

Public Document Pack

Licensing (General) Sub-Committee

Wednesday, 7th October 2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Tucker (Chair)
Councillor Furnell
Councillor Galton
Councillor Parnell
Labour Group Vacancy

Contacts

Democratic Support Officer
Sue Lawrence
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Head of Legal and Democratic Services
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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences, permits and forms of consent (other than those for which the Council is responsible under the Licensing Act 2003), including

- Hackney carriage and private hire drivers, vehicles and operators
- Street trading
- Sex establishments

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest with the consent of the Chair.

Southampton City Council's Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Smoking policy –

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2015/16

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

CONDUCT OF MEETING

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available on the Council's website

1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 26th February 2015 and to deal with any matters arising, attached.

5 EXCLUSION OF THE PRESS AND PUBLIC

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

6 APPLICATION FOR VARIATION OF A SEX SHOP LICENCE - PRIVATE SHOP, 16 HANOVER BUILDINGS, SOUTHAMPTON

(Pages 5 - 8)

Report of the Head of Legal and Democratic Services detailing an application for Variation of a Sex Shop Licence in respect of Private Shop, 16 Hanover Buildings, Southampton, attached.

Tuesday, 29 September 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 FEBRUARY 2015

Present: Councillors Tucker (Chair), Galton, Lloyd (Vice-Chair), Parnell and Whitbread

6. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 3 July 2014 be approved and signed as a correct record.

7. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and public, unless otherwise excluded by paragraph 10.4 of the Council's Access to Information Procedure Rules be invited to return immediately following the private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

8. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS**

RESOLVED that in accordance with the Council's Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to an individual's personal details and information held under the Data Protection Act 1998.

9. **HACKNEY CARRIAGE DRIVER'S LICENCE**
MEETING ON 29 JANUARY 2015

The Sub-Committee considered whether to proceed with the hearing in the absence of the hackney carriage driver.

The Licensing Manager explained to the Sub-Committee that a letter dated 14 January had been sent to the driver notifying him of the hearing and that this had been followed up with numerous telephone calls to both him and the family and despite messages being left, contact had not been made. The driver had previously been very good at responding to the licensing department and therefore it was questioned whether the hackney carriage driver was aware of the hearing.

RESOLVED

- (i) that in the absence of the hackney carriage driver the hearing be adjourned;
- (ii) that the Licensing Manager be given authority to reconvene the meeting at an appropriate time in order to give the hackney carriage driver a further opportunity to attend the hearing; and
- (iii) that correspondence makes it clear that in the event the driver fails to attend on the next occasion the hearing shall proceed in his absence.

ADJOURNED MEETING ON 26 FEBRUARY 2015

The Sub-Committee considered the suitability of a specific individual to hold a hackney carriage driver's licence.

The driver and his solicitor were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee viewed CCTV evidence disclosed by the Police.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

RESOLVED not to impose a suspension or revocation on the licence in this case.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision with reasons:

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the report of the Head of Legal and Democratic Services and all the evidence presented today by the Licensing Manager, the driver and his solicitor. Human Rights legislation has also been borne in mind.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines relating to the relevance of convictions (policy).

The Sub-Committee considered all the facts and have decided not to impose a suspension or to revoke the licence in this case.

Reasons for Decision

The Sub-Committee accepted legal advice that a suspension, if awarded, is not to be considered as a punishment but may be considered in terms of its deterrent effect on the driver. In this instance the Sub-Committee was satisfied that a deterrent was not required due to the specific facts and unusual circumstances in this particular case.

The Sub-Committee does take convictions for violence offences particularly seriously and accepts that the policy indicates that a single conviction for such an offence would ordinarily prevent an applicant or existing driver from holding a licence for a period of at least three years. However, the Sub-Committee has heard sufficient evidence to warrant a departure from the terms of the policy and exercise its discretion as set out in paragraph 2 (of that policy):

“some discretion may be appropriate if the offence is isolated and there are mitigating circumstances”.

