

LICENSING COMMITTEE

MINUTES OF THE MEETING of the Licensing Committee held on Friday 19 November 2004 at 9.30am in Conference Room B, of the Civic Offices, Portsmouth.

Present

Councillors Paula Riches (Chair)
Geoff Goble (Vice-chair)
Tom Blair
Margaret Foster
Jacqui Hancock
Lee Hunt (Standing Deputy for Councillor Elaine Baker)
Robin Sparshatt
Deborah Tomes

Apologies

Apologies for absence were received from Councillors Elaine Baker and Lee Mason. The Conservative Group Standing Deputy, Councillor Lee Hunt, was in attendance.

41 Members' Interests in accordance with Standing Order No 14 (AI 1)

Councillor Goble declared a non-prejudicial interest with regards to agenda item 4 – Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, Licensing of Sex Establishment – Application for the Grant of a Licence – Mr Matthew Smith, “Hidden Pleasures”, 129 Albert Road, Southsea – in that he had previously raised concern about the illegal operation of a sex shop at the premises to the then Head of Corporate Services. The Licensing Manager explained that the applicant had taken over ownership in March/April 2004 so Councillor Goble concerns would have related to the previous owner.

42 Minutes of the Licensing Committee Meeting held on 22 October 2004 (AI 2)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing Committee meeting held on 22 October 2004 be agreed and signed by the Chair as a correct record.

43 Matters Arising from the Minutes (AI 3)

There were no matters arising.

44 Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, Licensing of Sex Establishment – Application For The Grant of Licence – Mr Matthew Smith, “Hidden Pleasures”, 129 Albert Road, Southsea (AI 4)

(TAKE IN REPORT BY THE LICENSING MANAGER)

The full hearing procedure was used.

Mr Spencer Hillier (Barrister) and Mr Matthew Smith (the applicant and proposed manager of the premises) were in attendance.

Before the application was heard Lesley Spencer (Solicitor) reported to the committee that a late letter of representation had been received. Lesley explained that in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, Licensing of Sex Establishments, the late letter could not be considered because it had been received after the statutory 28 day period, in fact, the day before the hearing and also because the applicant had not had an opportunity to read the contents of the letter. However, members voted against the advice and requested to see a copy of the letter. The letter was photocopied and circulated to members and the applicant. The applicant formally objected to this action.

The Licensing Manager, Nickii Humphreys, outlined the council's case and referred to an error on page 2, paragraph 10 of her report. Nickii informed members that she referred to premises in Weymouth, which sells adult products. Mr Smith does not have any connection with his operation and apologised to the applicant. Nickii then circulated copies of photographs of the front of the premises so members could see how the frontage looks.

Councillor Deborah Tomes also pointed out an error in the report. On page 7, paragraph 33, the comments from the Director of Education & Lifelong Learning referred to St Lukes Secondary School being approximately 2000 metres from the proposed shop. This was incorrect and members were advised to ignore that information.

In relation to paragraph 5 of her report, Nickii explained that only one formal objection had been received in the statutory 28-day period. A copy of which was attached as an appendix to the report. However, as an acknowledgement letter sent to the objector had been returned to the office by the Royal Mail, as 'addressee unknown', Nickii had made further inquiries with the council tax and electoral register. There was no record of that particular person currently or previously being registered at that address and therefore members were advised to ignore the letter of objection.

When the applicant presented his case he circulated copies of his written statement to members and some photographs of the recently refurbished premises.

After the applicant had presented his case the Licensing Manager asked for clarification on the 'illuminated signage' that had been referred to. The applicant responded by saying it was called 'trough lighting' and circulated some photographs of premises situated across the road from the application premises which had similar lighting.

LM **RESOLVED** that a sex shop licence be granted to Mr Matthew Smith, in respect of premises situated at 129 Albert Road, Southsea, for 12 months from when the premises are open, subject to the standard conditions and the special conditions as follows:

- 1) **No external advertising of a website address**
- 2) **The siting of the statutory notice relating to the age of persons entering the premises and contents of the shop to be displayed in the inner lobby area.**

Members refused the applicant's request for the external illuminated signage.

Councillor Goble left the meeting.

45 Exclusion of Press and Public (AI 5)

RESOLVED that the press and public be excluded from the meeting during the following item of business because it is likely that if members of the public were present, there would be disclosure to them of "exempt information" within paragraphs 4 and 7 of Part I of Schedule 12A to the Local Government Act 1972.

<u>Item</u>	<u>Paragraph No</u>
6 Suspension of Private Hire Driver's Licence - Mr Q	4&7
7 Dismissal of Appeal against Revocation of Private Hire Driver's Licence – Mr J	4&7

46 Suspension of Private Hire Driver's Licence – Mr Q (AI 6)

The Licensing Manager reported that Mr Q's Private Hire Driver's Licence had been suspended under delegated authority. Mr Q has handed his badge in and will not be appealing against the decision. A letter had been sent to all operators in the city notifying them of this decision.

47 Dismissal of Appeal Against Revocation of Private Hire Driver's Licence – Mr J (AI 7)

The Licensing Manager reported that Mr J had appealed to the Magistrates Court against the Revocation of his Private Hire Driver's Licence. However the court had dismissed the appeal. A letter had been sent to all operators in the city notifying them of this decision.

The meeting concluded at 12.10pm.

Chair

