

LICENSING (GENERAL) SUB – COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 11TH FEBRUARY 2009

Present: Councillors Wells (Chair), Cunio, Fuller, Norris and Willacy.

Apologies: Councillors Mrs Blatchford and Galton.

22. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

RESOLVED that the minutes from the meeting held on 1st October 2008 be approved and signed as a correct record.

23. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules, 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 Minutes 24, 25 and 26 on grounds based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules because failing to do so would constitute a breach of the Data Protection Act 1998 as well as a breach of a Common Law duty of confidentiality.

24. APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE – HIDDEN DESIRES, 103 ST. MARY STREET

The Sub-Committee considered the report of the Solicitor to the Council detailing a request for the renewal of a sex shop licence in respect of Hidden Desires, 103 St. Mary Street, Southampton. (Copy of report circulated with agenda and appended to signed minutes).

Mr Caplen Smith, 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 Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the application for renewal of a sex shop licence in respect of Hidden Desires, 103 St Mary Street be granted subject to the continuance of all the standard conditions as set out in the report.

REASON FOR THE DECISION

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

25. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Private Hire Driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

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

The Sub-Committee considered the decision in confidential session in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the application for a Private Hire Drivers Licence be refused.

REASON FOR THE DECISION

Having regard to the Home Office Guidelines the Sub-Committee was satisfied that the applicant was not a fit and proper person in accordance with Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Private Hire Driver's licence. That in view of the short space of time that had elapsed since the applicant's convictions and caution together with the nature and combination of the offences warranted a departure from the Home Office guidelines.

26. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Private Hire 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.

The Sub-Committee considered the decision in confidential session in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the application for a Private Hire Driver's Licence be granted.

REASON FOR THE DECISION

In light of the circumstances of the applicant's conviction the Sub-Committee while paying due regard to the Home Office Guidelines was prepared to depart from the Guidance and was satisfied that the applicant was a fit and proper person to hold a Private Hire Driver's licence.