

LICENSING AND REGISTRATION SUB COMMITTEE

Monday 16 December 2013

COUNCILLORS PRESENT: Councillors Coulter, Clarkson and Goddard.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Julian Alison (Licensing Team Leader) and Samantha Howell (Licensing Officer)

36. ELECTION OF CHAIR

Resolved to elect Councillor Van Coulter as Chair of the Committee for this meeting only.

37. ELECTION OF VICE-CHAIR

Resolved to defer this item to a future meeting.

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Royce (Councillor Goddard substituted), and Councillor Humberstone.

39. DECLARATIONS OF INTEREST

None made

40. PROCEDURE TO BE FOLLOWED

Resolved to note the procedure.

41. BREACH OF STREET TRADING CONSENT CONDITIONS - MR HAROON KHAN

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning a breach of conditions attached to a Street Trading Consent.

Samantha Howell (Licensing Officer) presented the report to the Sub Committee. She confirmed that an application for extended trading hours had been received, but that this was still within the consultation period. Ms Howell also confirmed that she and other licensing officers had witnessed the purchase and serving of food after the permitted hours at Mr Khan's site.

Mr Haroon Khan (Consent Holder) attended the meeting to present his case, accompanied by Mr Hussain (Manager of the Street Trading Site). With the

consent of those present, Mr Khan submitted a letter concerning his recent ill health which the Sub Committee took into account during its deliberations.

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

The Sub-Committee then returned and having taken into account all of the evidence before it, both written and oral, Councillor Coulter issued Mr Khan with a Warning from the Sub Committee concerning his future conduct.

Councillor Coulter stressed the need to observe the permitted hours for trading, and that Licensing Officers would be asked to monitor Mr Khan's street trading site in order to ensure that the permitted hours were fully observed. He warned Mr Khan that, should there be any further breaches of his street trading conditions, there was a strong likelihood that the Sub Committee would apply a sanction.

In making this decision, the Sub Committee was satisfied that there had been breaches of Mr Khan's permitted street trading hours, and that a warning from the Sub Committee was a necessary and proportionate response.

42. SIMPLY PLEASURE COM - APPLICATION FOR THE RENEWAL OF A SEX SHOP LICENSE, 181 COWLEY ROAD, OXFORD, OX4 1UY

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the renewal of a Sex Shop licence for Simply Pleasure, 181 Cowley Road, Oxford.

Julian Alison (Licensing Team Leader) presented the report to the Sub Committee. Daniel Smith (Legal) reminded the Sub Committee that the only point within the letter from the Interested party that should be considered was the one related to the location of the premises, i.e., near to a supermarket. Other comments were unsubstantiated opinion.

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

The Sub-Committee then returned and having taken into account all of the evidence before it, both written and oral, Councillor Coulter informed the applicant that the renewal of the Sex Shop licence was granted, subject to the Council's standard conditions related to sex shops.

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 noted the concerns of the objector, 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.

43. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 26th November 2013.

44. MATTERS EXEMPT FROM PUBLICATION

There were no exempt matters, but in accordance with licensing procedures, the Sub Committee held its deliberations in private.

The meeting started at 5.30 pm and ended at 6.25 pm