members of the public. Should the Council be minded to refuse an application it must give the applicant the opportunity of appearing before the appropriate committee to make representations.

4. Guidance from the Home Office issued by the Secretary of State

The following extracts from the Home Office Guidance issued by the Government to assist local authorities in carrying out their functions under Schedule 3 are relevant to this application. Local authorities are encouraged to have regard to the Guidance.

Policing and Crime Act 2009

4.1 Section 27 introduces a new category of sex establishment called 'sexual entertainment venue', which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.

4.2 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the

Licensing Act 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

5. Meaning of Sexual Entertainment Venue

5.1 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."

5.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)." An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

5.3 While local authorities should judge each case on its merits, we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

5.4 The above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should only be treated as indicative. Ultimately, decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

5.5 For the purposes of these provisions a premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

Nudity

5.6 It is important to note that although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

5.7 Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

The Organiser

5.8 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

5.9 The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

Spontaneous Entertainment

5.10 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

6. Requirement for a Sex Establishment Licence

6.1 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.

6.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

7. Premises that are deemed to be Sexual Entertainment Venues

7.1 Paragraph 27A of Schedule 3 deems premises with licences to operate as sexual entertainment venues to be sexual entertainment venues whilst their licence remains in force, irrespective of how frequently they are or have been providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

7.2 If an operator with a sexual entertainment venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a sexual entertainment venue (e.g. because they are no longer operating as a lap dancing club) they may write to the relevant local authority to request that their licence be cancelled. Upon receiving such a request from a licence-holder a local authority must cancel the licence in question.

8. Objections

8.1 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

8.2 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

9. Refusal of a Licence

9.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.2 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

9.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

9.4 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

9.5 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

10. Relevant Locality

10.1 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the "relevant locality". A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

10.2 Schedule 3 to the 1982 Act does not define "relevant locality" further than to say that:

(a) in relation to premises, it is the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

10.3 Clearly, the decision regarding what constitutes the 'relevant locality' is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

10.4 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

10.5 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

10.6 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

10.7 Section 27 amends paragraph 12(3) (c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

11. Conditions

11.1 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

11.2 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

11.3 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

11.4 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on the each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

12. Mandatory Grounds for Refusal

12.1 The legislation makes specific provisions as to whom a licence shall not be granted, for example to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months. Subject to any new information produced at the hearing, it does not appear that any of the mandatory grounds of refusal apply in this case.

13. Discretionary Grounds for Refusal

13.1 The Council may refuse the grant or renewal of a licence on one or more of the following grounds:

- a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- b) That if the licence was to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he/she made the application him/herself.
- c) That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality.
- d) That the grant of the licence would be inappropriate, having regard to;
 - I. the character of the relevant locality; or
 - II. the use to which any premises in the vicinity are put; or
 - III. the layout, character or condition of the premises in respect of which the application is made.

13.2 The legislation states that "nil" may be an appropriate number for the purposes of sub-paragraph (c) above.

13.3 Also in sub-paragraph (c) "the relevant locality" means, in relation to the premises, "the locality where they are situated."

13.4 If none of the grounds for refusal are made out the Applicant is entitled to have his application granted.

14. Council Resolution of 19/04/2010

At the time of the resolution to adopt the amended Schedule 3 the Council further resolved that:

Applications made for a Sexual Entertainment Venue Licence will not generally be

deemed to be appropriate if the premises is near or in locations or areas containing

any of the following:

(i) Historic buildings or tourist attractions

(ii) Schools, play areas, nurseries, children's centres or similar premises

(iii) Shopping complexes

(iv) Residential areas

(v) Places of Worship

The resolution should be taken into account when considering the application. However, the Sub Committee must also take all other relevant factors and submissions into account and determine the application on its merits.

15. Consultations

15.1 When considering the application the Council must have regard to any observations or objections submitted to it by the Chief Officer of Police and any objections submitted to it by others within the 28 day period permitted for representations to be made.

15.2 Where relevant objections have been received the Council's Constitution provides that a hearing should be listed and the applicant invited to make representations.

15.3 Eighteen objections have been received from members of the public living in the following areas; together with three representations from Ward Councillors; these are attached (with any supporting documents submitted) as **Appendix B**.

Area/Postcode	Number of objections
Oxford OX1	17
Oxford OX2	1
Oxford OX3	1
Oxford OX4	1
Other	1

15.4 A number of written comments from members of the public have also been received in support of the application, these are attached as **Appendix C**.

16. A map detailing the location of the premises is shown as **Appendix D**.

17. The Sub-Committee is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of its decisions and the Authority's responsibility to co-operate in the reduction of crime and disorder in Oxford.

18. The Sub-Committee is also reminded that the Human Rights Act 1998 and European Convention on Human Rights guarantee the right to a fair hearing (Article 6).

18.1 The Act and Convention also provide for the protection of property (Article 1 Protocol 1), which may include licences in existence, the protection of private and family life (Article 8) and the protection of freedom of expression (Article 10). If minded to refuse an application, the Sub Committee must balance these rights against the public interest and the qualifications set out in the Convention before reaching its final decision.

19. Recommendation

The Sub Committee is recommended to hear from the parties, consider all relevant information and determine the application for the Sexual Entertainment Venue licence for the premises known as The Coven, Oxpens Road, Oxford.

Contact Officer

For further information on this application please contact Allan Hibberd on telephone 01865 252565 or email licensing@oxford.gov.uk

APPENDIX A
OXFORD CITY COUNCIL

Local Government (Miscellaneous Provisions) Act 1982
Part II, Schedule 3

Application for grant / ~~renewal~~ / ~~transfer~~ / ~~variation~~ of a
Sexual Entertainment Venue Licence

11/00784/SEV

Applications may be made by individuals, corporate bodies.

Sexual Entertainment Venue

1. Application is hereby made and the necessary fees are enclosed.
Coven
Oxpens Road

New Licence *

Transfer of Licence ()*

Renewal of Licence ()*

Variation of Licence ()*

Date rec'd: 20/05/11

*Tick as appropriate

2. Name and address of premises to which this application relates.

THE COVEN
OXPENS ROAD
OXFORD OX1 1RX

If application relates to a vehicle / vessel / stall give description and state where it is to be used as a sex establishment.

3. Full Name of Applicant.

ALISTAIR LOCKWOOD THOMPSON

Date of Birth.

19-9-67

Occupation (during preceding six months).

COMPANY DIRECTOR

4. Address for Correspondence (If different from permanent address)

BERWIN LEIGHTON PARTNER

ADELAIDE HOUSE

LONDON BRIDGE

LONDON EC4R 9TH

Telephone No.

0203 400 2326

The Licensing Authority
Oxford City Council

20 MAY 2011

If application is made on behalf of a corporate or unincorporated body.

5. Name of applicant body:

State whether a corporate or unincorporated body.

6. Address of registered or principal office.

7. Full names of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment.
(You will be required to complete a statutory declaration sheet for each person)

8. What hours and days to you require the licence to cover?

MONDAY TO SUNDAY

(9pm) 11:00 AM TO 0500

ON THE DAY FOLLOWING.

9. What "relevant" entertainment do you wish to provide?

LAP DANCING
POLE DANCING
TABLE DANCING
STRIP SHOWS
SEMI / FULL NUDE DANCING.

10. If you are seeking to vary the licence, what does the variation consist of?

11. If the premises are not open between 9.00 am and 4.00 pm, state name, address and telephone number of person responsible for keys to the premises.

BETWEEN 09.00 AND

~~09~~ 16.00 ALISTAIR THOMPSON

ON 07775 670115

12. If only part of the building is to be licensed, give details.

13. Will any part of the premises be used for the exhibition of moving pictures?

Yes / No

14. Does the applicant presently use the premises or the vehicle, vessel or stall as a sex establishment?

Yes No

If not, what is the present use?

NIGHTCLUB

If yes, give details of any person, other than the applicant(s) who has run the premises, vehicle, vessel or stall as a sex establishment since that date?

15. If the premises or the vehicle, vessel or stall are presently used as a sex establishment, when did the use commence?

16. Give full details of the type of business to be conducted at the establishment.

PREMISES LICENSED FOR THE SUPPLY OF ALCOHOL AND REGULATED ENTERTAINMENT INCLUDING EXOTIC/EROTIC LAPDANCE DANCING.

