

Agenda

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Licensing and Registration Sub Committee

Date: **Monday 7 October 2013**

Time: **5.30 pm**

Place: **St Aldate's Room, Town Hall**

For any further information please contact:

Lois Stock, Democratic Services Officer

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Licensing and Registration Sub Committee

Membership

Chair

Vice-Chair

Councillor Van Coulter	Barton and Sandhills;
Councillor Gwynneth Royce	St. Margaret's;
Councillor Mary Clarkson	Marston;
Councillor Rae Humberstone	Blackbird Leys;

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AGENDA

Pages

1 **ELECTION OF CHAIR FOR THE REMAINDER OF THE COUNCIL YEAR**

2 **ELECTION OF VICE CHAIR FOR THE REMAINDER OF THE COUNCIL YEAR**

3 **APOLOGIES FOR ABSENCE**

4 **DECLARATIONS OF INTEREST**

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

5 **PROCEDURE TO BE FOLLOWED**

1 - 6

Guidance is attached

6 **APPLICATION FOR A NEW STREET TRADING SITE.**

7 - 22

Report of the Head of Environmental Development attached.

The Miscellaneous Licensing Team has received an application for Street Trading Consent from Mr Timothy Chapple and Mr Matthew Barlow.

Mr Chapple and Mr Barlow have applied to trade from a new proposed site on Broad Street, Oxford

The Sub Committee is requested to determine the application.

7 **MINUTES**

23 - 26

Minutes of the meeting held on 20th August 2013 attached

8 **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

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹ Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

OXFORD CITY COUNCIL

LICENSING and REGISTRATION SUB-COMMITTEE

HEARING PROCEDURES:

Housekeeping Matters

- Mobiles must be switched off
- No smoking throughout the building
- Consumption of food is not permitted

The Meeting

1. The Licensing Casework Sub-Committee will usually consist of four members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. In some circumstances it may sit with a quorum of 2 councillors. At the start of each Sub-Committee meeting a Chair shall be elected from among the members. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

The Paperwork

2. Officers of the licensing authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
 - A summary of the application, the representations received and of any other relevant material
 - The application and any other supporting material supplied by the applicant
 - Any observations on the application made by the Police or other technical advisor to the Sub Committee
 - Any representations of objection to the application

Introductions

3. The Chairman will commence the hearing by introducing her or himself and the other Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

Conduct of Proceedings

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chairman considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chairman must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the licensing authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. In considering the application or any representation made by a party the Sub-Committee may take into account documentary or other information relied on by a party in support of their application or representation - provided that copies of the information have been supplied to the Licensing Authority at least seven working days before the hearing or, with the consent of all the other parties, after that time.
9. Where a person attending the hearing is acting in a manner that the Sub-Committee consider is disruptive, the Sub-Committee may require that the person leave the hearing and may:
 - (a) refuse to permit that person to return; or
 - (b) permit him / her to return only on such conditions as the authority may specify.

10. Before the end of the hearing any person who was required to leave the hearing under paragraph 11 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

11. Any party may be assisted or represented by any person whether or not that person is legally qualified.

The Licensing Authority

12. The representative of the licensing authority shall present the paperwork relating to the application to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

Applicant's case

13. The Applicant will outline their application and present their case and may call witnesses if desired.
14. The Sub Committee may ask questions of the Applicant.
15. Other parties may ask factual questions of the Applicant. Cross-examination will only be permitted with the consent of the Chair.

Observations of Police and/or Technical advisors

16. Where appropriate the police or technical advisers to the Sub Committee may make their observations.
17. The Sub Committee may ask questions of the Police and/or technical advisors.
18. Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

Objector's case

19. Where written representations of objection have been received the Sub Committee will have regard to those representations. Any

Objectors attending the hearing may make oral representations in support of their objection and call witnesses if they wish. However, the Sub Committee will not require repetition of points already made in written representations.

20. Where a number of objectors have made representations which are similar in nature the Sub Committee will expect a spokesperson to be appointed to represent the group.
21. The Sub Committee may ask questions of any objector.
22. Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

Closing submissions

23. All parties will then be given the opportunity briefly to summarise their key points. The order shall be:-
 - Objectors
 - Police and/or technical advisors
 - Applicant

Determinations

24. At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub Committee will be accompanied by the Committee Clerk and Legal Advisor during their deliberations.
25. If it is necessary to recall any party for clarification of any point, then all parties should be recalled.
26. The Chair will either:
 - Announce the decision of the Sub Committee and confirm that a written determination with reasons will be sent to the parties by a given date.

or

 - Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.