The Sub-Committee heard that the incident related to a long-standing family dispute and that significant effort has subsequently been made to resolve that dispute. It was also noted that a guilty plea was entered at the first opportunity and that the licence

holder presented evidence, including a letter from the Probation Service very clearly showing: that no further convictions have occurred during the period of suspended sentence, he has displayed remorse and that he has taken positive steps to ensure a repeat of his behaviour is “increasingly unlikely”. Further, that “the retention of his licence is strongly supported as this will enable him to continue with gainful employment and further reduce the likelihood of any further offending”.

The Sub-Committee heard substantial and compelling evidence from the licence holder in relation to the nature of the incident and the causes / mitigating factors. The licence holder’s father had been assaulted and was suffering from the early stages of cancer at the time. The incident did not occur in the course of the licence holder’s employment as a taxi driver.

As a result, the Sub-Committee were satisfied that the factors triggering the incident in question were unique and unlikely to reoccur. The Sub-Committee was reassured by evidence that the family dispute has been the subject of strong mediation.

The driver’s personal circumstances were taken into account insofar as they explain his behaviour but not in relation to loss of livelihood. Changed personal circumstances were taken into account insofar as they are considered to further reduce the likelihood of such an incident happening again.

The Sub-Committee considered whether it was able to take into account a spent conviction as well as other matters and decided that they were relevant matters to be considered in determining whether the driver was fit and proper in accordance with the legislation. Nonetheless the Sub-Committee primarily focussed its mind upon this particular incident and whether the driver posed a risk to public safety, including, but not limited to, passengers within his licensed vehicle.

The driver is strictly warned that an offence of this nature would ordinarily lead to revocation – it is only due to very unusual personal circumstances that the licence has not been revoked today. In this regard, any further offending or issues causing concern as to his character or fitness generally will be considered extremely seriously and such departure from the guidelines is only exercised in exceptional circumstances and is extremely unlikely to be permissible in future.

The Sub-Committee was impressed by the frank admittance of the driver and remorse shown, both to the Sub-Committee and Probation Services. The incident involved extreme provocation and the driver has demonstrated his commitment to comply with all requirements imposed. The Sub-Committee did consider very carefully imposing a suspension in this case, however did not feel that for all the above reasons a deterrent was required. The extended period during which the driver has been, for other reasons, unable to drive in his capacity as a licence driver within Southampton has influenced this decision.

There is a right of appeal for an aggrieved driver to the Magistrates’ Court. Formal notification of the decision will set out that right in full.

Agenda Item 6

DECISION-MAKER:	Licensing (General) Sub - Committee		
SUBJECT:	Application for Variation of a Sex Shop Licence - Private Shop, 16 Hanover Buildings, Southampton.		
DATE OF DECISION:	7 October 2015		
REPORT OF:	Head of Legal and Democratic Services		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Ian McGuinness	Tel: 023 8083 4231
	E-mail:	ian.mcguinness@southampton.gov.uk	
Director	Name:	Dawn Baxendale	Tel: 023 8083 2966
	E-mail:	dawn.baxendale@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY		
None.		
BRIEF SUMMARY		
The Sub-Committee is requested to determine the application for the variation of a sex shop licence from Darker Enterprises Limited in respect of the Ground Floor, 16 Hanover Buildings, Southampton.		
RECOMMENDATIONS:		
1.	(i)	For the Sub-Committee to consider and determine the application for the variation of the sex shop licence in respect of the Ground Floor, 16 Hanover Buildings.
REASONS FOR REPORT RECOMMENDATIONS		
2.	The determination of applications for variation of sex shop licences is not delegated to officers, therefore it is for the Sub-Committee to consider and determine the application.	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED		
3.	None.	
DETAIL (Including consultation carried out)		
4.	Southampton City Council first adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1982 with effect from 16 th March 1983.	
5.	Following High Court challenges to other local authorities' adoption of the legislation, the City Council was advised by Counsel in 1995 that it would be appropriate to readopt the provisions. The Council resolved the adoption of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 on 10 April 1995, with the provisions coming into effect from 3 July 1995. Notices setting out the effect of the provisions were published in the Southern Daily Echo on 5 and 12 May 1995.	