17. I declare I have checked the information given on this application and attached statutory declaration forms and to the best of my knowledge and belief it is correct.

18. I enclose a cheque for £5500 / ~~£5000~~ / ~~£1100~~ (please delete the amounts not applicable) being the appropriate application fee.

Date: 19/5/11

Signature:

BLP.
SOLICITORS FOR APPLICANT

All applicants are required to send with this application (a) two plans showing the area to be licensed, (b) statutory declarations in the form shown in the attached document in respect of (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Return to: Head of Environmental Development, Oxford City Council, Ramsay House, 10 St Ebbes Street, Oxford, OX1 1PT

OXFORD CITY COUNCIL

Statutory declaration sheet for application for grant / renewal / transfer
of Sexual Entertainment Venue licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name. ALISTAR LOCKWOOD THOMPSON

Position held. DIRECTOR

Date of birth. 19-9-67

Place of birth. LONDON UK

Permanent address. 3 BEAVER GROVE
LONDON W6 9AU

Address(es) at which person has been resident during the five years preceding the date of this application. AS ABOVE 11/00784/SEV
Sexual Entertainment Venue
Coven
Oxpens Road

Date rec'd: 20/05/11

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

Date of conviction	Court of conviction	Nature of offence	Sentence
NONE			

Licensing Authority
Oxford City Council
20 MAY 2011

Please photocopy extra sheet for each declaration

Convictions To Be Declared In Respect Of Applications Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:-

- Sexual offences.
- Offences involving obscenity.
- An offence involving the use, possession or supply of any drug.
- An attempt, incitement or conspiracy to commit any of the above offences.

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

Sentence.	Rehabilitation Period.
1. 2½ years (30 months) imprisonment and over whether sentence suspended or not.	Never spent.
2. Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not.	Ten years.
3. Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not.	Seven years.
4. A fine, compensation or community service order.	Five years.
5. Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.	One year or period of probation sentence, whichever is longer.
6. Absolute discharge.	Six months.
7. Disqualification, disability or prohibition.	Period of sentence unless a longer period as above (eg, disqualification and a fine 5 Years)
8. Remand Home/Approved School/Attendance Centre Orders.	One year after Order expires.
9. Hospital Order under Mental Health Acts.	5 years, or two and a half years after the order expires (whichever is the longer).

Offences under HM Services - please enquire at the Licensing Authority for periods of rehabilitation.

APPENDIX B

From [REDACTED]

Posted At: 17 June 2011 00:14

Posted To: licensing@oxford.gov.uk

Conversation: Objection to Application for a Sexual Entertainment Venue Licence - Application Number 11/00784/SEV - Coven II, Oxpens Road, Oxford

Subject: Objection to Application for a Sexual Entertainment Venue Licence - Application Number 11/00784/SEV - Coven II, Oxpens Road, Oxford

Dear Sir or Madam,

Objection to Application for a Sexual Entertainment Venue Licence - Application Number 11/00784/SEV - Coven II, Oxpens Road, Oxford

I am emailing you to voice my strong objection, as an Oxford resident, to the above application. Fundamentally, Oxpens Road is a highly inappropriate setting for sexual entertainment, and I urge you to reject the application.

I see Oxpens Road as inappropriate for a number of reasons.

1) Proximity to a college serving young people

Coven II is near to Oxford and Cherwell Valley College - it is wrong to have a sexual entertainment venue this close to a place with so many young people using it. The same point holds for the University OTC which is only a little further away.

2) Proximity to the Ice Rink

Coven II is near to the Ice Rink, a place frequented by families with young children, and many other teens and young people. Evening opening at the Ice Rink means that its use, by these young people, will overlap with the hours during which sexual entertainment is being provided within a very small distance. This is not appropriate.

3) Proximity to residential areas

Heading only a little distance east and / or south from Coven II are residential areas. My experience is that many residents, and not only women, will feel potentially intimidated, certainly uneasy as they walk past or near a sexual entertainment venue. Coven's clients, especially if they've been drinking, will be regarded as posing a risk by women walking past or nearby. Residents should not have to face this.

4) Proximity to the coach park

The same issue applying to residents, above, applies also to tourists (many of them teenagers from other countries) going to or from the coach park. It is inappropriate that visitors to our city have to face this - and frankly embarrassing for Oxford. It's not the image I want to see presented of Oxford, which is a city of family-friendly culture, history and a broad range of other activities.

Again, I object strongly to any granting of this licence.

Yours faithfully,

[REDACTED]

[REDACTED]

Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

Postcode:

[REDACTED]

Email:

[REDACTED]

Phone Number:

[REDACTED]

Comments

Representation Type:

Member of Public

Objection Type:

Public Nuisance

Comments:

The proposed venue is situated opposite a dense residential area, including student accommodation. Young adults also constitute a high proportion of the pedestrian and other traffic passing through en route to the Ice Rink, rail station etc. Offensive to women and corrosive to men, the granting of a licence would adversely affect the atmosphere of the neighbourhood close to the Church of St Thomas the Martyr.

PublicAccess for Licensing. (c) CAPS Solutions Ltd.

PublicAccess for Licensing - Application Comments (11/00784/SEV)

[REDACTED] has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 08/06/2011 22:07:47 from IP 10.206.143.5.

Application Summary

Application Number:

11/00784/SEV

Address:

Coven (ii)

Oxpens Road

Oxford

Oxfordshire

OX1 1RX

Licence Description:

Sexual Entertainment Venue Licence application

Customer Details

Name:

[REDACTED]

Email:

[REDACTED]

Phone Number:

[REDACTED]

Comments

Representation Type:

Member of Public

Objection Type:

Protection of Children from Harm

Comments:

The delightful 'village green', riverside walks and ice rink facilities at Oxpens, attract families with young children and many young visitors to this lovely part of Oxford. The establishment of a sexual venue would destroy the character of the area and would attract the type of persons that could put children at risk. The Council should not risk harm to children and should reject this application.

Application Summary

Application Number:
11/00784/SEV

Address:
Coven (ii)
Oxpens Road
Oxford
Oxfordshire
OX1 1RX
Licence Description:
Sexual Entertainment Venue Licence application

Customer Details

Name:

[REDACTED]

[REDACTED]

Email:

[REDACTED]

Phone Number:

[REDACTED]

Comments

Representation Type:
Member of Public

Objection Type:
Other objection

Comments:

I am writing to object to the application for a sexual Entertainment Venue for the following reasons
The location:

It is near car parks that are used late at night, it is near Oxpens college, an educational establishment, It is down the road from St Thomas's church, and a nursery, It is very near the ice-rink which is open very late at night, it is near the Garage used throughout the night, it is relatively close to 'vulnerable people', (housed at Lucy Faithful House and the nightshelter).

I do not think it fits with the kind of welcome Oxford is trying to give to International visitors, many of whom arrive by coach and park next to the Coven Neither does it fit with the WestEnd Development, as the gateway to Oxford.

The purpose of the establishment is for sexual entertainment, and so people will be leaving stimulated sexually, but without an outlet for that stimulation. This must put those around at risk, and given the carparks, ice-rink and garage that are used late at night, (when the establishment is open) and that it is near a residential area, where people are coming home late, I do not consider that this is an appropriate site.

A different objection is that such an establishment is also a way of demeaning and taking advantage of both men and women, a point that has been expressed to my by both men and women.

PublicAccess for Licensing - Application Comments (11/00784/SEV)

[REDACTED] has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 09/06/2011 10:21:00 from IP 10.206.143.5.

Application Summary

Application Number:
11/00784/SEV

Address:
Coven (ii)
Oxpens Road
Oxford
Oxfordshire
OX1 1RX

Licence Description:
Sexual Entertainment Venue Licence application

Customer Details

Name:
[REDACTED]

Address:
[REDACTED]

Email:
[REDACTED]

Phone Number:
[REDACTED]

Comments

Representation Type:
Member of Public

Objection Type:
Crime and Disorder

Comments:

As a single woman I am already nervous when I walk home from the station past the Coven at night. I consider the presence of sexually aroused men who have been drinking alcohol can only add to the risks involved.