27. In any event a written determination setting out the reasons for the decision will be sent to the parties within five working days of the hearing.

Closed hearing

28. The hearing shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

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To: Licensing & Registration Sub Committee

Date: 7th October 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site.

Summary and Recommendations

Purpose of report: To seek determination of an application proposing a new street trading location.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Licensing and Registration Sub Committee is recommended to determine the application received and decide whether to grant a Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

The Application

1. The Miscellaneous Licensing Team have received an application for Street Trading Consent from Mr Timothy Chapple and Mr Matthew Barlow. Mr Chapple and Mr Barlow have applied to trade from a new proposed site on Broad Street, Oxford.
2. A full copy of Mr Chapple and Mr Barlow's application can be found at Appendix A of this report. The applicants have attached a map and photos of the proposed site. They have also attached pictures to illustrate the vehicle they intend to trade from.

Legislative Background/Legal Framework

3. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as “consent streets”, “licence streets” or “prohibited streets”. All streets within Oxford are currently designated as “consent streets”. The Sub-Committee may grant a Consent if it “thinks fit”. When exercising this general power Members should only take into account relevant considerations; must give each applicant a fair hearing and should give reasons for their decision.
4. The Sub Committee may attach any conditions to a Consent that it considers “reasonably necessary”.

Policy Considerations

5. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Delegation is laid out in the Council’s Constitution. Paragraph 5.2 of the Policy states that the General Purposes Licensing Committee appoints a Licensing and Registration Sub Committee to decide street trading applications that are longer than three months.
6. Paragraph 5.4 of the Street Trading Policy states:

“5.4 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

 - (a) Public Safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - (b) Public Order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - (c) The Avoidance of Public Nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - (d) Appearance of the stall or vehicle
The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.

(e) Needs of the Area

The demand for the articles for sale, and the geographical location of the proposed site.

(f) Environmental Credentials

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation.

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

(h) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Oxfordshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access."

Reason for Referral to Licensing & Registration Sub Committee

7. This matter has been referred to Licensing & Registration Sub Committee as Mr Chapple and Mr Barlow have approached the Council with a new site proposal. They have applied for a 12 month Consent.
8. The application is to sell hot food, specifically fish goujons, chicken goujons, vegetarian goujons, fries, hot and cold drinks and snacks including chocolate bars and crisps.
9. Mr Chapple and Mr Barlow wish to trade from the area as per appendix A on Broad Street, Monday to Sunday 1100 to 1900.
10. Upon receiving the application, Miscellaneous Licensing carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors. During the 14 day consultation comments were received from officers of Oxfordshire County Council Highways Authority.
11. Oxfordshire County Council Highway Authority commented that there is a review of Broad Street currently underway that may affect how they view street traders in the future, but at present they do not object to the application, providing that specific conditions are attached to any Consent granted. The specific conditions they require to be put on the Consent, if the Committee are minded to grant, are to

- (a) suspend the Consent whenever an officially approved event takes place on Broad Street, unless the Consent holder obtains written permission from the event organiser to remain in place, and
- (b) suspend the Consent whenever the Highways Authority requires Broad Street to be closed.

Financial Implications

- 12. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

- 13. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 3 above. A Street Trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.
- 14. Any determination of an application for Consent must be proportionate taking into account all relevant circumstances and the Consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

Human Rights Act Considerations

- 15. Article 6 of the European Convention on Human Rights provides that every person is entitled to a fair hearing in determination of a civil right or obligation. Applicants should be given a fair opportunity to present their case and respond to any representation against them.

Name and contact details of author: Samantha Howell
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Email: sjhowell@oxford.gov.uk

Background papers:

Appendix A – Application from Mr Tim Chapple and Mr Matthew Barlow

Version number: 3

www.oxford.gov.uk



Application for a Street Trading Consent
Local Government (Miscellaneous Provisions) Act 1982

All data contained in this form will be handled in accordance with the Data Protection Act 1998. Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

Full Name	TIMOTHY JAMES PHILIP CHAPPLE & MATTHEW JOHN BARLOW
Trading Name (if any)	GOUJON MONKEY
Home Address	
Postcode	
Telephone Numbers	Home: Mobile:
Email address	
Date of Birth	
Country of Birth	
Applicants National Insurance number	
Description of articles to be sold	FISH GOUJONS, CHICKEN GOUJONS, VEGETARIAN GOUJONS, FRIES, HOT & COLD DRINKS, SNACKS (EG. CRISPS & CHOCOLATE BARS)

