



ISLINGTON

Environment & Regeneration
222 Upper Street, London N1 1XR

Report of : Assistant Director of Environment and Regeneration (Public Protection)

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	29 January 2007	C1	Caledonian

Delete as appropriate		Non-Exempt
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SUBJECT: RENEWAL & VARIATION OF SEX ESTABLISHMENT LICENCE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (SCHEDULE 3)

APPLICANT: JAMES ALAN POULTON

PREMISES: BASEMENT & REAR GROUND & MEZZANINE FLOOR OF 9 CALEDONIAN ROAD N1 9DX

1 Synopsis

- 1.1 To determine an application from James Alan Poulton, Director of Alan Poulton Ltd, for the renewal & variation of a licence for the use of the basement & rear ground & mezzanine floors of premises at 9 Caledonian Road for a sex establishment.

2 Recommendations

- 2.1 That, should the application be granted, it is subject to the attached standard licence conditions as set out in appendix A, and any other conditions deemed appropriate by the Committee.

3 Background

- 3.1 In December 2003, James Poulton, Director of Heart of Soho Ltd, was granted a licence for the premises, trading as Prowler. The Committee attached additional conditions to the standard conditions, regarding the shopfront and the display of goods, and neon lighting. The additional conditions were to safeguard the concerns of local residents and to retain the present standard of displays. The minutes of the meeting are attached as appendix B.

- 3.2 On 3 July 2006, the applicant notified the Licensing Authority of a change of trading name to Soho Original Bookshop.
- 3.3 On 11 August 2006, the Licensing Authority received a complaint regarding the display of signage advertising Soho Bookshop, at 11 Caledonian Road, situated next door to the licensed premises.
- 3.4 On 18 August 2006, the Licensing Officer observed 11 Caledonian Road to be vacated premises, and confirmed the signage on the window advertising Soho Bookshop. The matter was referred to Islington Planning Enforcement team for investigation, as the premises were not subject to the provisions of a sex establishment licence. Planning enforcement found no breach of controls with the type of signage. The applicant removed all signs from the window of the premises and no further action was taken.
- 3.5 On 15 December 2006, an application for renewal of the sex establishment licence at 9 Caledonian Road was received from the applicant. A copy application is attached as appendix C (NB – contains exempt information and therefore supplied to Councillors only).
- 3.6 In addition, the applicant has attached a proposal for ‘the removal of Condition 9 and additional Condition 26’. The applicant is seeking consent on the type of signage within the window and shop if the conditions are not removed. A copy of the applicant’s proposal is attached as appendix D. The Applicant has forwarded further details of the proposed signage, attached as Appendix E
- 3.7 On 21 December 2006 the Licensing Officer observed the Public Notice displayed at the shop during opening hours, and the display was satisfactory.
- 3.8 The Statutory Notice was published in the Islington Tribune on 15 December 2006 in accordance with the Act. The Applicant has produced the original advertisement and a copy is attached, see appendix F.
- 3.9 No objections have been received to the renewal of the licence.
- 3.10 The local Ward Councillors have been notified of the application.
- 3.11 Islington Police Licensing team have been notified and are not objecting.

3.2 Building Control

3.3 The Building Control Surveyor Report is awaited.

3.4 Planning

3.5 The premises have Planning permission granted on appeal on 24/7/03

4 **Implications**

5 **Financial Implications**

6 The Head of Finance reports that the applicant has paid the fee of £11,500. Should the application be refused, the fee shall be refunded less the Councils cost in dealing with the application

7 **Legal Implications**

8 The appropriate authority may grant to any applicant, and from time to time renew, a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified. Any licence under this Schedule shall remain in force for one year or for such shorter period specified in the licence as the local authority may think fit.

9 An application for the grant, renewal or transfer of a licence shall be made in writing and the applicant shall give public notice of the application by publishing an advertisement in a local newspaper, the publication being not later than 7 days after the date of the application. An application in respect of premises shall in addition require the applicant to display for 21 days beginning with the date of the application on or near the premises and in a place where the notice can be conveniently read by the public and shall be in such a form as the local authority may prescribe. Objections must be made to the local authority within 28 days of the date of the application and the applicant shall be given notice in writing of the general terms of the objection.

10 In considering any application for the grant, renewal or transfer of a licence, the local authority shall have regard to any observations submitted to them by the Chief Officer of Police and any objections of which notice has been sent to them.

11 Where the appropriate authority refuse to grant, renew or transfer a licence, they shall, if required to do so by the applicant or holder of the licence, give him a statement in writing of the reasons for their decisions within 7 days of his requiring them to do so.

12 A licence shall not be granted and may also be refused in certain circumstances as set out in Schedule 3 of the Act.

13 The local authority has power to prescribe standard conditions, that is to say terms, conditions and restrictions to include the regulation of the hours of opening and closing of sex establishments, displays or advertisements on or in such establishments and visibility of the interior of sex establishments to passers-by.

14 An applicant for the grant, renewal or transfer of a licence under this schedule whose application is refused has in certain cases the right to appeal to the magistrate's court acting for the relevant area before the expiration of the period of 21 days beginning with the relevant date.

15 The Human Rights Act 1998 makes it unlawful for the Council to act in a manner incompatible with Convention Rights. Convention rights include the right to and respect for private and family life, including the home as well as the right to the peaceful enjoyment of possessions (a licence has

been held by the European Court to be a person's possession). The applicant has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal. The actions of a Licensing Committee in attaching a condition to a licence must be "proportionate" to any "pressing social need" and reasons should be given not only on refusing a licence but also when granting it.

16 The Committee considers each application being mindful of Section 17 of the Crime and Disorder Act 1998 which imposes a duty on each local authority when exercising any of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it possibly can to prevent crime and disorder in the area.

16.1 **Equality Implications**

16.1.1 Applicants are advised that the provisions of the Disability Discrimination Act 1995 apply to them as a provider of a service, i.e. facilities for entertainment, recreation or refreshment (as defined by S19 of the Act). In particular that s21 of the Act places them under a duty to make arrangements to ensure the service is accessible to disabled persons.

17 **Conclusion and reasons for recommendations**

In determining this application for variation, consideration should be given to the reasons that resulted in the special conditions being attached to the licence when first granted.

Background papers:

- Appendix A** Standard Licence Conditions for sex establishments
- Appendix B** Minutes of Central Licensing Sub Committee Meeting 8/12/03
- Appendix C** **Application of James Alan Poulton***
- Appendix D** Soho Original Bookshop Proposal Document
- Appendix E** Further details of proposed signage for 9 Caledonian Road
- Appendix F** Newspaper Notice published in Islington Tribune 15/12/06

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Information relates to the financial or business affairs of any particular person (other than the authority)**

Final Report Clearance

Signed by

Assistant Director of Environment and
Regeneration (public Protection)

Date

Received by

Head of Democratic Services

Date

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