

# **SHROPSHIRE COUNCIL**

## **LICENSING ACT SUB-COMMITTEE**

**Minutes of the meeting held on 13 January 2016**

**10.00 - 11.51 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies

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### **Present**

Councillors Peter Adams, Vivienne Parry and Keith Roberts

### **13 Election of Chairman**

#### **RESOLVED:**

That Councillor Peter Adams be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

### **14 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

### **15 Application for Sex Establishment Licence - Source Vodka Bar, Shrewsbury**

Consideration was given to an application for a Sex Establishment Licence in respect of the Source Vodka Bar (First Floor), 8 Barker Street, Shrewsbury, SY1 1QJ.

Mr Michael Page (Applicant); Mr Jonathan Mason (Applicant's Representative); Councillor Andrew Bannerman (Local Ward Member); PC Kevin Roberts (West Mercia Police); Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr Mason addressed the Sub-Committee on behalf of the applicant. He explained that a Sex Establishment Licence was currently in place for the ground floor of the premises on a Thursday night adding that the operation had run for the past three years without any problems. The application proposed to increase the operation to 3 nights a week (Thursday – Saturday) and move the activity to a more suitable upstairs room that would be monitored more effectively.

In response to questions from the Public Protection Officer (Specialist), Local Ward Member, West Mercia Police and Members of the Sub-Committee, Mr Page confirmed that:

- The security plan had been submitted to West Mercia Police;
- The conditions as listed by PC Roberts were acceptable;
- The venue currently operated every Thursday night unless this fell on Christmas day or New Year's eve;

- The smoking area was currently used for this purpose;
- Customers would be able to purchase drinks from the bar but table service would also be available;
- The private booths would be curtained and include a panic button;
- The downstairs bar did not serve food;
- The premises operated a strict Challenge 25 policy and did not admit customers after 2am; and
- The premises was inspected annually by Shropshire Fire and Rescue Service.

The Public Protection Officer (Specialist) addressed the Sub-Committee. He confirmed that three representations had been received during the consultation period and read out the relevant guidance in relation to applications for Sex Establishment Licences.

In response to questions from the Local Ward Member and Members of the Sub-Committee the Public Protection Officer (Specialist) confirmed that:

- The times applied for in the new application were the same as the previous licence but were for two additional nights than at present;
- The standard policy did not permit any advertisement of the premises; and
- He was satisfied with the security plan which had been agreed by the Police.

PC Roberts addressed the Sub-Committee explaining that the Crime and Disorder figures for the premises were very low with just one minor incident recorded in the past two years. He noted that the applicant had agreed a number of conditions recommended by the Police but the Police still had concerns in relation to the location of the premises being close to religious and educational establishments.

In response to questions from the applicant and Members of the Sub-Committee PC Roberts confirmed that:

- The religious and educational establishments noted were those in the line of sight; and
- Most people were not aware that the premises was a Sex Establishment due to its elevated position and lack of advertising.

Councillor Andrew Bannerman addressed the Sub-Committee explaining that the establishment would impact negatively on the character of the Town. He stated that the old Tannery building had been given planning permission for University student accommodation and this should be taken on board by the Sub-Committee when determining the application along with the other educational and religious buildings in the close vicinity of the premises.

In response to questions from the applicant and Members of the Sub-Committee Councillor Bannerman confirmed that:

- There had not been any objections received from residents when the original application was approved;

- There were greater risks involved than the original application as the activity would be increased; and
- He was aware of the original application allowing the premises to operate every Thursday night.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11:20 a.m. and reconvened at 11:50 a.m. to announce their decision.

**RESOLVED:**

That the application for a Sex Establishment Licence for Source Vodka Bar (First Floor), 8 Barker Street, Shrewsbury, SY1 1QJ be granted for the following days and hours:

**Opening Hours**

Thursday - Saturday 21:00 to 03:00

Subject to the following standard conditions:

Access to premises

1. Access must be afforded to all parts of the premises at all reasonable times to authorised officers of the Council, the police, the fire service and any other authorised agencies.

Windows, fascia board advertisement and displays

2. The interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - a) the address of the premises
  - b) the licensed name of the premises
  - c) a notice stating the opening hours of the establishment
  - d) a notice in accordance with paragraph 4.3 of these conditions
  - e) in the case of a licence granted to a body corporate:
    - (i) if the premises name is not the same as the full name of the body corporate then such corporate name and;
    - (ii) if the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.

4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. The licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

#### Licensed name

6. At the time of granting the licence in respect of the premises the Council will appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
7. To change the licensed name, a minor variation application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

#### Exhibition of licence and other information

8. A copy of the Licence and these conditions as issued by the Council shall be retained in a clean and legible condition and exhibited in a position that can easily be seen by all persons using the premises.
9. A copy of the conditions of the Licence and these conditions (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
10. There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sexual Entertainment Venue
11. On an appropriate internal door there shall be displayed a notice following the example laid down in the Indecent Displays (Control) Act 1981 namely the following or similar words:

***"WARNING Persons passing beyond this notice will find material on display (activities being undertaken) which they may consider indecent. No admittance to persons under 18 years of age"***

#### Responsibilities of the licensee

12. The licensee shall take all reasonable precautions for the safety of the public and employees on its premises and, except with the consent of the Council,

shall retain control over all parts of the premises. Any request to sublet the premises following the grant of a licence will be determined through an application to vary the licence granted.