If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	
<p>Is this an existing site?</p> <p>If Yes please state site No.</p> <p>If the answer is No please provide a map in accordance with the checklist (see attached)</p>	<p>No</p> <p>Annex 1 – Map showing the proposed site and surrounding area Annex 2 & 3 – Photos of proposed site</p>
Proposed days and times of trading	<p>Days: Monday - Sunday</p> <p>Times: 11am – 7pm</p>
Vehicle registration number, make and model – if applicable	<p>Vehicle will be purchased on license being granted.</p> <p>The proposed vehicle (which will be purchased if a license is granted) is a Citroen H Van. Photographic examples of this type of vehicle are included in Annex 4 & 5.</p>
<p>Will you be the sole operator of the vehicle or stall?</p> <p>If the answer is No please complete an employee form for each member of staff (see attached)</p>	<p>No</p> <p>Expect to employ additional operator on license being granted (employee form to follow)</p>
Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below	
Public Safety	<p>(a)</p> <p>The proposed site is in a dead zone between a row of bollards on one side and two bollards marking the edge of a set of cycle racks on the other side. This section of the highway has no through flow of traffic and the unit will not cause any obstruction to either vehicles or pedestrians. The unit will be positioned so that there is sufficient space between it and the cycle racks for no obstruction to access to the cycle racks to be caused. The unit's rear serving hatch will face curb side for curb side service only.</p> <p>The unit will comply with current fire safety regulations and will be fitted with a serviceable fire blanket and foam extinguisher. Therefore, risk to the public from fire hazard will be controlled and minimised.</p> <p>The unit will be kept in a hygienic condition in accordance with recommended food hygiene standards and all operators will have completed the food hygiene training certificate level 2 or higher.</p> <p>In addition, a first aid kit will be present on the unit, all operators will hold an up to date basic first aid certificate and at least one working mobile phone will be accessible at all times.</p> <p>The MOT for the vehicle will be kept up to date and all mirrors and lights will be kept in working order so that the risk of danger when the vehicle is reversing into position (so that the rear serving hatch is facing the curb side) is minimised.</p>

Public Order	(b) We will not be undertaking any activities which represent any risk to public order.
The avoidance of public nuisance	(c) We will not be undertaking any activities which are likely to represent a risk of nuisance to the public from noise or misbehaviour. The appliances will be run from a modern low noise generator in order to minimise noise and there should be no other causes of noise from the unit.
Appearance of the stall or vehicle	(d) The proposed vehicle (which will be purchased if a license is granted) is a Citroen H Van. Photographic examples of this type of vehicle are included in Annex 4 & 5. The approximate dimensions of the vehicle are 4.26m long by 1.99m wide. The vehicle will be newly decorated externally, with the predominant colour being Oxford Blue, to present a clean and smart looking appearance which will complement the George Street surroundings.
Needs of the area	(e) The proposed site is a roadside location, outside number 14 Broad Street, in a dead zone between a row of bollards on one side and two bollards marking the edge of a set of cycle racks on the other side. A map of the proposed site and surrounding location, including the location of other catering outlets in the vicinity is enclosed (annex 1). Two photos of the proposed location are also enclosed (annexes 2 & 3). There are no other outlets in the vicinity which are offering a comparable type of food - gourmet fish/chicken goujons and fries. This outlet will therefore offer a unique and interesting alternative to the Oxford City Centre food market place.
Environmental Credentials	(f) There will be no additional impact on street surfaces and materials as the unit will be a fully functioning and road worthy vehicle. The power supply will be a modern low noise generator and will have no impact on the local environment. Where possible all ingredients will be sourced from local suppliers in order to minimise the carbon footprint. Where possible all packaging will be from recycling material and/or recyclable packaging. Food waste/other recycling options will be maximised to reduce the waste which has to be landfilled. Refuse originating from the operation of the unit will be disposed of by a licensed waste carrier and the site will be clear of refuse at the completion of trading.

