
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 February 2013

Present: Councillors Cunio (Chair), Mrs Blatchford, Vassiliou and Lewzey

6. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Sub-Committee noted that apologies had been received from Councillor Parnell.

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

RESOLVED that the Minutes of the Meeting held on 29th November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

8. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of Item 6 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules and be invited to return immediately following private session at which time the matter be determined and the decision of the Panel be announced.

9. **APPLICATION FOR VARIATION OF A SEX SHOP LICENCE**

The Sub-Committee considered the confidential report of the Head of Legal, HR and Democratic Services regarding an application for variation of a sex shop licence. (Copy of report circulated with the agenda and appended to signed minutes).

The applicants were present and with the consent of the Chair addressed the meeting.

RESOLVED that the application to vary the sex shop licence as presented, be granted in part, subject to the following restrictions/amendments:-

- i. change the condition to permit the applicant's son to be employed at premises – **Approved in part.** Condition 28 to be altered to require a nominated person, to be approved by the Licensing Manager (if other than the applicant) with no relevant convictions, to be on the premises at all times that the son is on the premises, to ensure that the son was supervised at all times;
- ii. open on Bank Holidays excluding Christmas Day, Boxing Day and Good Friday – **Approved in part** – A condition will be imposed prohibiting the premises from opening on Good Friday, Christmas Day and every Sunday; and

- iii. change the colour of the shop front to corporation green with cream letters and to display a corporation green coloured open sign measuring 12 x 24 inches – **Approved** subject to all changes being approved by the Licensing Manager.

In implementing the above decision, the Licensing (General) Sub Committee delegated authority to the Head of Legal, HR and Democratic Services to approve conditions and amend the existing conditions to achieve the above.

REASONS

The Sub-Committee noted the concerns relating to the applicant's son's past convictions and actions/behaviour. However, it was noted that there had been no similar offences since this time and it was felt that the changes to conditions 28 and 29 would be sufficient to ensure that the son was supervised at all times (either by the applicant or another nominated person).

There was concern that traders might call at the premises at any time and that without supervision and in light of the relevant previous convictions the son was not an appropriate person to be left in sole charge of the premises.

With regard to closing, the Sub-Committee saw no reason to restrict opening on public holidays generally but was satisfied that it remained appropriate that trading be prohibited on certain days including Sundays.

The proposed new colour scheme was considered in principle to be appropriate, albeit that the Sub-Committee could not see an example of the proposed colour and accordingly delegated authority to the Licensing Manager to approve the same.

In making its decision the Sub-Committee paid careful attention to the impact of the proposed changes and the effect on the locality. In this respect it was stressed that the decision did not set a precedent that showed a careful consideration of the application on its own merits and the premises in its surrounding area.