

DRAFT

London Borough of Islington

LICENSING REGULATORY COMMITTEE – 6 MARCH 2007

Non-exempt minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 6 March 2007, at 2.30 pm.

Present: **Councillors:** Joan Coupland, Fiona Dunlop (Chair) and Stefan Kasprzyk

Also present: **Councillors:** Paul Convery

Councillor Fiona Dunlop in the Chair

028 APOLOGIES FOR ABSENCE (Item A1)

None received.

029 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

030 DECLARATIONS OF INTEREST (Item A3)

None.

031 MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meetings of the Committee held on 12 September 2006, 28 November 2006 and 29 January 2007 be confirmed as correct records and the Chair be authorised to sign them

032 GRANT OF A PERMIT FOR GAMING MACHINES BY WAY OF AMUSEMENT WITH PRIZES – LEISURE WORLD (UK) LTD – FOR PREMISES AT 456 HOLLOWAY ROAD, N7 (Item B1)

It was noted that, at the request of the applicant's representative, and with the agreement of the Chair, consideration of this item had been postponed to the next meeting of the Committee (date to be confirmed), to allow the applicant's representative to consider objections from the Police.

033 GRANT OF A PERMIT FOR GAMING MACHINES BY WAY OF AMUSEMENT WITH PRIZES – BLACKHEATH LEISURE (CAROUSEL) LTD – FOR PREMISES AT 3 SEVEN SISTERS ROAD, N7 (Item B2)

It was noted that, at the request of the applicant, and with the agreement of the Chair, this item has been withdrawn.

034 RENEWAL OF SEX ESTABLISHMENT LICENCE – SOHO BOOKSHOP – 9 CALEDONIAN ROAD, N1 (Item B3)

It was noted that, following a meeting with objectors and Ward councillors, the applicant had withdrawn that part of their application relating to a variation in existing conditions. Therefore the only matter before the Committee for consideration today was the renewal of the licence for the premises.

The Committee noted that the applicant was not present and was not represented.

The Committee noted the presence of a local resident and Councillor Paul Convery, one of the local Ward councillors.

Councillor Convery welcomed the joint enforcement action being taken by Council officers and the Police against unlicensed sex shop premises in the area. He referred to the changing nature of the area and said that he felt that, if the enforcement action continued, there would be fewer applications for renewal of sex shop licences coming forward in the future.

Councillor Convery also commented on the consultation before the application came to Committee. He felt that, as a matter of course, all Ward councillors ought to be notified at an early stage in the consultation, of applications coming up in their Wards, as they had an important role to play in representing their constituents' views and acting as brokers in negotiations with the Council or licence applicants. This should include applications for alcohol licences. The Assistant Director of Environment and Regeneration (Public Protection) confirmed that, other than for premises licences under the Licensing Act 2003, Ward councillors had always been notified of applications for other types of licence/activity. However, following consultation on the licensing policy, the intention was to notify Ward councillors in the future of premises licence applications for premises in their Wards.

RESOLVED:

That, having carefully considered all of the written and oral evidence presented, and subject to the standard and additional conditions set out below, approval be granted to the renewal of a licence, for one year, to James Alan Poulton, for the use of the basement and rear ground and mezzanine floors of premises at 9 Caledonian Road, N1, for a sex establishment, trading as "Soho Bookshop".

Conditions of licence

1. Throughout these conditions, the expressions 'sex shop', 'sex establishment' and 'sex article' shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; 'the Council' means the Council of the London Borough of Islington.
2. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex shop, the special conditions

shall prevail.

3. The business shall be carried on only in the name, style or title specified in the licence and at the premises mentioned therein.
4. The licensee, whether a partner, company or other corporate or unincorporated body, shall notify the Council in writing, in the form prescribed by the Council, of any change in directors, trustees, partners or other persons concerned in the management of such company, partnership or corporate or unincorporated body, within fourteen days of such change.
5. The licensed premises shall not be opened for the purposes for which the licence is granted earlier than 9.30am and shall be closed not later than 8.00pm.
6. The premises shall not be opened on Sundays, Christmas Day or Good Friday.
7. The Council may also specify any other date on which the premises shall be closed, provided that fourteen days notice in writing of such date must be given to the licensee.
8. No advertisement other than advertisements relating to other licensed sex establishments or relating to goods available from the premises shall be displayed inside the premises.
9. The interior of the premises shall not at any time be visible from outside, and the window shall only bear a suitable display approved by the Council.
10. The following notice shall be displayed inside the premises, prior to access to the licensed area such that no-one could reasonably obtain access to this area without being aware of its contents:

Licensed Sex Shop
WARNING
Persons passing beyond
This notice will find
Material on display which
They may consider indecent.
No admittance to persons under 18 years of age.

