

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES MINUTES

Date: Wednesday 28 November 2007

Time: 2.00 p.m.

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: H.C.L. Tessier (Chair), C. Latif (Vice Chair),
E. Harrington, L. Knight (for item 6 only) and
John Lloyd, CC

Agenda Item:

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In Attendance:

Start/End Time: Start Time: 2.00 p.m.
End Time: 6.00pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors M. Cherney-Craw, P.D. Kissane, M. Notley, J.A Pickersgill, D Royall, R.J. Smith MBE, DL, Mrs L.G. Strange and P Stuart.

There were no declarations of interest.

2 MINUTES

It was RESOLVED that the Minutes of the meeting of the Committee held on Thursday 7th June, 2007, having been circulated, be taken as read, confirmed and signed by the Chair as a correct record.

3 URGENT PART I BUSINESS

None

4 EXCLUSION OF PRESS AND PUBLIC

It was RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 - 7 of Part 1 of Schedule 12A of the Act.

5 APPLICATION FOR A SEX SHOP LICENCE AT 9 QUEENSWAY

The Chair introduced the Members and Officers present to the applicant and other interested parties. All present confirmed that they had received a copy of the procedure note which would be followed at the meeting.

The Committee considered the facts of the case as presented by the Head of

Environmental Health and Licensing. The application was for a sex shop licence at 9 Queensway. Members noted that the Police Authority had been consulted and not raised any concerns in relation to the application. However, 6 objections had been received from interested parties. Members were also advised that the Council had not set a maximum number for licensed sex establishments within the Borough and that each application should be considered upon its own merits.

The Chair then invited the interested parties to address the Committee. The main concerns of the parties related to:

- additional sex shops would be to the detriment of the area ;
- whether the application met the advertising requirements;
- whether the existing sex shop would be able to remain as a viable business; and
- possible increase in crime in the area.

The applicant was then invited to address the Committee. The Committee was informed that the applicant had been successfully running a similar business to this in another area for a number of years with no complaints. The comments of the interested parties were of concern and the applicant had attempted to address them through contact with the other local businesses in the area and with assurances that the shop would be well run and that the rules governing businesses of this type would be adhered to. The applicant also stated that she would be prepared to vary the shop's opening times to coincide with the other businesses in the area.

After all parties had summed up their cases, the Chair asked the applicant, interested parties and Licensing Officers to leave the meeting while the Committee considered the evidence presented.

Following the Committee's deliberations on the application, all parties were invited back into the meeting to hear the Committee's decision.

After taking into consideration all the evidence presented by the Applicant, Interested Parties and Officers, the Committee RESOLVED that the application for the establishment of a sex shop at 9 Queensway, Stevenage be approved subject to the following conditions:

1. Except with the previous written consent of the Council, delegated to the Chair of the Committee in consultation with the Head of Environmental Health & Licensing, the opening hours of the Sex Establishment shall be:
 - Monday – Thursday 9.30am – 6pm
 - Friday 9.30am – 8pm
 - Saturday 9.30am – 6pm
 - Sunday No permitted hours
 - Public Holidays No permitted hours
 - Monday - Saturday 9am – 8pm
(10th – 22nd December)
2. The Sex Establishment shall not be open on Sundays and public holidays.
3. The licensee or some responsible person nominated by her in writing for the

purpose of managing the Sex Establishment in her absence shall be in charge of and upon the premises during the whole time they are open to the public. Details of any responsible person nominated by the licensee (including photographs) must be supplied to and approved in writing by the Council before that person can manage the premises.

4. The name of the person responsible for the management of the sex establishment shall be prominently displayed within the premises.
5. When staff are first employed on the premises the licensee shall forthwith, notify the Licensing Team and arrange an appointment for that person to present themselves at the Council Offices with two forms of identification (including home address and photograph), and a Basic Disclosure certificate that is no more than one month old.
6. Change from a Sex Shop to a Sex Cinema shall not be affected without the consent of the Council.
7. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
 - a. Items of lingerie only;
 - b. Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing as shall have been approved in writing by the Council.
8. The entrance to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by and shall so provided with a partition as to ensure that the interior of the premises remain invisible to such passers by when the entrance is open.
9. Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the Council, but shall have suspended behind them, in a position approved in writing by the Council, opaque screens or blinds of a type and size approved in writing by the Council.

All parties were advised of their right to appeal the decision within 21 days.

6 REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The Chair introduced the Members, the Principal Solicitor and Committee Clerk to Mr L, his representative and supporters. Mr L confirmed that he had received a copy of the procedure in advance of the meeting.

The Committee considered the facts of the case as presented by the Head of Environmental Health and Licensing. The Committee was asked to review the Private Hire Driver's Licence held by Mr L, determine whether Mr L remained a fit and proper person to hold that licence and whether action was necessary as a result of that decision.

Mr L's representative presented the case to the Committee. A number of friends, family and colleagues also spoke in support of Mr L. The Members of the Committee then asked a number of questions of Mr L and his representative.

The Head of Environmental Health and Licensing and Mr L's representative both made closing speeches, after which all parties withdrew from the meeting whilst the Committee considered the matters raised.

Following consideration of the case by Members, all parties were invited back into the meeting to hear the Committee's decision.

“The Committee heard the evidence from both sides and found that Mr L had been convicted of speeding offences between April and May 2007 on 3 different occasions and as a result lost his driving licence up until 27th December 2007. Whilst speeding Mr L could have compromised the safety of his passengers.

However, having considered the detailed evidence about the circumstances of the above offences, the Committee believed they could deviate from the Council's Policy and it was RESOLVED that no further action be taken on this occasion.

7 URGENT PART II BUSINESS

None

8 PROCEDURE NOTE

It was RESOLVED that the procedure for the consideration of applications in respect of regulatory matters be noted.