13. The premises shall not be used for regulated entertainment as defined by the Licensing Act 2003, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.
14. The licensee, or any person purporting to act upon their behalf, shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.
15. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
16. The written nomination referred to in condition 13 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
17. The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
18. A notice showing the name of the person responsible for the management of the SEV shall be prominently displayed within the SEV throughout the period during which they are responsible for its conduct.
19. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.
20. The licensee shall operate a Challenge 25 Policy and persons who appear to be under the age of 25 shall be required to show valid photographic proof of identification.

#### Management and staffing of the licensed premises

21. The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers contracted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them.
22. The term contracted does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, these such persons must be aged 18 years and over if the premises are open for business.

23. The licensee shall ensure that all persons employed or contracted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
24. The licensee or a responsible person purporting to act upon their behalf shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
25. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified by way of a minor variation application to the Council within 14 days of such change.

#### Change of location and maintenance/repairs

26. Where licensed premises are a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. NB This requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
27. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display ("minor variations") shall not be made except with the prior approval of the Council.
28. The applicant for a minor variation to the premises shall send to the Council a completed form accompanied by a revised plan where applicable of the proposed changes together with the minor variation fee and display a notice on white paper for a period of 14 clear days starting with the day on which notice is served on the Council, on or near the premises.
29. A copy of the minor variation application and any revised plan comments as above shall also be submitted to the chief officer of the police for the police area in which the premises are situated and the Environmental Health Service within 7 days of making the application to the Council.

### Club rules

30. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
31. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

### Fees

32. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

### Performances

33. No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted" so that it can be easily read by persons entering the premises.  
Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
34. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
35. Performers shall be aged not less than 18 years.
36. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
37. During any performance (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the viewing audience except:
  - a. Leading a patron hand in hand to and from a chair or private room or designated dance area.
  - b. Simple handshake greeting at the beginning and/or end of the performance.
  - c. A customary ("peck on the face") kiss at the end of the performance.
  - d. The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
38. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.

39. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.
40. Any person connected with or employed by the business that can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. Scantily clad shall mean that nudity or underwear is visible.
41. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
42. At all times during a performance, performers shall have unrestricted access to a dressing room.
43. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera, mobile phone or any other recording device.

#### Door supervisors

44. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by the Security Industry Agency or appropriate agency.
45. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
46. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

#### CCTV

47. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff areas. All cameras shall continuously record whilst the premises are open to the public and video or digital recordings shall be kept available for a minimum of twenty eight days.
48. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed.
49. The premises will provide any footage of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.



### Touting for business away from the premises

50. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
51. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
52. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.
53. The licensee shall ensure that any marketing communications associated with the SEV or relevant entertainment shall comply with all legal requirements and with the code of practice as issued by the Advertising Standards Authority.

### Opening Hours

54. The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Sub-Committee.

And subject to the following additional conditions recommended by West Mercia Police:

1. All private booths will be fitted with CCTV cameras linked up to the recording system at the location. As with premises CCTV system all footage will be retained for a minimum of 28 days and be of digital image format and colour with production on request to the Police and Shropshire Council and any other agency that has a right to request such footage.
2. All private booths and the stage dancing area will be fitted with panic buttons for the safety of the performers and staff.
3. A security plan will be submitted for the SIA staff on duty at the location which will be agreed by the Police and Shropshire Council.
4. SIA security staff will be on duty at all times the premises is open to the public.
5. At least 1 SIA door supervisor to be on duty at all times in the vicinity of the private booths and the stage area, which is in addition to the standard requirement and will be set out in the security plan for the location.

6. The windows of the location will be blacked out to a level preventing sighting into the location from any exterior location.
7. The stage dancing area will be situated to the rear of the premises to the alcove area to the side of the bar to prevent viewing of such area when the central double doors are opened to allow persons to enter the balcony smoking area on the first floor of the building.
8. The premises will become a member of the Safer Shrewsbury radio linking system via Pubwatch.
9. Notices will be displayed in the premises reminding patrons to leave the location quietly and respect the rights of local residents.
10. The premises will operate a challenge 25 policy at the location.
11. A member of staff will be on the premises at all times trained in the operation of the venues CCTV.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Shropshire Council's Sex Establishments Policy.

The Sub-Committee had fully discussed and taken into account the locality of the premises, in particular its proximity to Claremont Church, Shrewsbury VI Form College and the new university accommodation. The Sub-Committee also noted the concerns of the Local Member and West Mercia Police. However, having considered the application in detail and the answers given by the applicant the Sub-Committee decided to grant the application for 12 months, with conditions (Standard from the Shropshire Council Sex Establishments Policy and the additional conditions requested by West Mercia Police).

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that the applicant had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed ..... (Chairman)

Date: .....