

Minutes of a meeting of the GENERAL PURPOSES LICENSING CASEWORK SUB-COMMITTEE on Monday 11 December 2017

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Committee members:

Councillor Cook (Chair)

Councillor Wade

Councillor Munkonge

Officers:

Jeremy Franklin, Lawyer

Richard Masters, Licensing Compliance Officer

John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Landell Mills sent apologies.

34. Declarations of Interest

None.

35. Procedure to be followed at the meeting

The Chair reminded those present that the procedure was outlined in the paper accompanying the agenda.

36. Minutes

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 30 October 2017 as a true and accurate record.

37. Application for the Renewal of a Sex Shop Establishment Licence

The Head of Community Services had submitted a report to inform the determination of an application submitted by Darker Enterprises Ltd for the renewal of a Sex Establishment Licence for its premises at 54 Cowley Road.

The Licensing Officer introduced the report. The shop had been first licensed in 2003 and had held a licence without revocation or refusal since that date. Two representations had been received in response to the application which made particular reference to the location of the shop as potential grounds for refusal of the licence. He drew attention to the parts of the report which detailed the legislation governing the issue of such licences.

In response to questions from the Sub-Committee he confirmed that: there had been no complaints in relation to this establishment; no objections from Thames Valley Police to the application; officers visited the premises 3 times a year to ensure compliance with the conditions of the licence; the shop fulfilled its responsibility to notify the Council when it employed new members of staff.

Neither the Applicant nor the objectors were present at the meeting. The Applicant had however submitted a letter for consideration by the Sub-Committee. The letter explained that representatives of the Applicant were unable to attend because of inclement weather. It went on to draw the Sub-Committee's attention to the minutes of a hearing of the City Council's Licensing and Registration Sub-Committee held on 20 August 2013, at which it had been agreed to renew the licence for this premises. These minutes set out the grounds for agreeing to the licence on that occasion.

In the absence of a further contribution from either Applicant or objectors the Sub-Committee moved to make a determination.

Decision and reason

The Sub-Committee noted the legal advice that it could not take into account any moral objections and that the Applicant was entitled to have the application granted unless any of the statutory grounds for refusal were met.

It had been noted that the premises had been licensed since 2003 when licensing powers were adopted in Oxford and had first opened in 1981 when there was no requirement to be licensed. There was no record of complaints or incidents concerning the premises during this time and the licence had been reviewed annually since 2003.

It had been noted that Thames Valley Police had raised no objections to the application.

It had been noted that the premises would be subject to conditions and regularly inspected by officers to ensure compliance with them.

The Sub-Committee had no reason to believe that there had been any significant change in the character of the area since the last issue of a licence.

The Sub-Committee noted the reference by the objectors to the Bullfinch case. However there was no evidence to link the premises with the case and no reason to believe that they were in any way connected.

The Sub-Committee noted that on this occasion only two objections had been received.

The Sub-Committee was not satisfied that any of the statutory grounds for refusal had been met. The Applicant was therefore entitled to have his application for renewal granted.

The Sub-Committee **resolved** to:

Grant the licence applied for, subject to the Oxford City Council standard conditions applicable to sex shop licenses.

38. Exempt Matters

The Sub-Committee resolved that under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business on the grounds that their presence would involve the likely disclosure of exempt information as described in Paragraph 3 of Part 1 of Schedule 12A of the Act.

The Sub-Committee considered matters relating to Hackney Carriage and Private Hire Vehicle licensing in private.

39. Application to drive Private Hire Vehicles

The Head of Community Services had submitted a copy of a report detailing an application to drive Private Hire Vehicles in the City.

The Sub-Committee **resolved** to:

1. **Grant** a licence for one year in the first instance
2. **Delegate** to the Head of Community Services the power to suspend or revoke the licence or refer the matter to the Sub-Committee should any complaints regarding the applicant's driving or behaviour come to the Licencing Officers' attention.

40. Application to drive Private Hire Vehicles

The Head of Community Services had submitted a copy of a report detailing an application to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to:

Refuse the application.

41. Application to drive Private Hire Vehicles

The Head of Community Services had submitted a copy of a report detailing an application to drive Hackney Carriage and Private Hire Vehicles in the City.

The Sub-Committee **resolved** to:

1. **Grant** a for one year in the first instance
2. **Delegate** to the Head of Community Services the power to suspend or revoke the licence or refer the matter to the Sub-Committee should any issues regarding the applicant's licence come to the Licencing Officers' attention.
3. **Require** the applicant to provide proof of his insurance renewal for the next 4 years.

42. Confidential Minutes

The Sub-Committee resolved to APPROVE the confidential minutes of the meeting held on 30 October 2017 as a true and accurate record.

43. Dates of Future Meetings

Meeting are scheduled to be held on the following dates if necessary:

22 January 2018
05 March 2018
16 April 2018
30 May 2018
25 June 2018
06 August 2018

All meetings start at 5.30

The meeting started at 5.30 pm and ended at 6.50 pm

Chair

Date: Monday 22 January 2018