

LICENSING (GENERAL) SUB - COMMITTEE

MINUTES OF THE MEETING HELD ON 31ST MAY 2006

Present:

Councillor Cunio (Chair)

Councillor Drake (Vice Chair)

Councillors Mrs Blatchford, Jackson, Parnell (except items 13 and 14) and White (except items 8,9,10,11,12,13 and 14)

Apologies:

Councillor Darke and Smith

1. ELECTION OF CHAIR AND VICE-CHAIR

It was noted that Councillor Cunio had been appointed Chair at Annual Council on 26th May, 2006 for this Municipal Year.

RESOLVED that Councillor Drake be appointed Vice-Chair for this Municipal Year.

2. CHANGES IN MEMBERSHIP (IF ANY)

It was noted that Councillors Jackson and Parnell were in attendance as nominated substitutes for Councillors Darke and Smith in accordance with Procedure Rule 4.3 of the Council's Constitution.

3. MINUTES INCLUDING MATTERS ARISING

RESOLVED that the Minutes of the Licensing (General) Sub Committee Meeting held on 5th April 2006, be approved as a correct record.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules contained within the Constitution, the press and public be excluded from the meeting at a predetermined point in the hearing in respect of any consideration of the following matters and specifically in respect of any consideration of Items 8 to 14 on grounds that are based on Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules because doing so would constitute a breach of the Data Protection Act 1998 as well as a breach of a Common Law duty of confidentiality.

5. APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE – PRIVATE SHOP, 131 ABOVE BAR

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for renewal of a Sex Shop licence in respect of Private Shop, 131 Above Bar, Southampton. (Copy of report circulated with agenda and appended to signed minutes).

Mr Sullivan, Management Consultant for the applicant, was in attendance and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Category 4 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED:

- (i) that an application for renewal of a sex shop licence in respect of Private Shop, 131 Above Bar, Southampton be granted subject to the continuance of all the standard conditions; and
- (ii) that the additional request to open on 17th, 24th and 31st December 2006 was refused as the Sub-Committee were not prepared to deviate from the Policy on Sunday trading.

REASON FOR DECISION

There was no compelling evidence presented to the Sub-Committee that would justify refusal of the application.

6. APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE – HIDDEN ASSETS, 439 MILLBROOK ROAD WEST

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for renewal of a Sex Shop licence in respect of Hidden Assets, 439 Millbrook Road West, Southampton. (Copy of report circulated with agenda and appended to signed minutes).

The Sub-Committee considered the decision in confidential session in accordance with Category 4 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that an application for renewal of a sex shop licence in respect of Hidden Assets, 439 Millbrook Road West, Southampton be granted subject to the continuance of all the standard conditions.

REASON FOR DECISION

There was no compelling evidence presented to the Sub-Committee that would justify refusal of the application.

7. APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE – A TASTE OF AMSTERDAM, 437 MILLBROOK ROAD WEST

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for renewal of a Sex Shop licence in respect of A Taste of Amsterdam, 437 Millbrook Road West, Southampton. (Copy of report circulated with agenda and appended to signed minutes).

Mr Castle, the applicant, was present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Category 4 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that an application for renewal of a sex shop licence in respect of A Taste of Amsterdam, 437 Millbrook Road West, Southampton be granted subject to the continuance of all the standard conditions.

REASON FOR DECISION

There was no compelling evidence presented to the Sub-Committee that would justify refusal of the application.

8. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council detailing an application for renewal of a Hackney Carriage Driver's Licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant was in attendance with the consent of the Chair, addressed the meeting.

RESOLVED that the application for the renewal of a Hackney Carriage Driver's Licence for a further year be granted, subject to the receipt of a medical report.

REASON FOR DECISION

Extenuating circumstances in this case, allowing a departure from the City Council's guidelines relating to age restriction.

9. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE

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The applicant was in attendance with the consent of the Chair, addressed the meeting.

RESOLVED that the application for the renewal of a Hackney Carriage Driver's Licence for a further year be granted, subject to the receipt of a medical report.

REASON FOR DECISION

Extenuating circumstances in this case, allowing a departure from the City Council's guidelines relating to age restriction.

10. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE

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The applicant was in attendance with the consent of the Chair, addressed the meeting.

RESOLVED that the application for the renewal of a Hackney Carriage Driver's Licence for a further year be granted, subject to the receipt of a medical report.

REASON FOR DECISION

Extenuating circumstances in this case, allowing a departure from the City Council's guidelines relating to age restriction.

11. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE

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The applicant was in attendance with the consent of the Chair, addressed the meeting.

RESOLVED that the application for the renewal of a Hackney Carriage Driver's Licence for a further year be granted, subject to the receipt of a medical report.

REASON FOR DECISION

Extenuating circumstances in this case, allowing a departure from the City Council's guidelines relating to age restriction.

12. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE

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The applicant was in attendance with the consent of the Chair, addressed the meeting.

RESOLVED that the application for the renewal of a Hackney Carriage Driver's Licence for a further year be granted, subject to the receipt of a medical report.

REASON FOR DECISION

Extenuating circumstances in this case, allowing a departure from the City Council's guidelines relating to age restriction.

13. APPLICATION FOR GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council detailing an application for grant of a Hackney Carriage Driver's Licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant was in attendance and with the consent of the Chair, addressed the meeting.

RESOLVED that the application for grant of a Hackney Carriage Driver's Licence be refused.

REASON FOR DECISION

Evidence presented to the Sub-Committee was not deemed sufficient to reach a decision which deviated from guideline 3(f) of the Sub-Committee's guidelines. In addition the evidence presented to the Sub-Committee regarding the nature of the offence under guideline 3(a) was deemed sufficient to enable the Sub-Committee to deviate from that guideline in reaching its decision.

14. APPLICATION FOR GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE

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The applicant was in attendance and with the consent of the Chair, addressed the meeting.

RESOLVED that the application for grant of a Hackney Carriage Driver's Licence be granted.

REASON FOR DECISION

Having regard to the Home Office Guidelines the Sub-Committee was satisfied that the applicant was a fit and proper person but that he should be warned that any further cautions would be viewed seriously.