A secondary point is the proximity of the coach park where large groups of young tourists arrive in Oxford.

PublicAccess for Licensing - Application Comments (11/00784/SEV)

[REDACTED] has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 08/06/2011 19:19:02 from IP 10.206.143.5.

Application Summary

Application Number:
11/00784/SEV

Address:
Coven (ii)
Oxpens Road
Oxford
Oxfordshire
OX1 1RX

Licence Description:
Sexual Entertainment Venue Licence application

Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

Email:

[REDACTED]

Phone Number:

[REDACTED]

Comments

Objection Type:
Public Nuisance

Comments:

I am totally in agreement with many in our community that shows of a Sexual Nature should not be granted a licence as it is right on the main Oxpens Road where young people pass all evening and into the late morning. It will be next door to Oxford Ice Rink where many girls and boys spend an evening skating and they will come into contact with people that are visiting this sort of Club. I can not believe how the Oxford Council could agree to such a situation.

PublicAccess for Licensing - Application Comments (11/00784/SEV)

██████████ Director of Property and Facilities has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 13/06/2011 16:47:06 from IP 10.206.143.5.

Application Summary

Application Number:
11/00784/SEV

Address:
Coven (ii)
Oxpens Road
Oxford
Oxfordshire
OX1 1RX

Licence Description:
Sexual Entertainment Venue Licence application

Customer Details

Name:
██████████ Director of Property and Facilities

Address:
For Oxford and Cherwell Valley College
Oxpens Road

██████████
██████████

Email:
████████████████████

Phone Number:
██████████

Comments

Representation Type:
Interested Party

Objection Type:
Crime and Disorder

Comments:
On Behalf of Oxford and Cherwell Valley College - we write to object and make representations against this application as we beleive that if successful the licenced activity will lead to increased crime and disorder in this area of Oxford and adjacent to our college boundary which faces the Coven 2 building.

Our college is open from 6:30am to 10:00pm - Monday to Fridays, where staff are going to potentially interact with increase likelihood of mixing with intoxicated people and groups awaiting entry to the club.

Primarily however, we have a duty of care for our students, who can range in age from 14+ to ensure that they are safe and secure, and that we as an organisation safeguard our students - who leave the site up until 10:00pm - from inappropriate, threatening and predatory behaviour - the potential for which would be increased if a licence in its current form was given.

On a different note, we dont believe that this activity will enhance the area for visitors or improve the opportunities for the Westend of Oxford to attract investment and develop this under-utilised part of Oxford.

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PublicAccess for Licensing - Application Comments (11/00784/SEV)

[REDACTED] has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 07/06/2011 09:49:10 from IP 10.206.143.5.

Application Summary

Application Number:
11/00784/SEV

Address:
Coven (ii)
Oxpens Road
Oxford
Oxfordshire
OX1 1RX

Licence Description:
Sexual Entertainment Venue Licence application

Case Officer:
Allan Hibberd

Customer Details

Name:
[REDACTED]

Address:
[REDACTED]

Postcode:
[REDACTED]

Email:
[REDACTED]

Phone Number:

Comments

Representation Type:
Member of Public

Objection Type:
Other objection

Comments:
As a very local resident I am concerned for a number of reasons;

1) People leaving a sex establishment - which has a unique aim of stimulating people sexually, without any form of release, leaving sexually charged people exiting the premises. One of the main walk ways away from the establishment will be through the St Ebbes development to the nearest populated area. This will bring sexually charged people walking through a residential area heightening the likelihood of sexual harassment or worse.

2) Similarly people walking home late from the railway station will also have to pass the premises and bring them in to very close proximity with once again sexually charged (unreleased) people increasing once again the potential for sexual crime occurring. Personally for my family I would not allow my wife and children to pass by at night returning from the station after seeing family in London.

3) Oxpens meadow is very well used by walkers and dog walkers and for council approved events (circus, gay pride, Jesus mission etc) all taking place well into the night. Once again bring the public into very close proximity with sexually charged people.

4) Oxford being a beautiful hub of tourism has a reputation to promote to the world. The main coach stop for hundreds of tourists everyday is touching the proposed premises (10 metres from the coach station toilets) - does Oxford city want the first thing most of its international tourists see to be a lap dancing establishment. Even if it is not advertised I assume the business card flyers that I find on the floor near the lodge as I walk early on Sunday mornings will also be found around the new location therefore I assume will be found by many tourists as well.

5) The council run ice rink is very close to the proposed premises - offering many events throughout the night. I know of many local children and teens who use this facility late into the night. I fear for young people leaving ice skating waiting around for lifts at night meeting a sexually charged person late at night.

6) The premises would be in very close proximity to St Thomas' nursery school and Church which in my mind was a term in the new application for a sex establishment licence couldn't happen (but I am no expert it is just what I read in the written press)

7) It is not what many very local residents want. Elderly and young. It would change the feel of the area and would make people nervous at night.

8) In the past (on one occasion) I have also seen a staff member of 'The Lodge' coming to the door of the premises wearing only underwear calling out to one of her colleagues (who was wearing a long coat smoking outside smoking) to come in. As a very local resident I don't feel it is fitting with the area.

Regards


PublicAccess for Licensing. (c) CAPS Solutions Ltd.

To: HIBBERD Allan; MASTERS Richard; THOMPSON Emma
Subject: FW: The Coven (11/00784/SEV)
From: Councillor [REDACTED]
Sent: 09 June 2011 12:53
To: licensing@oxford.gov.uk
Subject: The Coven (11/00784/SEV)

The Coven (11/00784/SEV)

I'm writing to object to this application.

I'm horrified at the thought of having this sleazy, pornographic "entertainment" in Oxford, especially at this site.

To put it opposite OCV College is completely inappropriate. Young people also frequent the ice-rink and the coach park.

I am one of the county councillors for this area.

[REDACTED]

City Councillor for Jericho and Osney Ward
County Councillor for West Central Oxford Division

[REDACTED]

Oxford City Council
Head of Environmental Development
Licensing Authority
Ramsay House
10 St. Ebbes Street
Oxford OX1 1PT

16th June 2011

Re: Coven II, Oxpens Road, Oxford Application No : 11/00784/SEV
Application for a Sexual Entertainment Venue Licence –Written Objection

Dear Sir/ Madam,

I hope this reaches you in good health.

I am writing to you on behalf of the Muslim Community of Oxford to express my strong objection to the Council granting a Sexual Entertainment Venue (SEV) licence to Coven II. The grant of an SEV licence would be highly inappropriate given the character of the relevant locality and the use of other premises in the vicinity.

Coven II is situated on the same road as the Fusion Ice Rink, a family venue which is open to the public every day of the week until 10.30pm and on Mondays to Fridays the ice rink is open until 1am for hire. These times overlap with the opening of Coven II as the application is requesting that adult entertainment take place from 9pm each evening. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to a tourist attraction.

~~Coven II is also situated near residential areas and shops. Residents, especially women, will feel uncomfortable walking past Coven II if it offers adult entertainment, and may alter the times they walk home and the routes they use so as to avoid customers who are entering and returning from the venue. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to residential areas and shops.~~

Oxford and Cherwell Valley College and Oxford University Officer Training Corps are situated on Oxpens Road. It is inappropriate for premises offering sexual entertainment to be situated near establishments which cater for young people.

Oxpens Road is a main route into Oxford City Centre. The city's main coach park is situated on Oxpens Road. Many tourists, including young international students, will be using Oxpens Road throughout the evening and early hours to enter the city centre, which may coincide with customers who are going to or returning from Coven II, possibly in an inebriated state.

Finally, Oxford attracts thousands of tourists because of its history, tourist attractions and family-friendly activities. It is also home to thousands of students. It is wholly inappropriate for Coven II to offer adult entertainment in this sort of area.

The Muslim Community of Oxford would urge the Council to reconsider the decision to grant Coven II an SEV license as we believe such an establishment would only be to the detriment of society and is not in keeping with the historic academic ethos of the city in which we all take pride.

