

## LICENSING COMMITTEE

2 February 2010

### Present:

Councillor Ben Noble (Chair)

Councillors Newby, Branston, S Brock, Mrs Danks, Shiel, Sterry and Thompson

### Also present:

Head of Environmental Health Services, Principal Licensing Officer (IL), Licensing Solicitor and Member Services Officer (HB)

#### 1 **Minutes**

The minutes of the meeting held on 17 November 2009 were taken as read and signed by the Chair as a correct record.

#### 2 **Declarations of Interest**

No declarations of interest were made by Members.

#### 3 **Councillors Becoming Interested Parties in Their Own Right**

The Principal Licensing Officer presented the report advising of the effect of Section 33 of the Policing and Crime Act 2009 which amended the Licensing Act 2003 to include all Councillors as Interested Parties in their own right for the purposes of making representations and seeking reviews of premises.

Members had been advised that the new power had come into force on 29 January 2010. This removed the requirement for Councillors to be "invited" to speak on behalf of residents in the vicinity of a premises. Additionally, it removed the need for Councillors to live in the vicinity of a premises in order to make representations. It was noted that these new provisions did not apply to Temporary Event Notices.

**RESOLVED** that the report be noted.

(Report circulated)

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

#### 4 **Sex Entertainment Venues**

The Principal Licensing Officer presented the report setting out the necessary steps required to determine applications made under the provisions of the Policing and Crime Act 2009. This Act provided that Authorities that had already adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 in relation to sex shops and sex cinemas were now subject to the provisions of Section 27 requiring a policy in this regard to be adopted.

**RESOLVED** that the report be accepted and the report and policy adopted.

(Report circulated)

## 5 Application for the Grant of a Sex Shop Licence

The Principal Licensing Officer presented the report setting out an application by Mr T Hemmings for the grant of a licence to operate Simply Pleasure from 156 Sidwell Street, Exeter. Simply Pleasure currently traded from premises in Verney Street. They had operated since 2005 and there had been no incidents, complaints or evidence of non-compliance with conditions since the premises had first been licensed. It was the impending closure of the current premises that had brought about the requirement to seek alternative premises.

The Principal Licensing Officer advised that the application had been properly advertised and that no objection had been received in response to those advertisements.

A Councillor queried whether the discontinuance of the advertisement in Summerland Street that related to this premises would have an impact on the Licensing Committee's decision. It was understood that Planning Services were taking enforcement action in respect of this notice. The Licensing Solicitor advised that any planning issue could not be a relevant issue for the Licensing Committee to consider. Moreover, the Licensing Solicitor understood that the discontinuance related to the advertising site and not the particular notice.

Members referred to the different location of the new shop which was more publicly visible than the current premises in Verney Street. In response to a Member's question, the Principal Licensing Officer stated that there were no schools or churches in close proximity of the new shop.

Mr Simon Reeve, the National Retail Manager of Simply Pleasure, attended the meeting and spoke in support of the application. He explained that Simply Pleasure were a nation wide chain who acted responsibly in the undertaking of its business. With regard to the proposed window display he confirmed that no objections had been received from the advertising standards agency and that the display would be on the same basis as the current premises, that is, the display of mannequins in front of a pink wall/screen. In answer to a question relating to the window display, Mr Reeves compared the display with that of the Anne Summers and other fancy dress shops in the City. He stated that the display was customer friendly and that, in his view, was preferable to the blacked out fronts of similar shops which tended to draw negative comments.

**RESOLVED** that the application for a licence in respect of 156 Sidwell Street, Exeter for a 12 month period be granted.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 5.55 pm

Chair