

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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