6.	Darker Enterprises Limited, has held a sex shop licence in Southampton since 2003, with the licence being renewed annually since. A licence was initially held at 131 Above Bar Street until the premises were subject to a compulsory purchase order and the business relocated to its current site on the Ground Floor of 16 Hanover Buildings in July 2008.
7.	On 10 th August 2015, an application was made by Darker Enterprises Limited to vary the sex shop licence in respect of the Ground Floor of 16 Hanover Buildings. The application submitted is a request to vary the conditions of the licence to permit changes to the current shop frontage.
8.	In summary, the applicant has requested to make the following changes to the shop frontage; (i) Change of name on fascia board to 'Private Shop'. (ii) Change of style and colour of name on fascia board to purple and white. (iii) Wording "Your ultimate lifestyle" on window with blue wave effect background. (iv) Two dark blue shield decals approx. 53-60 x 53.60 cm. One with wording 'Be who you want to be. Love who you want to love' and one with the wording 'Private shop The adult store you can trust.' (v) Change the door warning to a warning of the text displayed in a shield design.
6.	The applicant has submitted a covering letter listing the proposals along with an impression of the proposed changes. These are attached to this report as Appendix 1 . A photograph of the appearance of the current shop frontage has also been supplied by the applicant and is attached as Appendix 2 .
7.	In proposing these changes, the applicant would be seeking to vary conditions 16(c) and 17 of the current licence. A copy of the current licence containing all the conditions relating to this premises is attached as Appendix 3 .
8.	There is no requirement under the Act to advertise a variation of the licence, only for the application, renewal or transfer of a licence. However, the applicant did advertise in the Daily Echo on the 12 th August 2015. There is no formal mechanism of consultation for this process, although a copy of the proposed variation was served on Hampshire Constabulary by the applicant.
9.	The Hampshire Constabulary Western Licensing Unit have advised that they have no objection to this application. A copy of the email sent by Hampshire Constabulary is attached as Appendix 4 .
10.	Section 18 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the holder of a sex shop licence may at any time apply for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
11.	The authority may: <ul style="list-style-type: none"> • Make the variation specified in the application; or • Make such variations as they think fit; or • Refuse the application.
12.	Should the Sub-Committee be minded to grant any variation to the appearance of the current shop frontage, it is recommended that the applicant be advised of the need to check with the Planning department as to whether planning permission is required before any changes are implemented.

13.	An applicant for the variation of the terms, conditions or restrictions on, or subject to, which any such licence is held whose application is refused may appeal within twenty-one days of the giving of written notice of the grounds of the refusal, to the Magistrates' Court.
14.	A note of the procedure that the Sub-Committee has adopted for consideration of applications of this kind is attached as Appendix 5 .
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
15.	There are no financial implications.
<u>Property/Other</u>	
16.	Not applicable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
17.	Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the City Council's power to determine an application to vary the terms, conditions or restrictions of a sex shop licence.
Other Legal Implications:	
CRIME AND DISORDER ACT 1998	
18.	Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
HUMAN RIGHTS ACT 1998	
19.	The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
POLICY FRAMEWORK IMPLICATIONS	
20.	The decision to determine the application in the manner set out in this report is not contrary to the Council's policy framework.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

SUPPORTING DOCUMENTATION

Appendices

- | | |
|----|---|
| 1. | Covering letter outlining proposals and impression of proposals |
| 2. | Photograph of current shop frontage |
| 3. | Copy of current licence |
| 4. | Email response from Hampshire Constabulary |
| 5. | Procedure for hearing the application |

