

London Borough of Islington

LICENSING REGULATORY COMMITTEE – 1 OCTOBER 2008

Minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 1 October 2008, at 2.30 pm.

Present: **Councillors:** Fiona Dunlop, Tracy Ismail and Lisa Spall

Councillor Tracy Ismail in the Chair

053 APOLOGIES FOR ABSENCE (Item A1)

None.

054 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

055 DECLARATIONS OF INTEREST (Item A3)

None.

056 MINUTES OF THE MEETING HELD ON 4 JUNE 2008 (Item A4)

RESOLVED

That the minutes of the meeting of the Committee held on 4 June 2008 be confirmed as a correct record and the Chair be authorised to sign them.

**057 STREET TRADING ACCOUNT – REVIEW OF FEES AND CHARGES
(Item B1)**

The Chair agreed that a written representation from Councillor Vaja, requesting that the proposed increases in charges for Whitecross Street Market be reduced, be laid round.

Ms Watts, representing Chapel Market traders, asked that a decision on this matter be deferred pending clarification on the matters raised in the written communication from Mr Granger of 8 September 2008, relating to waste collection and the way Chapel Market is run.

A number of traders from Exmouth Market were present and made representations to the Committee about the poor facilities for traders at that Market, compared to other markets in the Borough.

RESOLVED:

- (a) That the proposed increases to the street trading fees and charges, outlined in Appendix 1 to the report of the Assistant Director of Environment and Regeneration - Public Protection, be approved, with the exception of Exmouth Market.
- (b) That, with regard to Exmouth Market, the increases be as follows:

Per pitch per week
Take away type food
Mon- Fri - £45

Other commodities
Mon- Fri - to be increased in line with other increases to pitches in the Borough of 4.4%

Casual (no hot food)
to be increased in line with other increases to pitches in the Borough of 4.4%

(c) That the new fees come into effect from 6 October 2008

Reason for decision

1. A percentage fee increase is necessary to ensure that the street trading account breaks even in 2008-09.
2. The Committee considered Exmouth Market to be an exception to the other markets in the Borough, in that it lacks facilities which are enjoyed by the other markets and there is a real prospect that the hot food trade is likely to decline in the area in the foreseeable future.
3. In order to encourage a balance of commodities in Exmouth Market, the Committee had increased fees for other commodity pitches in line with the general inflation increase for pitches across the Borough.

058 SETTING OF WEEKLY FEES FOR THE ARCHWAY MARKET (Item B2)

RESOLVED:

That the fee structure for Archway Market, detailed in paragraph 3.6 of the report of the Assistant Director of Environment and Regeneration – Public Protection and reproduced below, be approved with effect from 6 October 2008.

1 to 20 traders	£26.00 per week
Between 20 & 25 traders	£30.00 per week
Between 25 & 32 traders	£40.00 per week

Reason for decision

There is currently no fee scale in operation.

059 VARIATION AND RENEWAL OF SEX ESTABLISHMENT LICENCE – ADULT WORLD LTD, 23 ISLINGTON GREEN, LONDON N1 8DU (Item C1)

Mr Gary Best, a Director of Adult World Ltd and Ms Sue Butt, the manager of the premises at Adult World, 23 Islington Green, N1, were present.

There were no objectors present.

With the agreement of the Chair of the Committee, Mr Best passed around

photographs of the ground floor unlicensed area of the premises, showing current displays of merchandise.

In response to questions from Members of the Committee about items on display if condition 26 was varied, Mr Best assured them that the shop front would comprise of a background with items on display which were not related to the licensed part of the premises.

The Trading Standards Officer confirmed that, apart from the mention of noise in two of the objection letters, no other complaints about noise from the premises had been received.

The applicant was reminded that other retailers in the area closed at 18.00 hours on Sundays. Mr Best said that the request for extended opening hours on Sunday came in response to the demand from customers to Adult World.

RESOLVED:

(a) That, having carefully considered all of the written and oral evidence presented, the application for a variation and renewal of licence for the use of the lower ground floor of premises at 23 Islington Green, N1 8DU, for a sex establishment, be granted to Adult World Ltd, for one year, subject to the standard conditions set out in appendix A to the report (and below) and any Building Control requirements.

(b) The licence to be varied as follows:

Condition 5

The opening hours of the licensed premises shall be varied to 10.00 hours to 22.00 hours on Mondays to Saturdays and 12.00 hours to 20.00 hours on Sundays, including bank holidays, but excluding Christmas Day and Easter Sunday

Condition 6

The premises shall not be opened on Good Friday

Condition 26

The shop front, including entrance doors and window displays, if used for display purposes, shall display non-adult merchandise only, the general goods area to be located at the front of the shop and the general goods and adult areas to be clearly defined

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 opening hours of the licensed premises shall be varied to 10.00 hours to 22.00 hours on Mondays to Saturdays and 12.00 hours to 20.00 hours on Sundays, including bank holidays, but excluding Christmas Day and Easter Sunday

6. The premises shall not be opened on 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.

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.

26. The shop front, including entrance doors and window displays, if used for display purposes, shall display non-adult merchandise only, 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.

Reason for decision

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

Footnote

In addition, the Committee suggested to the applicants that they should check that their planning consent provided for the revised opening hours.

060 LONDON LOCAL AUTHORITIES ACT 1990 – SECTION 28(1) – BREACH OF STREET TRADING CONDITIONS – CHAPEL MARKET (Item C2)

Ms Watts, the current licensed pitch trader on pitch 56 in Chapel Market, was present. With the agreement of the Chair, Ms Watts circulated letters of support from Mr R. Granger and the owner of pitch 45 in Chapel Market. Ms Watts explained her position to the Committee and the reasons for her late arrival.

With the agreement of the Chair, the Street Trading Manager circulated copies of a statement by street trading inspectors and time monitoring sheets covering the period February 2007 to August 2008.

RESOLVED:

- a) That Ms Watts' street trading licence be not revoked.
- b) That Ms Watts be required to set up her stall by 9.45am at the latest each day and have an option of employing a reliable assistant on her stall, or closing down the stall, while she leaves the stall to buy stock.

Reason for decision

To enable Ms Watts to retain her street trading licence.

061 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded during consideration of the following items as the presence of members of the public and press would result in the disclosure of exempt information within the terms of the Access to Information Procedure Rules in the Constitution for the reasons indicated:

<u>E1</u>	London Local Authorities Act 1990 – Section 28 (1) – breach of street trading conditions – Chapel Market appendix	<u>Category (c)</u> – Information relating to the financial or business affairs of any particular person (including the authority holding that information)
<u>E2</u>	Variation and renewal of sex establishment licence – Adult World Ltd, 23 Islington Green N1 - appendix	<u>Category (c)</u> – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

062 LONDON LOCAL AUTHORITIES ACT – SECTION 28(1) – BREACH OF STREET TRADING CONDITIONS (Item E1)

RESOLVED:

That the exempt information in the appendix to agenda item C2 be noted.

(See Minute 060 for decision)

063 VARIATION AND RENEWAL OF SEX ESTABLISHMENT LICENCE – ADULT WORLD LTD, 23 ISLINGTON GREEN, N1 (Item E2)

RESOLVED:

That the exempt information in the appendix to agenda item C1 be noted.

(See Minute 059 for decision).

The meeting closed at 6.20 pm.

CHAIR