11. No part of the premises shall be used by prostitutes for the purposes of solicitation or otherwise exercising their calling.
12. Neither the licensee nor any employee shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the sex shop.
13. No goods likely to forfeiture under Section 3 of the Obscene Publications Act 1959 or Section 5 of the Protection of Children Act 1978 or likely to be condemned under Schedule 3 to the Customs and Excise Management Act 1979 by virtue of Section 42 of the Customs Consolidation Act 1896 shall be kept on the premises.
14. All sex articles and other things displayed within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
15. The licensee shall not distribute any unsolicited goods or publicity.
16. The licensed premises shall be used only for the purposes specified in the licence.
17. No alcohol shall be consumed on the premises.

18. 18R classified videos/DVDs must not be sold by mail order or via the internet.
19. A record shall be kept of mail order/internet transactions in such form as agreed by the Council and all such transactions must comply with the Consumer Protection (Distance Selling) Regulations 2000.
20. The exterior and interior of the premises shall not be altered without the prior consent of the Council.
21. The licence is not transferable by the licensee.
22. The licensee must give written notice to the Council if s/he wishes to surrender the licence.
23. The licensee shall maintain good order and decent behaviour in the licensed premises and shall inform the Police immediately s/he becomes aware of any indecent conduct taking place, or which is said to have taken place, on the premises.
24. The Council reserves the right to amend or alter these conditions without prior consultation with the licensee but will notify the licensee of any alterations.

Additional conditions determined by the Sub-Committee:

25. The Shopfront, including entrance doors and windows displays be retained in their present glazed open aspect and used for display purposes of non-adult merchandise, the "general goods" area to be located on the ground floor of the shop; and the "general goods" and "adult" areas be clearly defined.
26. That no neon or similar lighting be installed on the premises.

Reasons

The applicants represented themselves as a reputable and responsible company whom the Committee are confident will run the premises in a proper manner.

The additional conditions are to safeguard the concerns of the local residents and to retain the present standard of displays.

035 GRANT OF SEX ESTABLISHMENT LICENCE – ADULT WORLD LTD – LOWER GROUND FLOOR OF PREMISES AT 23 ISLINGTON GREEN, N1 (ITEM B4)

The Committee noted that the applicant and his representative were present. There were no objectors present.

With the agreement of the Chair, the applicant's representative presented a series of eight photographs to members of the Committee, including depictions of the proposed façade and layout of the premises.

The Assistant Director of Environment and Regeneration (Public Protection) highlighted an error in the report before the Committee. In line 1 of paragraph 3.4 of the report, replace the words "renewal of the" with "a new". She also

pointed out that Building Control had to visit and report on the plans for the premises, so if the Committee were minded to grant a licence in this case, it would need to be subject to Building Control requirements.

The applicant's representative stated that the applicant wished to vary additional Condition 26, imposed by the Committee on the premises in August 2004, by placing a translucent film on the entrance doors and windows, instead of the "present glazed open aspect", currently described in Condition 26. The applicant referred Committee members to photograph no 6, depicting the façade of their sex shop in Oxford, which had the same translucent finish on the doors and windows.

Referring to the written objection from Councillor Klute, the applicant's representative sought confirmation from the applicant that he was intending to implement all of the conditions of the licence and not seeking to vary any others. The applicant confirmed that this was the case.

The Committee adjourned at 3.05pm to deliberate and resumed the meeting at 3.30 pm.

The Chair stated that concerns in the Committee's private deliberations had related to how effective the translucent film on the windows and doors would be during the hours of darkness, particularly in the winter months. The applicant suggested that a roller blind could be installed over the doors and windows during the hours of darkness.