Documents In Members' Rooms

- | | |
|----|------|
| 1. | None |
|----|------|

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out?	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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- | | |
|----|------|
| 1. | None |
|----|------|

Darker Enterprises Limited

Licensing Administration

Unit 11B, Trade City, Ashton Road

Harold Hill, Essex RM3 8UJ

Tel: 020 8114 1007 - Fax: 020 8114 1006

Email: licensing@thamesroad.co.uk**SPECIAL DELIVERY**

The Licensing Team
Southampton City Council
PO Box 1767
Southampton
SO18 9LA

11th August 2015
(Date of application)

Dear Sir/Madam,

**Re: Local Government (Miscellaneous Provisions) Act 1982
Application for Variation of Licence: Ground Floor, 16 Hanover
Buildings, Southampton, SO14 1JX**

Please find enclosed our application for the variation of a licence under Schedule 3 of the above Act, in respect of the above premises, together with our cheque in the sum of £750.00 being the fee currently applicable.


With regard to our variation we would like to change the shop front colour from white to purple and affix some graphics/decals on the inside of the windows and on the outer door. Our aim is to improve the general look of the shop and increase sales.

We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the private addresses in a separate envelope marked 'Private & Confidential' in order to protect the family homes. We would be grateful if you would observe the confidentiality of this information and not release same to members of the public.

We confirm that a copy of the application has been sent to the Licensing Team, Hampshire Constabulary. We also confirm that the public notice will be published in a local paper and a copy of the notice will be displayed at the premises for 21 days from the date of application.

If you have any queries or require additional information, please do not hesitate to contact us.

Yours faithfully
For and on behalf of
Darker Enterprises Limited


C C Mason
Director



Encl.



16 Hanover Buildings

PRIVATESHOP

Tel: 02380 231 647

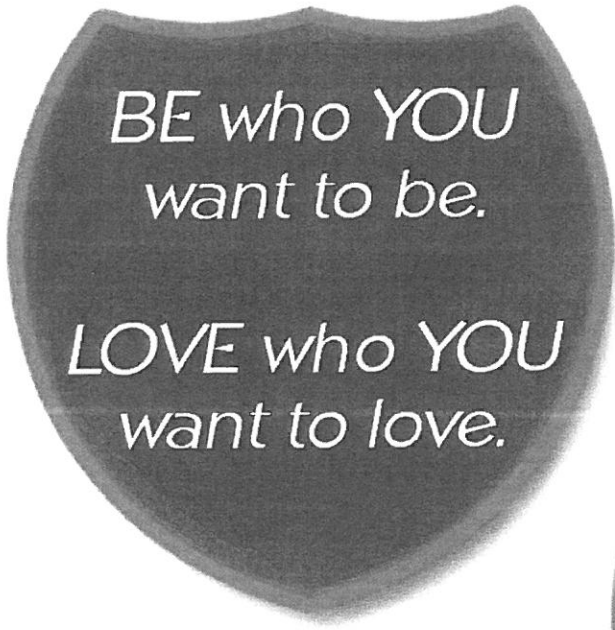
BE who YOU want to be
LOVE who YOU want to kiss