Yours faithfully



Oxford City Council
Head of Environmental Development
Licensing Authority
Ramsay House
10 St. Ebbes Street
Oxford
OX1 1PT

Email: licensing@oxford.gov.uk

16 June 2011

Dear Sir,

Re: Coven II, Oxpens Road, Oxford
Application No : 11/00784/SEV
Application for a Sexual Entertainment Venue Licence – Written Objection

We are writing to express our strong objection to the Council granting a Sexual Entertainment Venue (SEV) licence to Coven II on Oxpens Road. The grant of an SEV licence would be inappropriate having regard to the character of the relevant locality and the use of other premises in the vicinity.

Coven II is situated near residential areas and shops. Residents, especially women, will feel uncomfortable walking past Coven II if it offers adult entertainment, and may alter the times they walk home and the routes they use so as to avoid customers who are entering and returning from the venue. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to residential areas and shops.

Coven II is very close to Fusion Ice Rink, a family venue which is open every day of the week. On ~~Mondays, Tuesdays, Thursdays, Fridays and Saturdays~~ the rink is open to the public until 10.30pm and on Mondays to Fridays the ice rink is open until 1am for hire. These times overlap with the opening of Coven II as the application is requesting that adult entertainment take place from 9pm each evening. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to a tourist attraction which is used by families.

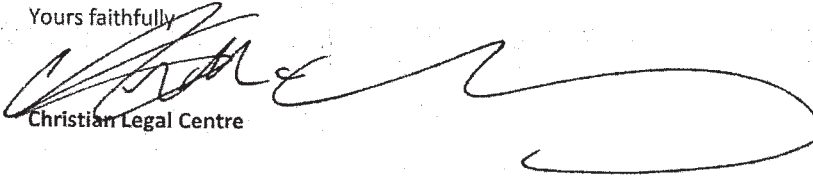
Oxford and Cherwell Valley College and Oxford University Officer Training Corps are situated on Oxpens Road. It is inappropriate for premises offering sexual entertainment to be situated nearby establishments which cater for young people.

Oxpens Road is a main route into Oxford City Centre. The city's main coach park is situated on Oxpens Road. Many tourists, including young international students, will be using Oxpens Road throughout the evening and early hours to enter the city centre, which may coincide with customers who are going to or returning from Coven II, possibly in an inebriated state.

Correspondence address: 70 Wimpole Street, London, W1G 8AX
T: 020 7935 1488 E: info@christianlegalcentre.com
Limited company number: 06387800
Registered address: 24 Abbotsford Drive, Dudley, West Midlands, DY1 2HD

Finally, Oxford attracts thousands of tourists because of its history, tourist attractions and family-friendly activities. It is also home to thousands of students. It is wholly inappropriate for Coven II to offer adult entertainment in this sort of area.

Yours faithfully

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Christian Legal Centre

Correspondence address: 70 Wimpole Street, London, W1G 8AX
T: 020 7935 1488 E: info@christianlegalcentre.com
Limited company number: 06387800
Registered address: 24 Abbotsford Drive, Dudley, West Midlands, DY1 2HD

The Licensing Authority
Ramsay House
10 St. Ebbe's Street
Oxford
OX1 1PT
15 June 2011

[REDACTED]

To whom it may concern,

**Sexual Entertainment Venue Licence Application No: 11/00784/SEV
'The Coven', Oxpens Road**

I am writing on my own behalf as a member of the City Council, and on behalf of some of my constituents in the residential area of the Hinksey Park ward (which neighbours the application site) who have made representations to me, to object in the strongest terms to the application which has been made for a sexual entertainment venue licence at 'The Coven' nightclub.

It is my view that the granting of such a licence for activities described on the application as 'lap dancing, pole dancing, table dancing, strip shows, [and] semi/full nudity dancing' would tend to frustrate the four licensing objectives adopted by the Council in line with national legislative requirements. I have seen no evidence to suggest that the behaviour of the intended clientele of establishments offering sexual entertainment would be likely to promote the prevention of crime and disorder, public safety, or the prevention of nuisance. In particular, the proximity of such an establishment to quiet residential and prestigious retail areas, as well as to a leisure amenity of major regional importance aimed at children and teenagers (the ice rink), risks conflict with the fourth objective to secure the protection of children from harm.

I would be grateful if you could keep me informed of the decision of the Authority on this application, and any likely date for determination by committee. I would like to speak at any committee hearing on behalf of my constituents.

Yours faithfully,
Councillor [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

15 June 2011

The Licensing Authority
Oxford City Council

Mr Allan Hibberd City Council Licensing Authority
Ramsey House St Ebbe's Street
OXFORD OX1 1PT

15 JUN 2011

Dear Sir

Application 11/00784/SEV for Sexual Entertainment Licence
The Coven (ii) Oxpens Road Oxford

We object strongly to the granting of the above licence as it is inappropriate to the area. Recent updating of the law states it is not permissible to site such venues near educational establishments for young people, communities or tourist concentrations.

- (i) The Coven is adjacent to the entrance to the city's coach park where all through the year many visitors from all over the world offload to experience Oxford that they fondly believe to be a great World City of Culture. Such an establishment on the main road next to where all these visitors pass is contrary to the image that the City Council surely wishes to promote. The other part of the carpark brings many private visitors to the city, along with children and young people regularly wanting to use the facilities of the Ice Rink next to it.
- (ii) The Coven is opposite Oxford and Cherwell College, a large educational establishment having many hundreds of impressionable young students during term time and language students from abroad in the vacations. Such a Sexual Entertainment venue opposite is not an appropriate influence, and it would undermine the gender equality objectives of the educational establishment.
- (iii) Over many years the City Council has declared a policy to upgrade the 'West End' quarter and we are awaiting the imminent comprehensive planning proposal for the area. Granting the above licence would run counter to the declared policy, as illustrated for example in the 'West End Renaissance' leaflet endorsed by the logo of Oxford City Council and its linked website which is updated with news of notable happenings in our district. Does it intend to announce the activities at The Lodge as part of area upgrading?
- (iv) Many people appear ignorant of the fact that various communities live in this area, not only ours but the communities between us and Folly Bridge/St Aldates; and developments of flats in the Hollybush Road area. We are all anxious to preserve safety for all residents and consider that such a place as The Lodge would constitute a threat to women wishing to walk along the main road on which the Coven is sited during their opening hours. These are advertised as daily 9pm to 5am: during this time customers would be likely to create not only disturbance under the influence of alcohol or maybe drugs but because of the highly provocative nature of the 'entertainment,' be felt as a threat by any (young) woman who wishes and has a right to walk home, for instance from the railway station, or any other direction. She would have to run the gauntlet of customers smoking or lingering in front of the Coven, as well as those arriving or leaving.

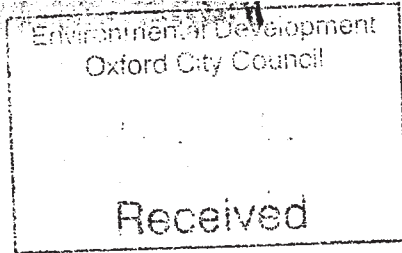
We therefore call upon you and your committee to refuse the licence on the grounds of unsuitability of neighbourhood, as indicated above.

Yours faithfully
[REDACTED]
[REDACTED]
[REDACTED]

from The Master

CAMPION HALL OXFORD

Oxford City Council
Head of Environmental Development
Licensing Authority
Ramsay House
10 St. Ebbe's Street
Oxford
OX1 1PT



Dear Sir

Re: Coven II, Oxpens Road, Oxford, Application No : 11/00784/SEV
Application for a Sexual Entertainment Venue Licence -Written Objection

I am writing to express my objection to the Council granting a Sexual Entertainment Venue (SEV) licence to Coven II. Such a licence would be inappropriate not only because of the nature and use of other premises in the immediate vicinity, but also because of the general character of the area.

Premises in the immediate vicinity:

- Coven II is adjacent to the Fusion Ice Rink, a venue which attracts patrons of all ages, including families, and which is open every day of the week, to the public until late in the evening, and for hire until 1.00am.
- Oxford and Cherwell Valley College, and Falklands House (home to the Oxford University Officer Training Corps) are situated nearby on Oxpens Road: both result in numbers of young people being regularly in the area.
- Coven II is also situated near residential areas and shops.

The general character of the area:

- Oxpens Road is a main route into Oxford City Centre, and is the site of the city's main coach park. In consequence, large numbers of visitors to Oxford use Oxpens Road at all times of the day and late into the night.

with best wishes

[Redacted signature]

[Redacted address]

Campion Hall
Oxford OX1 1QS
United Kingdom

Campion Hall is a Permanent Private Hall of the University of Oxford

16 JUN 2011

[REDACTED]
[REDACTED]
To: The Licensing Authority,
Oxford City Council, Ramsay House

June 16th 2011

Re; Application to permit lap-dancing, pole dancing and 'strip shows' at The Coven, Oxpens Road. Oxford OX1.

This residents' association (SENDRA) wishes to lodge its objection to the granting of this licence. SENDRA (St Ebbes New Development Residents' Association) represents 84 households/112 residents in the housing estate immediately to the east of Castle Mill Stream and south of Oxpens Road/Thames St. (250m. From The Coven). SENDRA also represents wider public users and interests in its organisation, FOM (Friends of Oxpens Meadow), relating to this meadow's public use. The meadow is between the Ice Rink and Castle Mill Stream and still nearer, therefore, to The Coven(200m).

We represent local residents who regularly walk past The Coven at all times of the day and night. Currently, if the club is open (and mainly, it is not) we feel perfectly safe. We believe that if this licence is granted, then it is possible – perhaps even probable – that the club's clients will represent more of a threat to the actual or sense of safety of women and young people. This is because the explicit purpose and/or outcome of the activities being promoted is sexual arousal. It is also relevant that pedestrian traffic between much of the Osney area and city centre involves passing The Coven.

The Licensing Authority needs to consider not only the safety of local residents but also the safety of a very large number of other users of this part of the City. The Coven is next to a large coach park through which hundreds of foreign language students and other visitors to Oxford pass daily (in/out and milling around). It is also opposite a Further Education College where several hundred young people, under the age of 20, are educated. The Ice Rink, on the other side of the coach park, is used daily (daytime + evening) by families and children from the whole Oxford region. A Nursery school in Osney Lane is 100metres from The Coven.

The reputational standards of the neighbourhood will be adversely affected if this licence is granted. This matters greatly as the area is awaiting improvement and development (at [REDACTED] End) and 'planning blight' needs to be controlled. [REDACTED] is also detrimental to the neighbourhood's residents, young people (as [REDACTED]) reputation as a key 'gateway' for foreign visitors.

We urge the City Council in its Licensing Authority role to reject this application [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cllr [REDACTED]
C/O Oxford Town Hall
St Aldate's
Oxford
OX1 1BX

Dear Sir/Madam

Re: Letter of objection to application 11/00784/SEV

A decision to grant a license for sexual entertainment at this venue should only be made after much careful consideration. The controversy surrounding the Lodge's application has shown that this is an emotive subject for many residents of Oxford. While the proposed location on the Oxpens Road is certainly preferable to the club staying at Pennyfarthing Place, it remains problematic in a number of ways.

The Council's policy on this matter states that "applications made for a Sexual Entertainment Venue Licence will not generally be deemed to be appropriate if the premise is near or in locations or areas containing....tourist attractions....[or] shopping complexes." It seems clear to me that the Ice Rink is functionally equivalent to a tourist attraction or shopping complex. It attracts a wide range of customers and visitors, including many families, and I do not believe that an association of the area it resides in with lap dancing would benefit its activities.

While the Oxpens road is the sight of less activity than the city centre and the clubs potential for unneighbourliness is thereby reduced, this sparsity of other activities in the vicinity also potentially creates problems. Firstly, because there are fewer other activities happening in the area, the extent to which the area's character will be defined by sexual entertainment will be that much greater. Secondly, the relative isolation of this area ought to make us consider the impact this may have on levels of crime and on the fear of crime. One of the concerns voiced about the Lodge application was ~~a perception that clubs of this kind were associated with higher levels of sexual assaults and harassment.~~ I am not qualified to say whether this is an accurate view but we must acknowledge that with fewer people around members of the public's vulnerability and their own perception vulnerability will also be greater. So when making its decision the licensing committee should be clear whether a decision to grant the application will prejudice the safety of the public and will not leave them feeling that this is an area in which they are unsafe, while also giving due weight to the changes it may bring about in the character of the area. Unless it is satisfied on both counts it should not approve this application.

I am glad that I am not on the committee hearing this application. It seems to me closer to the borderline – and consequently harder to decide – than was the application for Pennyfarthing Place. It still, however, makes me uneasy for the reasons I have set out in this letter and I trust they will be considered carefully.

Yours faithfully,

[REDACTED]

Cllr [REDACTED]

[REDACTED]

[REDACTED]
The Licensing Authority
Oxford City Council

17 JUN 2011

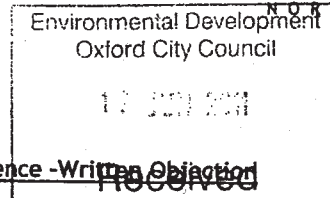
[Redacted]
Oxford City Council
Head of Environmental Development
Licensing Authority
Ramsay House
10 St Ebbes Street
Oxford
OX1 1PT



St Andrew's Church

NORTH OXFORD

Closing Date for Objections: 17th June 2011



Dear Sir,

Re: Coven II, Oxpens Road, Oxford

Application No: 11/00784/SEV

Application for a Sexual Entertainment Venue Licence - Written Objection

I am writing to express my hope that a Sexual Entertainment Venue (SEV) licence will not be granted to Coven II. The grant of an SEV licence would be inappropriate in this vicinity.

Coven II is adjacent to Fusion Ice Rink, a family venue which is open every day of the week. On Mondays, Tuesdays, Thursdays, Fridays and Saturdays the rink is open to the public until 10.30pm and on Mondays to Fridays the ice rink is open until 1am for hire. These times overlap with the opening of Coven II as the application is requesting that adult entertainment take place from 9pm each evening. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to a tourist attraction.

Coven II is also situated near residential areas and shops. Residents, especially women, will feel uncomfortable walking past Coven II if it offers adult entertainment, and may alter the times they walk home and the routes they use so as to avoid customers who are entering and returning from the venue. It is not appropriate for an SEV licence to be granted where premises are in such close proximity to residential areas and shops.

Oxford and Cherwell Valley College and Oxford University Officer Training Corps are situated on Oxpens Road. It is inappropriate for premises offering sexual entertainment to be situated nearby establishments which cater for young people.

Oxpens Road is a main route into Oxford City Centre. The city's main coach park is situated on Oxpens Road. Many tourists, including young international students, will be using Oxpens Road throughout the evening and early hours to enter the city centre, which may coincide with customers who are going to or returning from Coven II, possibly in an inebriated state.

Finally, Oxford attracts thousands of tourists because of its history, tourist attractions and family-friendly activities. It is also home to thousands of students. It is wholly inappropriate for Coven II to offer adult entertainment in this sort of area.

Yours faithfully

The Licensing Authority
Oxford City Council

17 JUN 2011

[Redacted]
[Redacted]
ST ANDREW'S CHURCH
[Redacted]
[Redacted]

[REDACTED]
[REDACTED]
Oxford
[REDACTED]

16th June 2011

Mr A. Hibberd
City Council Licensing Authority
Oxford City Council
Ramsey House
St Ebbe's
Oxford
OX1 1PT

The Licensing Authority
Oxford City Council

17 June 2011

Dear Mr Hibberd,

**Re: Objection to Sex Entertainment Venue License Application Oxford
No: 11/00784/SEV The Coven, Oxpens, Oxford**

We wish to object to the granting of the Sex Entertainment Venue License, under Schedule 3 of the local Government (Miscellaneous provision) Act as amended by Section 27 of the Policing and Crime Act 2009, so that the provisions for the control of sexual entertainment venues would apply to this district. All of the types of sexual entertainment specified in the Act will be in operation for the West End area.

