



<u>Committee and Date</u>
Licensing and Safety Sub Committee
19 th June 2013

<u>Item</u>
4
Public

MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD ON WEDNESDAY, 10TH APRIL 2013

10.00 a.m. – 12.20 p.m.

Responsible Officers Emily Marshall
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Present

Councillors: P. Adams (Chairman)
B. Baker, T. Barker, J. Barrow, V. Bushell and A. Davies.

42. APOLOGIES

None received.

43. MINUTES

RESOLVED:

That the Minutes of the meeting of the Licensing and Safety Sub-Committee held on 9th January 2013 be approved as a correct record and signed by the Chairman.

44. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

45. 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.

46. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

Consideration was given to a report of the Public Protection Officer (Specialist) in respect of an application for a Sexual Entertainment Venue Licence for the Source Vodka Bar, 8 Barker Street, Shrewsbury, SY11 1QJ.

The Chairman began by confirming that the following objectors were present and would be permitted to address the Sub-Committee;

- Carol Foster on behalf of Mr Daniel Kawczynski MP for Shrewsbury and Atcham
- Dr Alan Shrank representing the Shrewsbury Town Centre Residents Association
- Councillor Andrew Bannerman who had been asked by objectors present at the meeting to speak on their behalf.

Mr Robert Bywater (the applicant) and Mr Jonathan Mason (the applicant's solicitor) were in attendance. The applicant's solicitor was granted permission to call Mr Tony Mantle, West Mercia Police Licensing Officer as a witness and presented the case to the Sub-Committee. The applicant's solicitor confirmed that;

- The Sexual Entertainment Licence was for pole dancing and lap dancing only, to run alongside the existing premises licence;
- The hours applied for were every Thursday from 9.00 p.m. to 3.00 a.m. only;
- There were no plans to extend the Sexual Entertainment Licence beyond the hours requested, either now or in the future as the Source Vodka Bar was economically viable on all other evenings;
- The applicant was currently permitted to hold a maximum of 11 sexual entertainment evenings within a 12 month period at the Source Vodka Bar as part of their existing licence;
- 4 sexual entertainment events had been successfully held at the premises since August 2012 and no complaints had been received from members of the public;
- There were no plans to change the nature of the entertainment provided by the events that had already taken place at the Source Vodka Bar; and
- Conditions on the Licence would protect local people, in that there would be no external advertising on or near to the premises and the interior of the premises would be closed for visibility purposes.

Mr Bywater (the applicant) was invited to address the Sub-Committee. Mr Bywater added to the points made by his solicitor, confirming that he had not received any complaints following the 4 events already held, the entertainment would not be advertised and the internal area of the premises would not be visible from outside.

The applicant's solicitor called Mr Tony Mantle, Police Licensing Officer, West Mercia Police as a witness.

Mr Mantle confirmed that;

- Since August 2012, West Mercia Police had been aware of lap dancing events being held at the premises;
- Control measures were in place to protect both the performer and the public;
- No incidents relating to the Vodka Source Bar or it's surrounding environment had been reported to the Police;
- He was speaking as a representative of the Chief Officer of Police.

In response to questions from the Public Protection Officer (Specialist), Objectors, Members of the Sub-Committee and the Council's Solicitor, the applicant confirmed that:

- The contents of the Officer's report were an accurate reflection of what was intended;
- He was aware of Shropshire Council's Sexual Entertainment Venue Policy prior to making the application;
- The Source Vodka Bar was situated within a night time entertainment area;
- The four functions that had already been held were operated in an identical way to those proposed in the application;
- The entertainment evenings would be advertised through other local businesses, hotels and bars within Shrewsbury and also through the Shrewsbury Sex Shop;
- He was happy to accept the conditions proposed within the report of the Public Protection Officer (Specialist);
- He had 30 years experience as a nightclub manager, and had formerly been chairman of the Pub Watch scheme. The applicant assured the Sub-Committee that he was a very responsible licence holder and the premises would be run and maintained in a very professional manner;
- He had been running the Source Vodka Bar for three years; and
- In relation to the locality of the premises, the applicant acknowledged that the premises was near to the College, Church and residential dwellings however, the opening times and two heavy curtains would mean that that the inside of the premises would not be visible from the outside and so the general public would be unaware of the entertainment that was taking place within the premises.

The Public Protection Officer (Specialist) presented the report to the Sub-Committee, confirming that 41 written objections had been received, 26 of the representations received were accepted and had been included with the

report; however some parts of the letters had been deleted as they contained representations that were not relevant.

In response to a question the Public Protection Officer (Specialist) confirmed that if the Sub-Committee were minded to refuse the application, the applicant could continue to hold 11 sexual entertainment evenings per year;

The Chairman invited the objectors to address the Sub-Committee.

Carol Foster on behalf of Daniel Kawczynski MP for Shrewsbury and Atcham addressed the Sub-Committee.

In a statement read by Carol Foster, Mr Kawczynski requested that the Sub-Committee refuse the application in accordance with the Shropshire Council Policy for Sexual Entertainment Venues and the officer's report had not provided reasons why the Sub-Committee should depart from its Policy.

In response to questions from the applicant and Members of the Sub-Committee, Carol Foster confirmed that complaints had been received from the Residents of Hills Lane, but she could not disclose the number of complaints received.

Carol Foster stated that Mr Kawczynski acknowledged that Shropshire Council had given clear direction that Sexual Entertainment Venue Licences should not be granted in an inappropriate area.

Carol Foster did not know whether Mr Kawczynski had previously received complaints about the Source Vodka Bar as Mr Kawczynski's office was very busy and some verbal complainants may have been advised to complain directly to Shropshire Council in the first instance. The Public Protection Officer (Specialist) confirmed that there were no complaints recorded against the premises.

Dr Alan Shrank, representing the Shrewsbury Town Centre Residents Association addressed the Sub-Committee. Dr Shrank reiterated concerns regarding the location and layout, however his main concern related to the possibility of a decision to approve the application leading to further similar applications from other establishments within the area which in turn might encourage other activities of a sexual nature within the area.

In response, the applicant's solicitor reminded the objector that each application must be considered on its own merits.

Councillor Bannerman, the objector's representative addressed the Sub-Committee. Councillor Bannerman challenged some of the statements made by the applicant stating that religious services in the evening were common place and that students from the nearby sixth form college would be enticed into the premises. Although the area was an entertainment area during the night time it was a mixed use area for 24 hours each day. He himself had received complaints relating to anti-social behaviour in the area.

In response to questions from members of the Sub-Committee and the applicant's Solicitor Councillor Bannerman confirmed that;

- Most of the complaints relating to antisocial behaviour that he had received were verbal;
- Complaints had been made to the Police, although it was very difficult to pinpoint which venue was causing the problems;
- He had made representations to Shropshire Council's Public Protection Team;
- A location on the outskirts of town such as within an industrial estate would be more suitable;
- Prior to the publicity surrounding the application, no complaints relating to the Source Vodka Bar or the entertainment taking place within the premises had been lodged; and
- People living in the area were not aware of the type of entertainment that had previously taken place within the Source Vodka Bar.

The Council's Solicitor reminded those present that they could request a review of a licence if there were problems associated with a premise.

The Public Protection Officer (Specialist) summed up the application and the objectors were invited to sum up their objections.

The Chairman invited the applicant to make any final comments prior to the Sub-Committee making their decision.

Members of the Sub-Committee retired to consider the matter, in private, at 11.12 a.m. and reconvened at 12.18 a.m. to announce their decision.

RESOLVED:

That subject to the Conditions listed below, the application for a Sexual Entertainment Venue Licence for the Source Vodka Bar, 8 Barker Street, Shrewsbury be granted;

Reasons:

The Sub-Committee had fully discussed and taken into account the locality; the premise being in close proximity to Claremont Church and the Sixth Form College.

However, having heard what the applicant had to say, the Sub-Committee decided to grant the application, with conditions. The Sub-Committee had taken account of Shropshire Council's Sexual Entertainment Venue Policy and made its decision on the basis of the undertaking that the entertainment will only take place on one night per week. The character of the premises will in essence remain that of a pub for the vast majority of the time. The Sexual Entertainment Venue Policy, when made, related to applicants that could have been intending to change the basic character of a premise to that of purely a

sexual entertainment venue (such as one having relevant entertainment on 2, 3 or more times a week).

Because of the particular applicant, that it is just for one night a week, and taking into account the hours the premises will be open, and indeed the character of the particular locality (i.e. not predominantly residential) the Sub-Committee granted the licence subject to the conditions set out below.

The Licence will be granted for one year only, giving an opportunity for the licence to be reviewed if necessary.

CONDITIONS

OPENING HOURS

1. 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 Committee.

WINDOW, 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) 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

8. A copy of the Licence and these conditions as issued by the Council shall be retained in a clean and legible condition, suitably framed 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 (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.

RESPONSIBILITY OF THE LICENSEE

10. 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.
11. 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.
12. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the premises in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
13. The written nomination referred to in condition 12 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.
14. 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.
15. A notice showing the name of the person responsible for the management of the premises shall be prominently displayed within the premises throughout

the period during which they are responsible for its conduct.

16. 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.

EMPLOYEES AND MANAGEMENT STAFF

17. 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.
18. 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.
19. 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.
20. 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.
21. 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 ALTERATIONS TO PREMISES

22. 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 variation") shall not be made except with the prior approval of the Council.
23. The applicant for a minor variation to the premises shall sent 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.

24. 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 Environmental Health Service within 7 days of making the application to the Council.

CLUB RULES

25. 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.
26. 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.

FEEES

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

PERFORMANCES

28. 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.
29. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
30. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
31. Performers shall be aged not less than 18 years.
32. 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.
33. 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.
36. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
37. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.
38. Any person connected with or employed by the business who 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).
39. 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.
40. At all times during a performance, performers shall have unrestricted access to a dressing room.
41. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

42. 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.
43. 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.
44. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

45. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
46. 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.
47. 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.

48. The licensee shall ensure that any marketing communications associated with the licensed premises or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

49. Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Chairman:.....

Date:.....