PRIVATESHOP
The Adult Store you can Trust

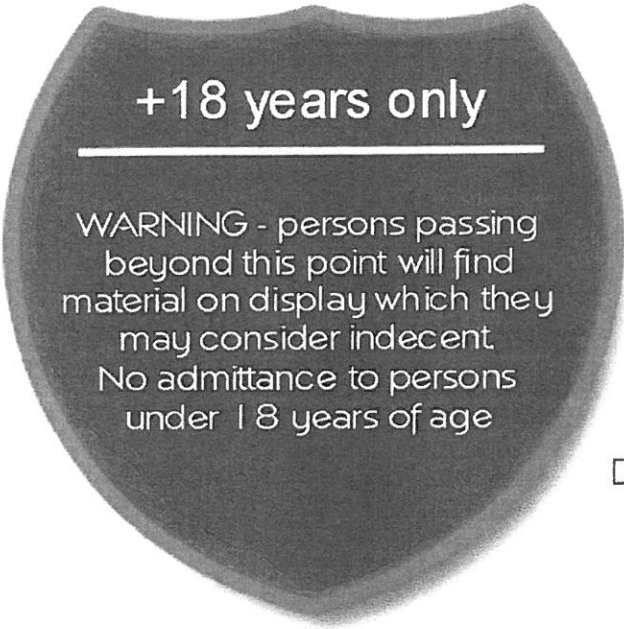
your intimate lifestyle

Operating Hours

10am - 10pm
11am - 11pm
12pm - 12pm
13pm - 13pm
14pm - 14pm
15pm - 15pm
16pm - 16pm
17pm - 17pm
18pm - 18pm
19pm - 19pm
20pm - 20pm
21pm - 21pm
22pm - 22pm
23pm - 23pm
24pm - 24pm



window graphic & wording



Door graphic & wording

Window wording

your intimate lifestyle



Appendix 2 – Current image of shop front.



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Licence Number

2015/01811/19SEXE

SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 2

SOUTHAMPTON CITY COUNCIL by virtue of the powers contained in section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, hereby grants to:

Darker Enterprises Limited

of the following address:

Unit 11B
Trade City
Ashton Road
Harold Hill
Romford
Essex
RM3 8UJ

A licence to use the premises known as

Private Shop

and situate at

**16 Hanover Buildings
Southampton
SO14 1JX**

in the City of Southampton as a

SEX SHOP

Appendix 3 – Current Licence

This licence has effect from 2nd day of July 2015 until

1st day of July 2016

The permitted hours of this licence:

Monday	09:30 - 20:00
Tuesday	09:30 - 20:00
Wednesday	09:30 - 20:00
Thursday	09:30 - 20:00
Friday	09:30 - 20:00
Saturday	09:30 - 20:00

SUBJECT TO THE FOLLOWING CONDITIONS:

1 Regulations for Sex Establishments

Southampton City Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf make the following Regulations:

1.
 - (a) In these Regulations the following expressions that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sex Article", and "Vessel" shall have the meanings respectively assigned to them by Schedule 3 of the Act.
 - (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely: -
 - "the Act" - means the Local Government (Miscellaneous Provisions) Act, 1982.
 - "the Council" - means Southampton City Council.
 - "the licensed premises" - means any premises, vehicle, vessel or stall licensed under the Act.
 - "licence holder" - means a person who is the holder of a sex establishment licence.
 - "permitted hours" - means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.
 - "sex establishment licence" - means a licence granted pursuant to Schedule 3 of the Act.

Conditions applicable to licences for Sex Establishments

2. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday and public holiday and may be open only during the permitted hours prescribed in Regulation 3 hereof.
3. The permitted hours of opening, unless varied by special condition, shall be as follows:-

Mondays	9:30 a.m. to 8:00 p.m.
Tuesdays	9:30 a.m. to 8:00 p.m.
Wednesdays	9:30 a.m. to 8:00 p.m.
Thursdays	9:30 a.m. to 8:00 p.m.
Fridays	9:30 a.m. to 8:00 p.m.
Saturdays	9:30 a.m. to 8:00 p.m.

Appendix 3 – Current Licence

4. The licensed premises shall not be used for any purpose other than the business of a sex establishment.

5. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.

6. No person who is or appears to be under the age of 18 or is known by the licence holder or any servant or agent of his present on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.

7. The licence holder:-

(a) shall display on the licensed premises in a conspicuous position his sex establishment licence;

(b) shall exhibit on those premises such notices in such form and in such position as may be prescribed;

(c) shall comply with any prescribed restriction with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.