In particular

i) Historic buildings or tourist attraction

Oxford is an international tourist attraction with the whole of the City designated as full of historic buildings. The 'Coven', far from being next to an out of the way car park away from the city centre, as claimed by the Applicant, is, in fact next to a major tourist entry point. Thousands of young foreign students, as well national and international tourists, are disgorged daily at the main coach park. The public toilets are adjacent to the Coven. In this regard, the Coven's proposed license fails the Governments guidelines.

ii) Infant school / ice rink / College of Further Education

There is an infant school within 100metres of the Coven. Also, there is an ice rink adjacent, open to the general public, which, in addition, caters for young children who attend early morning and late evening for lessons and training towards sporting excellence. In addition, there is a large College of Further Education catering for 15/16 year old students across the road. Again, against the new Regulations.

iii) Westgate Complex

Westgate Complex is a shopping centre which is nearby and will be expanding next to the College of Further Education - again 100metres from the Coven. This is also against the new Regulations.

iv) Residential element

The Westgate owners propose to include a residential element in their development near to the Coven. The Council, as part of the West End proposal, want to upgrade the Westend residential site, with a strong emphasis as a tourist friendly area. We, as local residents nearest to the Coven, condemn their application which will downgrade the area for both local and international repute.

The 'Lodge' owner, who also wants to apply for the Sexual Entertainment License for the Coven, has already had his license for the Lodge revoked under the new legislation. The new venue ie the Coven, is equally unsuitable and should be denied a license on the same grounds.

Yours sincerely

[Redacted signature block]

Malcolm W. Ryan

[REDACTED]

17 June 2011
Oxford City Council
Head of Environmental Development
Licensing Authority, Ramsay House
10 St. Ebbes Street, Oxford OX1 1PT

Dear Sir,

**Re: Coven II, Oxpens Road, Oxford Application No : 11/00784/SEV
Application for a Sexual Entertainment Venue Licence – Written Objection**

I am writing in my capacity as (i) a parent of young children, (ii) a GP with patients who are the victims of sexual abuse, and (iii) a church minister. I wish to express my strong objection to the Council granting a Sexual Entertainment Venue (SEV) licence for adult entertainment at Coven II.

There are strong moral arguments against this type of commercial endeavour that concern the welfare of women and the cultivation of appropriate, healthy attitudes to sex and relationships. Moral arguments aside, I believe this application should be refused as Coven II is in a totally inappropriate venue in terms of the character of the local area, its proximity to local amenities (significantly those which cater for families and young people) and to what is the gateway to Oxford for many tourists.

Coven II is nearby Fusion Ice Rink which is a tourist attraction and a family venue open every day of the week at times which would overlap with the opening of the Sexual Entertainment Venue. The proposed venue also inappropriately close to a residential area and shops where residents and shoppers will inevitably feel uncomfortable walking past. Many will, I suspect, avoid the area entirely. The exposure of young people to Coven II would be great as a result of Oxford and Cherwell Valley College and Oxford University Officer Training Corps being situated on Oxpens Road.

If the licence were to be granted, I believe it will have a significant detrimental impact on the welfare of children and women, even those simply passing by. Should the licence be granted, I, for one, would do all I could to avoid visiting the area, especially when with my family – even though we do on occasion like to use the skating rink – and I would advise others to do similarly.

Many will be unable to avoid the area, however, such as tourists arriving into Oxford City Centre via the city's main coach park, situated in Oxpens Road. The presence of an establishment such as Coven II in this significant area for visitors to Oxford would seriously damage its reputation and success, famous as it is for its historic significance and family-friendliness.

I would maintain that on moral, social, cultural and economic grounds, it is wholly inappropriate for the venue to offer 'adult entertainment'. Thank you for giving this important matter your consideration.
Yours sincerely,

[REDACTED]



ST EBBE'S CHURCH

in Pennyfarthing Place

Environmental Development
Oxford City Council

Received

16 June 2011

To: Oxford City Council
Head of Environmental Development
Licensing Authority
Ramsay House
10 St. Ebbes Street
Oxford
OX1 1PT
Email: licensing@oxford.gov.uk

Closing Date for Objections: 17th June 2011

Dear Sir,

Re: Coven II, Oxpens Road, Oxford
Application No : 11/00784/SEV
Application for a Sexual Entertainment Venue Licence –Written Objection

We are writing to express our strong objection to the Council granting a Sexual Entertainment Venue (SEV) licence to Coven II. The grant of an SEV licence would be inappropriate given the character and current uses of the locality and inconsistent with the Council's stated aims for the future development of the area.

The character of the Oxpens area makes it unsuitable for a venue offering adult entertainment. Coven II is situated near residential areas. Residents, especially women, may feel uncomfortable walking past Coven II if it offers adult entertainment and so alter the times they walk home and the routes they use so as to avoid customers who are entering and returning from the venue. Oxpens Road is also a main route into Oxford City Centre, with the city's main coach park situated on it. It is estimated that almost one-third of Oxford's visitors arrive by coach.¹ Many of these visitors, including tourists and young international students, will be using Oxpens Road throughout the evening and early hours to enter the city centre, which may coincide with customers who are going to or returning from Coven II. It would not be appropriate for an SEV licence to be granted where premises are in such close proximity to residential areas and next to what is, for many, the place of arrival in the city.

The uses of other premises in the locality should preclude the granting of an SEV licence for Coven II. The venue is situated close to Fusion Ice Rink, a family attraction which is open every day of the

¹ The West End Area Action Plan, Volume 1, p. 32

CORRESPONDENCE ADDRESS: 2 ROGER BACON LANE, OXFORD OX1 1QE TEL: 01865 240438 / 728917
E-MAIL: office@stebbes.org.uk
Registered Charity No.: 1127816

[REDACTED]

week. On Mondays, Tuesdays, Thursdays, Fridays and Saturdays the rink is open to the public until 10.30. [REDACTED] with teenagers until closing time. On Mondays to Fridays the ice rink is open until 1am for hire. These times overlap with the opening of Coven II as the application is requesting that adult entertainment take place from 9pm each evening. Oxford and Cherwell Valley College and Oxford University Officer Training Corps are also situated on Oxpens Road. It is not appropriate for sexual entertainment to be provided where premises are in such close proximity to venues which are used by all ages, including many children and young people.

The West End Area Action Plan identifies the Oxpens site as "a key catalyst in the renaissance of the West End"² and recognizes that "the feel and ambience of Oxpens Road needs to be transformed"³. We welcome the Plan's ambitions to create a strong and balanced community in the West End and enhance the area's attractiveness to residents and visitors. Given that the development of safe and pleasant public spaces is crucial to the achievement of these objectives, the granting of an SEV licence to a venue in "the heart of the West End"⁴ would be entirely inconsistent with the aims for the area set out by Oxford City Council.

Oxford is a unique city whose reputation as an historic centre of education and a family-friendly environment attracts new residents, exceptional students and thousands of visitors each year. Permitting adult entertainment to be offered in the gateway to the city for many tourists and the heart of the community for many residents would tarnish the wider city's reputation and threaten the local community's security. It is therefore wholly inappropriate for Coven II to offer adult entertainment in this area.

Yours faithfully,

[REDACTED]

[REDACTED]

On Behalf of the Parochial Church Council of St Ebbe's Church, Oxford.

² The West End Area Action Plan 2007-2016, Volume 1, p. 32

³ *Ibid.* p. 9

⁴ *Ibid.* p. 9

The Licensing Authority
Oxford City Council

17 JUN 2011

City Council Licensing Authority

Dear Mr Hibberd,

I wish to protest about the proposal to turn the Coven night club into a tap/dancing venue.

Over the twenty six years that my wife and I have lived on Thames Street I have had to complain many times every year about the noise from the club. Although we live two hundred and fifty metres from the club it is still possible to hear the beat and also to feel it, and because of this I have on many occasions called out officers from the environmental department. Earlier this year I asked for help from your department and Mr Alison was very [redacted] in persuading the club owner to shut windows and doors and to install noise limiting equipment. In spite of this I have had to phone the owner to

complain several times this year. I feel sure that if this were to become a tap/dancing club we would have the same problem perhaps magnified by longer hours or more days in operation.

We suffer in Thames Street from a high incidence of drug use and dealing also much noise between three and four o'clock in the morning

from over-excited people on their way home from the Coven and over clubs in the centre. Damage is often caused by these people to our gardens and most of us have had front windows smashed more than once in the early hours. I cannot imagine any decrease in this sort of activity once the Coven becomes a tap/dancing centre. The FE college and those of us living on Thame street do our best to keep the street tidy only the Coven lets us down. Thames street is a main entry route into the city by visitors arriving both by train and excursion coach. A tap/dancing club is hardly a suitable or inspiring sight when on the way to visit one of our country's cultural centres.