	<p>No water or waste material will be discharged on to the highway or any adjacent property. The area in the vicinity of the stall/vehicle will be kept clear of all refuse at all times.</p> <p>A bin will be provided adjacent to the unit to contain waste created by customers.</p>
Food Traders	<p>(g) The applicant holds a current Level 2 Food Hygiene Certificate accredited by CHARTE INSTITUTE OF ENVIRONMENTAL HEALTH</p>
Highway	<p>(h) The unit will not cause any obstruction or danger to the highway as the proposed site is a current dead zone with no through flow of traffic or access requirements.</p> <p>Outside the operating times of 11am to 7pm the site will be clear of the vehicle so access can be gained for highway maintenance. Also, as the proposed unit is a road worth vehicle, it can be easily removed from the site during operating hours, if necessary, should emergency access be required at these times.</p>
<p>What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.</p>	N/A
Do you agree to comply with the Street Trading policy?	Yes
Any additional information to add to this application form - please write here.	

DECLARATION

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

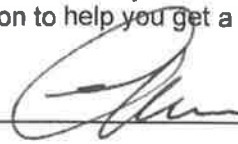
The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

*

Signed



(The declaration must be signed by the applicant)

Date: 24, 6, 2013.

M. Balow.

24/6/2013.

Annex 1

Google



- 1 - Proposed site
- 2 - The buttery
- 3 - Cafe Creme
- 4 - Moltons
- 5 - Street trading site (currently selling crepes)

Annex 2

Google

Address 51

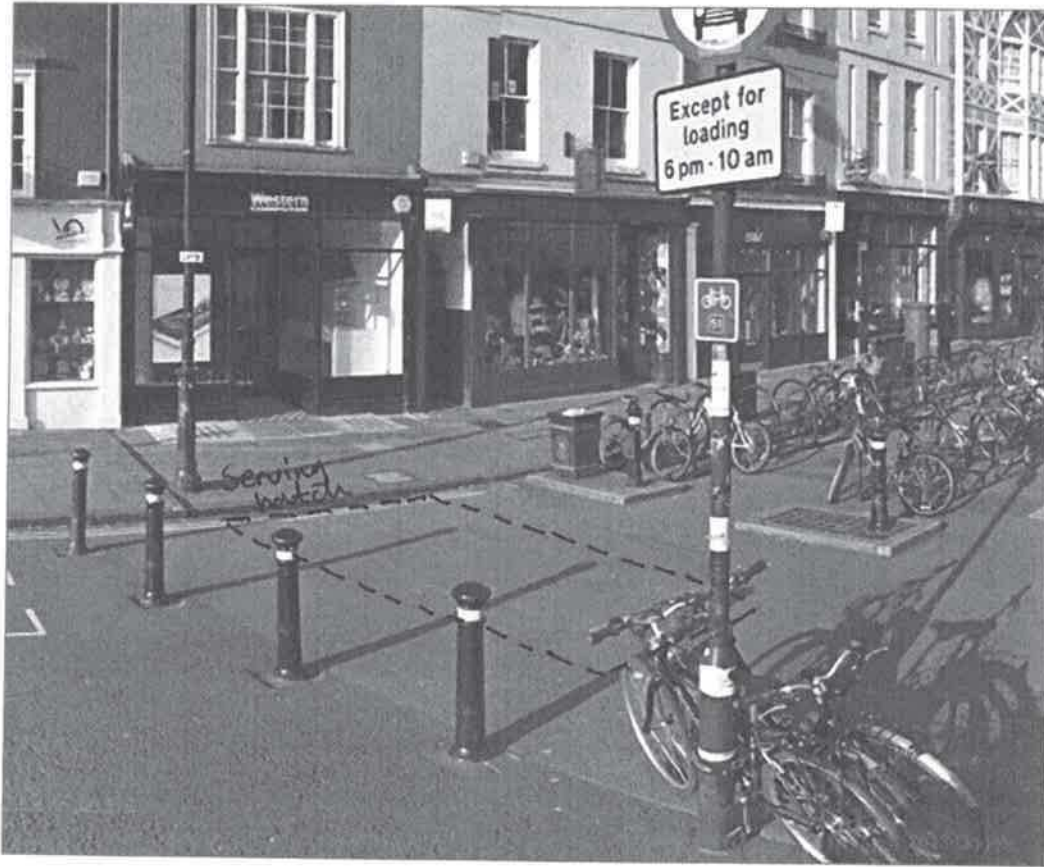
Address is approximate



Google

Address **Broad Street**

Address is approximate









Certificate of Completion

TIMOTHY CHAPPLE

has completed the Level 2 elearning module for

Food Safety

Date: 6/2/2013

Centre: 61237



For information about CIEH qualifications, visit www.cieh.org
(C0A9E634-0B11-4D9F-A2E1-98659E89AF1F) T4F0000047349



LICENSING AND REGISTRATION SUB COMMITTEE

Tuesday 20 August 2013

COUNCILLORS PRESENT: Councillors Coulter, Royce, Clarkson and Humberstone.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Julian Alison (Licensing Team Leader) and Safia Mukaddam (Trainee Lawyer)

10. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2013/14

Resolved to elect Councillor Mary Clarkson as Chair of the Sub Committee for this meeting only.

11. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2013/14

Resolved to defer election of a Vice Chair of the Sub Committee to a future meeting

12. APOLOGIES FOR ABSENCE

None given

13. DECLARATIONS OF INTEREST

No declarations were made

14. PROCEDURE TO BE FOLLOWED

Resolved to note the procedure.

15. APPLICATION FOR A THE RENEWAL OF A SEX SHOP LICENCE

The Head of Environmental development submitted a report (previously circulated, now appended). Julian Alison (Licensing Manager) introduced the report and provided some background and context.

In answer to a question from Councillor Royce, he confirmed that the premises were inspected for compliance with conditions on the licence and general upkeep by the City council three times each year. No complaints had been received about this shop since at least 2003 (it had existed on that site under another name since 1981), and there had been no objection to the renewal of its licence from Thames Valley Police. The ground floor only would be licensed, as there was a flat above the shop which was accessed by a separate entrance.

Clive Mason (Director, Darker Enterprises and the Applicant), Janice Singleton (Licensing Administrator, Darker Enterprises) and Clive Sullivan (Management Consultant speaking on behalf of the Applicant) attended the meeting and presented their case.

Speaking on behalf of the Applicant, Clive Sullivan made the following key points:-

- There had been a sex shop on that site since 1981;
- This was an application for a renewal of an existing licence, and weight should be given to the fact that the applicant had held the licence for a number of years without problems;
- Sex shops were a legal enterprise. Objections based on moral views, and indeed personal views, should be put to one side whilst determining this application;
- There was a presumption in law that the licence should be granted unless the Council was satisfied that there were applicable grounds for refusal, and that it would be necessary and proportionate to refuse the licence rather than attaching conditions to the licence;
- The Applicant was a suitable person to hold a licence, and indeed held 100 such licences;
- Objections based on opposition to the very existence of sex shops did not provide grounds for refusal;
- A number of objections made reference to the recent "Operation Bullfinch", but there was no connection between those events and the existence of these premises. The only reference to Cowley Road during the Bullfinch trial was from a defence Barrister;
- Cowley Road was a typical secondary shopping area, being a mix of retail and residential properties. A number of retail outlets also sold goods and service which could be defined as "adult", ranging from pubs, betting shops and newsagents that sold "top shelf" magazines; and therefore these premises were not out of keeping with the surrounding area;
- The Council can exercise better control over the premises by means of conditions on the licence. No licence is required to just sell sexual articles; the licence depends on the proportion of such articles sold. But a licence means you can better control the premises;
- There are no schools in the immediate area, and in any case, schools and places of worship have existed alongside these premises for many years without complaint;

Mr Singleton confirmed that the hours applied for were 9am to 8pm, although they didn't normally open until 10am. They were very strict about the age of their customers, and would ask for proof of age (18 or over) if in any doubt. He urged that the licence be renewed.

In the absence of any objectors wishing to speak, the Sub Committee noted the written submissions that had been made. All submissions, both written and oral, would be taken into account whilst reaching a decision.

At this point, the Sub Committee withdrew to deliberate and make its decision in private, accompanied by its Legal Advisor and the Committee Clerk.

The Sub Committee then returned and Councillor Clarkson announced that the application for the renewal of a sex shop licence would be GRANTED.

In reaching this decision, the Sub Committee was mindful of the fact that the premises had existed in its current location for very many years and that there had been no complaints made about its operation. It also took into account the fact that the Council inspected the premises three times every year, and that a licence with conditions enabled the Council to exercise a good degree of control over the premises. The Sub Committee gave weight to the fact that there had been no complaints or objections made by Thames Valley Police. The Sub Committee heard and noted the concerns of objectors, but did not find any evidence that there had been any significant changes to the area, and that therefore there was no evidence for refusal on these grounds.

Taking all evidence into account, both written and oral, the Sub Committee agreed to grant renewal of this licence subject to the Council's standard conditions for sex shops.

16. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 24th July 2013.

17. MATTERS EXEMPT FROM PUBLICATION

There were no exempt matters, but in accordance with licensing hearing procedures, the Sub Committee made its deliberations on the application in private.

The meeting started at 5.30 pm and ended at 6.42 pm

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