8. No facilities shall be provided in a sex shop for:-

(a) seeing any television broadcast or the replaying of any video tape or film or other like matter, except for a looped video recording, the content of which and location of the equipment, shall be approved by the Licensing Manager, nor;

(b) hearing any sound broadcast tape or other like matter other than facilities for the reception of radio programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority.

9. No music, dancing or other entertainment whether of a like kind or not shall be provided or permitted, other than as permitted by Regulation 8 of these Regulations, and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises.

10.

(a) The licence holder shall exhibit in the lobby of the licensed premises in a position visible to persons entering the premises a notice, in addition to his name, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "licensed sex shop";

(b) The licence holder may exhibit on the exterior of the main entrance to the licensed premises in a position visible to persons entering the premises such indication, if any, as he thinks fit to give of the times at which the licensed premises are open;

(c) No other notices, unless pursuant to these Regulations, may be exhibited.

11. The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not admitted thereto.

12. The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.

13. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.

14. The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be

Appendix 3 – Current Licence

displayed wherever visible which depict any article or thing intended for use in connection with or for the purpose of stimulating or encouraging acts of force or restraint which are or may be associated with sexual activity.

15. The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.

16.

(a) The exterior of the licensed premises shall be of appearance and materials approved by the Council.

(b) No mannequins may be displayed in the front window.

(c) There shall be no external advertisements nor shall the frontage contain displays of any nature, excepting;

(i) The address and telephone number of the premises on the fascia board.

(ii) A website address which shows only information regarding the location/address of other likewise licensed stores occupied by the premises licence holder may be displayed on the fascia board on the front exterior of the premises. The website identified shall at no time advertise or display any items for sale at the premises or elsewhere, or contain any link to any other website.

(iii) The wording of 'Private Shops UK' on the fascia board.

(iv) A white coloured fascia board with blue wording, excepting the word 'UK' which shall be in red.

(v) The wording 'Stockists of Adult DVDs, Magazines & Lingerie' on the fascia board.

(vi) The wording 'A great single and couple friendly store' on a white background, in the centre of the window on far left hand side of the front of the premises (when viewed from outside of the front of the premises).

(vii) The wording ' Licensed Adult Centre' on a white background, in the window to the immediate left hand side of the front door (when viewed from outside of the front of the premises).

(viii) The display of a graphic/poster in the front window to the right of the front door (when viewed from outside of the front of the premises). The graphic/poster will not contain any images of nudity and must be approved by the Licensing Manager in advance and prior to display. The graphic/poster must at all times be of a type and design given prior approval for display at the premises by the Licensing Manager.

17. No lettering displayed on the fascia board on the front exterior of the premises shall exceed 12 inches in height.

18. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council.

19. The holder of a sex cinema licence shall observe such regulations and conditions as may be approved by the Council from time for cinemas having a licence under the Cinemas Act 1985 as shall be applied by the Council by special condition to the sex establishment licence, giving such reference to the said Cinema licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these regulations.

