

Minutes of the **Licensing Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday 26 July 2012 at 5.30 p.m.

Attendance:

Councillor A Hope (Chairman)	(P)	Councillor J Anderdon Vice-Chairman)	(A)
Councillor I Andersen	(P)	Councillor A Johnston	(P)
Councillor A Beesley	(P)	Councillor P Lashbrook	(A)
Councillor A Brook	(P)	Councillor N Long	(P)
Councillor J Budzynski	(P)	Councillor I Richards	(P)
Councillor M Cooper	(P)	Councillor A Tupper	(P)
Councillor B Few Brown	(A)	Councillor J Whiteley	(A)
Councillor A Finlay	(A)		

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Minutes

Resolved:

That the minutes of the meeting held on 19 June 2012 be confirmed and signed as a correct record.

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Declarations of Interests

Councillor Budzynski declared an interest in agenda item 9 – Sex Shop Licence – 2 The Broadway, Andover as the application fell within his ward. He left the meeting prior to discussion and consideration of the application.

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Request for an Increase in Hackney Carriage Fares

A request for an increase in Hackney Carriage fares charged by taxis in the Borough had been submitted by the Test Valley Taxi Association.

It has been over a year since the fares were last increased and officers suggested that the requested increase be approved.

Resolved:

That an increase in the Hackney Carriage fares in the Borough, as requested by the Test Valley Taxi Association and detailed in this report, be granted and that the Head of Administration make the necessary arrangements for the implementation of the new fare structure.

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Sex Shop Licence – 2 The Broadway, Andover

The Committee considered an application for a Sex Shop Licence in respect of premises at 2 The Broadway, Andover.

The Licensing Manager introduced the report and outlined the details of the application. He went on to highlight significant factors for the Committee to consider when determining the application, referred to in the report.

The Council had limited grounds upon which to refuse the licence. It could do so if “the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider appropriate for that locality”. The Committee has not decided to set such a limit.

The only other grounds for refusal and one which was relevant to this application was that “the grant or renewal of the licence would be inappropriate, having regard:

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises in respect of which the application is made.

The Police, Head of Housing and Environmental Health (Environmental Health Manager) and local ward members had been consulted on this application. No objection had been raised by the Police or Environmental Health Manager. Three objections had been received from members of the public, which were detailed in Annex 3 to the report.

Members of the Committee and the applicant were given the opportunity to question the Licensing Manager on his presentation.

The Chairman invited the applicant, Mr Spencer, to present his case to the Committee. Mr Spencer informed the Committee that he already ran other licensed premises. The Licensing Manager read out a letter in support of Mr Spencer’s application which he had received from Dorset HealthCare NHS Foundation Trust.

The Committee concluded that, although the application had attracted some objections, few of those cited grounds which could be considered valid in deciding whether or not a licence should be granted. In particular, moral grounds could not be considered as a valid reason for refusal. In one objection the objector referred to the fact that there was already an establishment at Junction Road. This was factually incorrect as the establishment had closed some time ago.

The Committee therefore considered the application by taking into account the location of the proposed premises in relation to other premises in the immediate area.

The Chairman reminded the Committee that the Council would be able to exercise control over the premises if a licence were granted by attaching conditions. In addition, if a licence were granted, it would be for a period of 12 months and would then have to be renewed. Upon the application for renewal, the Committee could take into account any impact the premises may have had upon the neighbouring area.

Resolved:

- 1. That the application for a Sex Shop Licence in respect of premises at 2 The Broadway, Andover, be granted.**
- 2. That the Head of Administration issue a licence for a period of 12 months with the conditions as detailed in Annex 2 attached to the report subject to the amendment of the opening hours to 10.00 am to 8.00 pm Monday to Saturday and 10.00 am to 6.00 pm on Sunday.**

(Meeting terminated at 6.45 pm)