Please excuse this letter written in such haste; I've only just discovered the proposal. I hope you will not grant a license to the proposed tap/dancing club but perhaps find some way to give us a more attractive and peaceful environment.

yours sincerely





APPENDIX C

Sent: 16 June 2011 21:34
To: HIBBERD Allan
Cc: MASTERS Richard; THOMPSON Emma
Subject: FW: SEV License application

-----Original Message-----

From: [REDACTED] Posted At: 16 June 2011 20:54 Posted
To: licensing@oxford.gov.uk
Conversation: SEV License application
Subject: SEV License application

Dear Sir/Madam,

Please accept this email as my support for the SEV application at The Coven. As an Oxford resident and regular of The Lodge gentleman's club I feel that moving the Lodge from next door to the St. Ebbes church and Westgate shopping center to the Coven on Oxpens road would be an ideal solution for all parties. This location is away from places of worship, shopping centers etc. The Lodge has been an asset to the late night economy of Oxford and in my experience it has been very well run and has caused little or no disruption to the surrounding area, in fact if you didn't know it was there you would walk past without being in any way aware what took place in the establishment. I do feel that if the Lodge is not granted the SEV at the Coven it will be a sad loss for the diversity of Oxfords nightlife.

Sincerely,

[REDACTED]

Sent: 16 June 2011 21:34

To: HIBBERD Allan

Cc: MASTERS Richard; THOMPSON Emma

Subject: FW: Thirst Bar Lodge - Relocation to the Coven, Oxpens Road, Oxford

From: [REDACTED]

Posted At: 16 June 2011 19:04

Posted To: licensing@oxford.gov.uk

Conversation: Thirst Bar Lodge - Relocation to the Coven, Oxpens Road, Oxford

Subject: Thirst Bar Lodge - Relocation to the Coven, Oxpens Road, Oxford

Dear Sirs,

I run a local building company in and around Oxford. At the request of Rob Orther of Thirst Bar Lodge I write to show my support in the relocation of the "gentleman's club" from Thirst Bar Lodge to The Coven. I believe this is in location so as not too offend anyone, or local businesses in the vicinity. I myself visited Thirst Bar Lodge on a handful of occasions and always found the staff to be polite and friendly, there was never any trouble and it was never loud or rowdy.

I should be grateful if you could seriously consider this application.

Yours faithfully,

[REDACTED]

Sent: 17 June 2011 10:55

To: MASTERS Richard; HIBBERD Allan; ALISON Julian; THORNTON Robert M; CRAMER Jill

Subject: FW: THIRST LODGE

From: [REDACTED]

Posted At: 17 June 2011 10:29

Posted To: licensing@oxford.gov.uk

Conversation: THIRST LODGE

Subject: THIRST LODGE

Sirs

I am deeply disturbed to find that the Thirst Lodge in Pennyfarthing has been put out of business due to the withdrawal of its license.

I appreciate that some members of the community may find problems with the entertainment provided, but as these are a minority view it seems incredible that they can produce a decision by the licenscinmg authority which in effect denies me my civil liberty.

The premises which I have visited on many occasions and where I entertain friends is run in an exemplary manner, creates no disturbance and is discreet in its presence.

I was extremely concerned on attempting to make a reservation recently to be told that the, I undestand SEV license, had been terminated.

This operation managed and run in a faultless manner and providing an asset to the fun and diverse night time economy requires to be more consideratly respected.

I understand that the owners have made an application for the same license type to be granted for new premises called the Coven, situated in Oxpens Road.

This locality would seem ideally suitable as you bascially have to make the effort to go there which the vast number of regular customers will have no problem with. It of course also means that those who seem unable to prevent their actions to deny others their rights will not be inconvenienced.

Should such complaint be made it has to be respected that this is purely personal opinions which must not be allowed to prevent the enjoyment of others.

I ask that you respect this communication as the strongest possible support for the license to be granted to the applicants.

This will allow lives to return to normal and re-employment of those now jobless.

Please address any communication to the mail ,address given as I travel extensively .

[REDACTED]

Sent: 15 June 2011 23:12
To: MASTERS Richard; HIBBERD Allan; THOMPSON Emma
Subject: SEV Support Representation
From: [REDACTED]
Posted At: 15 June 2011 17:25
Posted To: licensing@oxford.gov.uk
Conversation:
Subject:

To whom it may concern

I am emailing to register my support of thurst lodge in it's new site application.

Yours sincerely

[REDACTED]

Sent: 14 June 2011 18:04
To: HIBBERD Allan
Cc: MASTERS Richard; THOMPSON Emma
Subject: FW: The lodge campaign

-----Original Message-----

From: [REDACTED] Posted At: 14 June 2011 17:30 Posted To:
licensing@oxford.gov.uk
Conversation: The lodge campaign
Subject: The lodge campaign

We need the lodge to keep every one happy in Oxford All other places like the lodge have been shut down please don't continue the trend.

Sent from [REDACTED]

From: [REDACTED]
Posted At: 17 June 2011 13:22
Posted To: licensing@oxford.gov.uk
Conversation: The Lodge lapdance club
Subject: The Lodge lapdance club

Dear Sir/madam

I was suprised to see that The Lodge was closed on Saturday night down to Licensing and hoped to relocate.

Then I read an artical in the Oxford Mail a friend told me to read. I think the Coven would be a good venue to move to (I went there years ago when in my teens) gosh probably need a lot of updating!

I just thought I would send my support for this move as my friends and I loved our nights out at the Lodge (all female) The club offered easy listening music with chatty friendly girls and a good atmosphere..

So please lets get the club up and running at the Coven

Regards

[REDACTED]

To: HIBBERD Allan
Cc: THOMPSON Emma; MASTERS Richard
Subject: FW: re - The Lodge
From: [REDACTED]
Posted At: 17 June 2011 17:18
Posted To: licensing@oxford.gov.uk
Conversation: re - The Lodge
Subject: re - The Lodge

Hi licensing,

Just a note to say how thrilled I am that the lodge has now being relocated to The Coven, what a perfect location for the venue. No church and or no shopping centre.
Well done and great idea.

Thank you [REDACTED]

From: [REDACTED]
Posted At: 17 June 2011 09:55
Posted To: licensing@oxford.gov.uk
Conversation: Thirst Lodge/The Coven
Subject: Thirst Lodge/The Coven

[REDACTED]
[REDACTED]

Dear Sirs

LETTER OF SUPPORT

I am horrified that the licence for The Lodge in Pennyfarthing Lane has had their licence recinded. It has always been, during it's short life, a great venue for a very discerning sort of customer.

At no time during my visits to the Lodge have I ever encountered anything which could be deemed unsavoury, contentious or in breach of the peace.

Friends and colleagues whom I taken there have always remarked on the great atmosphere and complimented the manner in which the establishment has been run. I think the term is: professional.

I do understand that the worthy people of the establishment such as the Church and certain womens associations could take issue with the provision of such a club. These people are a minority and not the majority. Everyone should have the right to be able to make their own choice of entertainment without without being censored. One has the choice, to either use the club or not use it and civil liberties should not be decided by a minority.

I understand that the owners have made a formal application for a similar license to operate at The Coven, Oxpen Road.

This venue is situated in an area which is perhaps more suited and would continue to provide well managed club facilities without creating any possible concerns or disturbance to neighbours.

I totally support the application for an SEV licence so that they can resume operating in the manner which has proved to be very popular and I trust I can look forward to being able to frequent the new venue with friends and colleagues.

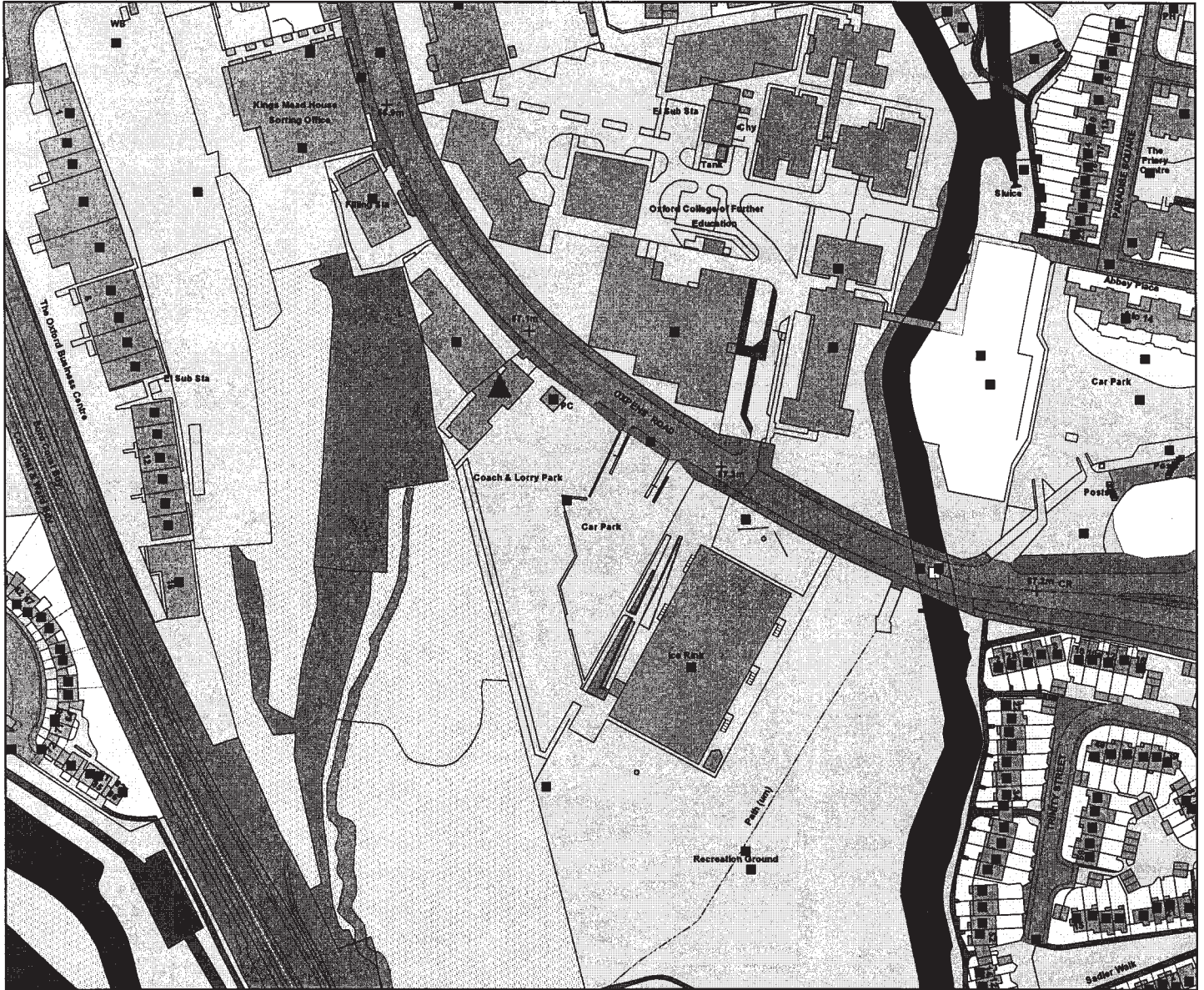
All correspondence to my e-mail please.

Yours faithfully
[REDACTED]

APPENDIX D

Not Set

Not Set



Legend

The Coven
Oxpens Road
Oxford
OX1 1RX



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Organisation	Oxford City Council
Department	Not Set
Comments	Not Set
Date	28 June 2011
SLA Number	100019348

Scale: 1:2340

LICENSING AND REGISTRATION SUB COMMITTEE

Tuesday 29th March 2011

COUNCILLORS PRESENT: Councillors Cook (Chair), Gotch and Humberstone.

OFFICERS PRESENT: Lois Stock and Daniel Smith (Law and Governance), Tony Payne, Dawn Cox and Andrew Thompson (Environmental Development - Licensing).

ALSO IN ATTENDANCE: Mr John Irvin (applicant for Street Trading Consent, St Ebbe's), Mr Kaveh (applicant for Street Trading Consent, Pembroke Square) and Mr Bisla (Solicitor for Mr Kaveh)

11. APOLOGIES FOR ABSENCE

None given

Councillor Humberstone was not present at the start of the meeting. All present agreed that, as the meeting was quorate with two members, it should proceed. Councillor Humberstone arrived during the consideration of the first application (minute 13 refers). He joined the meeting when this item had been concluded and took part in the consideration of the remaining agenda items (minutes 14-16 refer)

12. DECLARATIONS OF INTEREST

None made.

13 RENEWAL APPLICATION FOR STREET TRADING CONSENT FOR JOHN IRVIN

The Head of Environmental Development submitted a report (previously circulated, now appended). Andrew Thompson and Dawn Cox (Licensing) presented this application to the Sub Committee.

Mr Irvin attended the meeting and presented his case. He had recently replaced his old stall with a smaller one to meet the requirements of the Street Trading Policy. He wished to keep the small rotating display stands that were situated at each corner of his stall because they helped keep his stall viable. He employed two other people beside himself, all full time, and one part time person. Mr Irvin was certain that the stall would not grow in size any further and he undertook to comply with the terms of the licence in this respect. He was happy to work with officers to resolve this issue.

Andrew Thompson confirmed that there had not been any complaints, since the stall had been replaced with a new smaller stall and that the stall did not obstruct the pavement. Tony Payne (Licensing) added that the new stall that Mr Irvin had provided met the required footprint, for such stalls and that the only issue was that of the freestanding display units and the storage boxes placed alongside the stall.

Decision:

The Sub Committee took into account all evidence before it, both written and oral. Members agreed that the issue was that of renewing (or otherwise) the application. They were not at liberty to make any exceptions within the current licensing policy governing street trading stands. They noted Mr Irvin's undertaking to comply with the terms of his licence, if granted.

Resolved to:

- (1) Grant a street trading licence to Mr Irvin for an initial period of 3 months, and to delegate to the Head of Environmental Development the power to renew this for a further nine months, subject to there having been no problems with this pitch;
- (2) Inform Mr Irvin that the granting of this application covered only the main stall and did not include the freestanding rotating display units at each corner or any other ancillary stand;
- (3) Note that the policy concerning the size and layout of stalls was an issue for another Committee,
- (4) Ask officers to prepare a report containing proposals for the design, layout and size of street trading pitches, with special reference to pitches that had the capability to overhang the 2m x 1m curtilage, for the next meeting of the General Purposes Licensing Committee.

14 RENEWAL APPLICATION FOR STREET TRADING CONSENT FOR HOOSHANG KAVEH

The Head of Environmental Development submitted a report (previously circulated, now appended). Dawn Cox and Andrew Thompson introduced the report to the Sub Committee.

Mr Kaveh attended the meeting with his solicitor, Mr Sorbjit Bisla. Mr Bisla presented Mr Kaveh's case to the Sub Committee. Mr Bisla pointed out that Mr Kaveh had not been aware that trading beyond the permitted hours had been taking place at his stall, which resulted in the prosecution of his employee, Jamshaid Nasib. He had co-operated fully with the Council's investigation and had taken steps to ensure that such a breach did not occur again. There had been no other problems with his licence during the 24 years that he had been trading. Mr Kaveh regretted the breach of his conditions and was fully committed to complying with the terms of his licence in future.

Andrew Thompson confirmed that there had been no further complaints and that the stall had been closing promptly at 3am.

Decision:

The Sub Committee took into account all evidence before it, both written and oral. Members of the Sub Committee felt that the problem encountered was one of poor supervision, but that if this was addressed; there would be no repetitions of the problem.

Resolved to:-

- (1) Grant a street trading licence to Mr Kaveh for an initial period of 3 months, and to delegate to the Head of Environmental Development the power to renew this for a further nine months, subject to there having been no problems with this pitch;
- (2) Remind Mr Kaveh of the importance of supervising his pitch properly, and of cleaning up afterwards.

15. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 9th December 2010.

16. MATTERS EXEMPT FROM PUBLICATION

None

The meeting started at 5pm and ended at 6.30pm

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