20. The licence holder shall not knowingly allow the licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution.

Appendix 3 – Current Licence

21. If the Council notifies the licence holder, occupier or other person having at the time the care and management of the premises in writing by delivering notice at the licensed premises that any particular sex article, advertisement or matter shall not be displayed the same shall be withdrawn from view forthwith.
22. No film or video material shall be kept at the sex establishment except such film or video material that bears a reproduction of the Certificate of the British Board of Film Certification.
23. The licence holder shall comply with all fire and safety requirements of the Council and maintain and keep available for use all specified fire fighting equipment and extinguishers.
24. The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours.
25. Applicants for the grant, renewal or transfer of a sex establishment licence or waiver thereof shall make their application on the form approved from time to time by the Council returnable to the office of the Solicitor to the Council together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable of Hampshire Constabulary, Central Police Station, Southern Road, Southampton not later than 7 days after the date of the application to the Council.
26. Applicants for the grant, renewal or transfer of a sex establishment licence shall advertise notice of their application in the form approved by the Council and in accordance with the prescribed dimensions by publishing the advertisement in a local newspaper circulating in Southampton not later than 7 days after the date of the application. A copy of the advertisement as published and date of publication shall be lodged with the Council forthwith.
27. Applicants for the grant, renewal or transfer of a sex establishment licence shall display a notice in the form approved by the Council and furnish two completed copies to the Council forthwith so that a copy may be sent to the appropriate public library. The Notice shall be displayed at the premises to be licensed for 21 days beginning with the date of the application to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
28. A police officer or an authorised officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force.
29. The licence holder or some responsible person, being 21 years of age or over, nominated by him in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any police officer or authorised officer of the Council and give the name and address of the person nominated.
30. A closed circuit television system shall be installed in the place licensed to the satisfaction of the Council's Licensing Manager. The system shall efficiently record the operation of the place licensed and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in the Courts. All closed circuit television recordings shall be retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council.
31. The licensee shall notify the Council and Hampshire Constabulary of the name, address and date of birth of any manager or employee involved in the operation of the business at the place licensed within seven days of them commencing employment. The City Council shall reserve the right to object to any person being involved in the operation of the business at the place licensed where it considers them unsuitable, in particular by reason of relevant unspent criminal convictions.
32. The licensee shall produce and maintain a list of all stock carried at the place licensed and shall make it available to a police officer or authorised officer of the Council on demand.

Appendix 3 – Current Licence

33. The licence holder shall ensure that any rear entrance shall at no time form, or be used, as an entrance or exit for members of the public or customers.

Dated this 1st day of July 2015

Head of Legal & Democratic Services

Licensing – Southampton City Council
PO Box 1767
Southampton
SO18 9LA

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Appendix 4 – Police email

To: Licensing <SBSLLE0@southampton.gov.uk>

Subject: 16 Hanover Bldg variation

Police have no objection to this proposed variation.

Jackie

PC 24272 Cherry

Western Licensing Dept

Southampton Central Police Station

Southern Road

Southampton

SO15 1AN

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APPENDIX 5

Special Procedure for the Licensing (General) Sub-Committee – Applications for Sex Establishment licences

One of the Council's Corporate Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time.

Please note that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

1. INTRODUCTION

- ◆ Everyone to introduce themselves
- ◆ The Licensing Officer will introduce the report, including background information and any written objections received.
- ◆ Members' questions to the Licensing Officer

2. OBJECTORS

If Objectors (including Police) have attended indicating a wish to address the Sub-Committee the Sub-Committee will consider each request in light of its discretion to permit oral representations.

As a guide, such representations will only be permitted if appropriate in order to briefly summarise and expand upon the main points of objection as set out in written submissions. Mere recitation of previous written submissions will not be permitted, nor will the introduction of entirely new grounds of objection.

Questions of Objectors will not be permitted by any party (including Members).

3. APPLICATION

The applicant or their representative will outline the details of the application and call any witnesses in support.

Questions may be asked of the applicant or of any witnesses by:

Licensing Officer

Members of the Sub-Committee

The applicant may call supporting witnesses at their discretion during the presentation of their application. Questions may be asked by the Sub-Committee Members / Licensing Officer of such witnesses at any appropriate point in their presentation

If any written objections have been received the applicant or their representative will be invited to comment on them

4. SUMMING UP

The applicant or their representative will have a final opportunity to sum up their application.

5. CONSIDERATION OF DECISION - CONFIDENTIAL SESSION

Members of the Sub-Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Sub-Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be

Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

6. ANNOUNCEMENT OF DECISION

Sub-Committee Members will return and the Chair of the Sub-Committee will deliver the decision in public session. The Licensing Officer will confirm this decision in writing to the Applicant within 7 days of the Sub-Committee decision, together with details of any relevant right of appeal.

Note: This procedure note is issued as a guide only – the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice.