

Licensing Sub-Committee - Miscellaneous

Wednesday, 2nd November, 2022
6pm

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Barbara Clark, Diggory Seacome and Simon Wheeler
Also in attendance:	Vikki Fennell (OneLegal) Jason Kirkwood

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

There were none. However, there was a site visit by all Members of the committee to the proposed SEV premises.

3. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

The Licensing Team Leader introduced the report.

It was made clear to the Members of the Committee that none of the mandatory grounds for refusal apply. Section 4.5 of the report deals with the relevant grounds for refusal. It would be deemed to be acting illegally to take a moral stand.

The Chair then asked the objectors to speak, there were two objectors, one a business owner in the area and the other a pastor from a nearby Church who made the following points:

- As a business that opens some evenings for the convenience of their clients having an establishment such as this next door could possible damage their reputation and lose them business as well as possibly losing designers who they collaborate with.
- The business already has to deal with rubbish and sometimes vomit and this is always increased at race week.
- The business already loses business during race week as people do not like to visit the town due to the behaviour of some of the race goers.
- The business owner acknowledged that there was a pub next door previously who they enjoyed a good relationship with and who were constantly clearing up any outside mess during race week. It was accepted that they could have the same relationship with the applicant.
- The Baptist Church has a congregation of approx. 400 including 100 children. It is a church that is very active within the community.
- The 2020 policy indicates a specific area where there should be no SEV's. The proposed site is centimetres outside that boundary, therefore it is an inappropriate location.

- There are numerous flats in Cambray Court and a childrens nursery is only 5 doors away. There is also a dance school around the corner, all this makes it clear that this is not the appropriate area for an SEV.
- The Church is thriving and provides youth clubs in the evenings, runs a Christmas market, provides a provision for working mums, adults with learning difficulties and hosts a thriving Chinese Church.

The objectors responses to Member questions were as follows:

- That the most used entrance and exit during the evenings is the rear entrance in Rodney Road. The emphasis was made that both entrances are used in the evenings as the parking on Rodney Road can be difficult.

The two supporters, one an employee of Red Apple and a representative from the BID then made the following points:

- That having worked for the applicant both as a performer and now as a house mother, the company have a great reputation and they look after the performers really well.
- One venue in the town is better than multiple venues where the performers might not be as well looked after.
- Red Apple operate an excellent establishment with very high standards.
- Has sympathy with both the church and the business but feels that there is a need during race week for this kind of entertainment.

There were no Member questions. The applicants solicitor then had the opportunity to address the committee and made the following points:

- The applicant has a wealth of experience running these types of premises and there have never been any incidents that they are aware of.
- There will be no indication from the signage on the premises that there are performers in the building.
- The Police have not objected to the application and have been consulted throughout the process. They have asked for conditions which the applicant has agreed to.
- There are only six days a year that this application will apply as the rest of the time it will be a bar and café.
- It is accepted that the premises are on the edge of the permitted area, but it is within that area. Impact on the locality will be minimal as it is only for a set number of days.
- With regard to the courtesy bus it is well known and been successful for ten years. It is the safe easy way of getting both customers and performers to the venue. There are staff that hand out leaflets to the venue, they are trained not to distribute to anyone under 25.
- Operations such as these are normal and there is no substantiated correlation between crime and SEV's.
- There are a number of representations and events at the nearby church are mentioned, there will be discreet signage at the premises and the upper floors and the basement will be the only ones used for this purpose. It is understood that the church uses the rear entrance at the times that the SEV would operate.

- Previously has been operating from the Two Pigs which is in very close proximity to a church and that has operated successfully for the last few years.
- There will not be queues of people waiting for the venue to open as it will be a well-managed and discreet venue so there should not be any cross over with the nursery.
- There will be security on the door and it will be well managed.
- Red Apple has made a significant investment in the currently vacant building and are only asking for 6 days during race week.
- Customers tend to leave the properties in a respectful manner and there is no evidence to support that there has been any damage to property or any excess noise.
- A lot of the objections are based on moral objections, an SEV is a legitimate business that has a right to apply for a licence.
- The Councils report from 11/2/20 recognises that it is better for the Council to regulate an SEV through licensing and each application needs to be determined by its own merits.

The matter then went to Member questions. The responses were as follows:

- Even though the race meet finishes on a Friday we have found that people stay in the town and for the last 3 years it has been very successful operating on the Saturday.
- Performers are not allowed to leave the premises with a large amount of cash. The majority of the money paid to them is by way of cheque.
- The bus never has both customers and performers in it at the same time.
- If the application is agreed would engage with local businesses as they want a good relationship with their neighbours. The plan is that the premises will open as a coffee shop at 9am so it is in their interests as well as the other businesses that the outside of the premises is clean and free of rubbish.
- The venue is being moved from the Two Pigs to the proposed venue as the Two pigs is in need of repair.
- At the new venue Red Apple will have full control of the premises.
- The timings on the application are from 6-5 as if they open any later there has been incidents of groups of men gathering around outside waiting for it to open. Therefore if it is open earlier it should avoid this happening.
- There will be queue management systems in place with security and a dispersal policy if people are not quiet and respectful to the surrounding area they will be asked to move on.
- There is no advertising on the leaflets that states that it is advertising an SEV. This is a condition agreed with the police, the leaflet only states that there is a courtesy bus. Their staff do try and pick up any discarded leaflets where appropriate.
- In response to a concern raised with regard to the lack of male facilities it was confirmed that this was not a licensing matter.
- The applicant confirmed that they are happy to work with the BID on any issues that other businesses may have.
- If you are entering the church you would not see anything different from the outside of the premises than you would a normal pub or bar.

- Security varies from premises to premises, they will always exceed the number of security by about three times the recommended amount.
- The premises will be visited between 3 and 5 times a night during the nights that they trade as an SEV.

The matter then went to Member debate where the following points were made:

- It is worth highlighting the standard condition 32 with regard to monitoring the area outside the premises for 30 meters.
- Everyone has the right of freedom of expression, it is a lawful activity and performers do have the right to work. The licence does not specify the gender of the performer, the law is compliant.
- The premises does not prevent anyone practising their faith.
- Parliament has made it lawful for these establishments, the Councils role is to administer the regime.
- Objections have to relate to mandatory or discretionary grounds, there is no mandatory reason to refuse.
- SEV's can operate without a licence so by licencing a venue we are providing a stronger degree of protection to performers, customers and residents.
- Mandatory reasons, discretionary powers, parts a, b and c do not apply.
- Part d does apply, there was a site visit, the premises have been empty for a while, applicant has told us about the renovations, if they don't they will have no customers, use of premises, as well as the physical locality there is a temporal element, events may well use a different entry for nearby sensitive premises, applicant indicated he will work with the BID and nearby businesses. The premises are inspected by a number of parties. Not just police, whole host of checks and balances. Performers are required to sign up online and have proper documentation.
- There will be door supervisors looking after the front of the building.
- There are already conditions in relation to modern slavery and coercive control. There are 40 conditions for a licenced SEV compared to none if it operates under the exemption.

The matter then went to the vote:

FOR : 4

AGAINST: 1

Granted.

4. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

The vote to enter exempt session was unanimous.

5. TAXI APPLICATION

The matter was heard in exemption session and the vote was taken to delegate the decision to Officers.

For: 5

Unanimously agreed.

6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION

There were none.

David Willingham
Chair

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