RESOLVED:

That, having carefully considered all of the written and oral evidence presented, and subject to the standard and additional conditions set out below, including a variation to Condition 26, the application for a licence for the use of the lower ground floor at 23 Islington Green, N1 for a sex establishment, be granted to Adult World Ltd, for one year, subject to the standard licence conditions set out in Appendix A to the report, and Building Control requirements:

Conditions of licence

1. Throughout these conditions, the expressions 'sex shop', 'sex establishment' and 'sex article' shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; 'the Council' means the Council of the London Borough of Islington.
2. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex shop, the special conditions shall prevail.
3. The business shall be carried on only in the name, style or title specified in the licence and at the premises mentioned therein.
4. The licensee, whether a partner, company or other corporate or unincorporated body, shall notify the Council in writing, in the form prescribed by the Council, of any change in directors, trustees, partners or other persons concerned in the management of such company, partnership or corporate or unincorporated body, within fourteen days of such change.

5. The licensed premises shall not be opened for the purposes for which the licence is granted earlier than 9.30am and shall be closed not later than 8.00pm.
6. The premises shall not be opened on Sundays, Christmas Day or Good Friday.
7. The Council may also specify any other date on which the premises shall be closed, provided that fourteen days notice in writing of such date must be given to the licensee.
8. No advertisement other than advertisements relating to other licensed sex establishments or relating to goods available from the premises shall be displayed inside the premises.
9. The interior of the premises shall not at any time be visible from outside, and the window shall only bear a suitable display approved by the Council.
10. The following notice shall be displayed inside the premises, prior to access to the licensed area such that no-one could reasonably obtain access to this area without being aware of its contents:

Licensed Sex Shop
WARNING
Persons passing beyond
This notice will find
Material on display which
They may consider indecent.
No admittance to persons under 18 years of age.

11. No part of the premises shall be used by prostitutes for the purposes of solicitation or otherwise exercising their calling.
12. Neither the licensee nor any employee shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the sex shop.
13. No goods likely to forfeiture under Section 3 of the Obscene Publications Act 1959 or Section 5 of the Protection of Children Act 1978 or likely to be condemned under Schedule 3 to the Customs and Excise Management Act 1979 by virtue of Section 42 of the Customs Consolidation Act 1896 shall be kept on the premises.
14. All sex articles and other things displayed within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
15. The licensee shall not distribute any unsolicited goods or publicity.
16. The licensed premises shall be used only for the purposes specified in the licence.
17. No alcohol shall be consumed on the premises.
18. 18R classified videos/DVDs must not be sold by mail order or via the internet.
19. A record shall be kept of mail order/internet transactions in such form as agreed by the Council and all such transactions must comply with the Consumer Protection (Distance Selling) Regulations 2000.
20. The exterior and interior of the premises shall not be altered without the prior consent of the Council.
21. The licence is not transferable by the licensee.

22. The licensee must give written notice to the Council if s/he wishes to surrender the licence.

23. The licensee shall maintain good order and decent behaviour in the licensed premises and shall inform the Police immediately s/he becomes aware of any indecent conduct taking place, or which is said to have taken place, on the premises.

24. The Council reserves the right to amend or alter these conditions without prior consultation with the licensee but will notify the licensee of any alterations.

Additional conditions determined by the Sub-Committee:

25 - No previews of any 18R classified videos/DVDs to be played in any part of the premises of the shop to which the public have access

V
A
R
I
A
T
I
O
N

26 - The shop front, including entrance doors and window displays be retained in a glazed, open aspect, with the front windows and door treated in such a way as to render them almost totally opaque and that, during the hours of darkness, blinds be used to ensure that passers by cannot see into the premises. The front windows to be used for display purposes of non-adult merchandise, the “general goods” area to be located at the front of the shop and the “general goods” and “adult” areas to be clearly defined.

27 -That no neon or similar lighting be installed on the premises.

28 - The video surveillance system on the premises shall be in operation during opening hours, the video/computer discs retained for a period of 28 days and to be made available to Council officers on request.

Reasons

The applicants represented themselves as a reputable and responsible company whom the Committee are confident will run the premises in a proper manner.

The additional conditions are to safeguard the concerns of the local residents and to retain the present standard of displays.

The meeting closed at 4.20 pm.

CHAIR