

MINUTES

**ALCOHOL, ENTERTAINMENT &
LATE NIGHT REFRESHMENT
LICENSING COMMITTEE
FRIDAY, 5 JULY 2013**



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Reginald Howard

Councillor Graddon Rowlands
Councillor Bob Russell (Vice-Chairman)
Councillor Susan Sandall
Councillor Mrs Jean Taylor

OFFICERS

Licensing Officers (Richard Etherton, Pam Robinson)
Solicitor to the Committee/Service Manager Legal and Democratic Services
(John Armstrong)
Committee Support Officer (Lucy Bonshor)

1. APOLOGIES

An apology for absence was received from Councillor Breda Griffin.

2. DISCLOSURE OF INTERESTS

None disclosed.

3. MINUTES OF MEETING HELD ON 10TH MAY 2013

The minutes of the meeting held on 10th May 2013 were agreed as a correct record of the decisions taken.

4. LICENSING ACT 2003: APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE AND A VARIATION TO EXISTING HOURS AT TABOO GENTLEMAN'S CLUB, 99 WESTGATE, GRANTHAM

Decision:

That the application to renew the Sexual Entertainment Venue Licence

and the variation to the existing hours at Taboo Gentleman's Club, 99 Westgate, Grantham be granted as applied for.

The Solicitor to the Committee confirmed who was present. Mr Kent solicitor for the applicants Mehmet Yusuf Yenibertiz and Maria Karlsson and Mrs Brown attended as an interested party.

The Licensing Officer referred to report CSL/032 which concerned the renewal of a Sexual Entertainment Venue Licence for Taboo Gentleman's Club in Grantham. In accordance with the Authority's procedures, all applications relating to sex entertainment venues, with the exception of uncontested transfer applications were to be heard by the Licensing Committee. A request had also been made to vary the opening hours.

The Police and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to permit Local Authorities to licence sex establishments.

The applicant had submitted a renewal application on 26th April 2013 and had run a Sexual Entertainment Venue licence at the location since 2012. The application asked for a variation to the existing hours and days the premises was open from: Monday – Sunday 09:00hrs – 03:15hrs to Monday – Sunday 03:15hrs – 04:15hrs. On Bank Holiday weekends, Christmas Eve, Boxing Day and New Years Eve a further 45 minutes until 5:00hrs had been requested.

Three letters of objection had been received from the same person objecting to the variation and contained within the body of the letters comments pertaining to the Sexual Entertainment Venue. Two e-mails had been received from another person objecting to the variation and also making references to the Sexual Entertainment Venue. No objections had been received from any of the responsible authorities. A letter from the Lincolnshire Police County Licensing Sergeant was appended to the report confirming that they had no objection to the licence or variation of hours.

The Licensing Officer reminded Members that each application was to be considered and determined on its own merits and any refusal of the application had to be on certain defined mandatory or discretionary grounds as outlined within the report.

A Member asked about the closing time of other premises in the area, were the hours asked for by the applicant "out of the ordinary". The Licensing Officer replied that it was a matter for the committee to decide; the hours of other premises in the area varied and were not a material consideration for the application.

The interested party, Mrs Brown stated that she thought the opening hours of other premises in the area were a very relevant consideration.

Mr Kent then presented the applicants case. He referred to the previous year and that the applicants had been operating the premises for a number of years prior to the change in legislation which required the Sexual Entertainment Venue (SEV) Licence to be renewed annually. He referred to the Premises Licence for the Premises which had already been renewed including the variation to hours which were being requested alongside the SEV licence. The Police had made no objection to either renewal application. The premises had been operating without problems for the past 12 months. A meeting had been held with the police with regard to the application to vary the hours and they had no objections. Reference though was made to the responsibility that the applicants had in maintaining the same standards. He went through the grounds on which an application could be refused and highlighted the grounds that were applicable to this particular application. There was no evidence for refusal and other than the request for a variation in hours there was nothing significantly different from the application submitted the previous year. Strict rules applied to the premises which would be primarily open on Thursdays, Fridays and Saturdays. He then referred to the Licensing objectives and the criteria for Members to take into account although the criteria for a SEV Licence was different, the Licensing objectives he maintained, should still be acknowledged. He could not see any legitimate grounds for refusing the licence, permission had been granted to show films but these would be music videos for background entertainment. From the representations made he could not see any evidence to support the concerns raised and therefore he asked the Committee to renew the licence as applied for including the variation to extend the hours by one hour and an extra 45minutes on the dates outlined in the report.

Questions were put to Mr Kent by Members concerning the reason to increase hours to which Mr Kent replied that the main reason was customer demand.

The Interested Party then made representation. She began by referring to advertising that had taken place at the premises in November last year which was contrary to the terms of the licence granted and she had informed the Licensing Section. Her main concern was the nature of the premises. She read extracts from a letter that she had received from the Home Office about what should be taken into account when a SEV Licence was being considered and the character of an area should be a consideration. She felt that there was little police presence on the street and Members did not have a clear picture of what happens at night. She then referred to the proximity of a nursery and the fact that young children walked by the premises regularly and asked questions about the premises. She indicated that people had made comments about the premises to her; however, no representations had been received by the Licensing Section. She felt that the extension of hours should not be allowed due to the proximity of the nursery and the time children walked by the premises.

The Licensing Officer then clarified point made concerning the advertising and also the time that the nursery was open which did not coincide with that of the

premises and he confirmed that no other representations had been received from anybody else. Referring to the change in hours he stated that the police had been invited to attend the hearing but they had felt that it was not necessary to attend and the policing of the market place was correct.

Questions were then put to the interested party by Members concerning the references she had made about children from the nursery walking near to the premises and the time. It was confirmed that the premises did not start performances before 7pm in the evening and the nursery closed at 6pm.

Further discussion followed and Mrs Brown made reference to advertising by the premises by having scantily clad women in the doorway.

Mrs Brown was asked if she had evidence to support her views as no other representations had been made.

The Licensing Officer then gave a closing statement. He reminded the Committee that each application should be viewed on its own merits and they should have regard to:

- The authority's sex establishment procedures.
- The Human Rights Act.
- SKDC's regulations prescribing standard conditions.
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The options open to the Committee were:

- To renew the application as applied for.
- To renew the application with modifications and/or additional conditions.
- Refuse the renewal. If, having considered the renewal application the committee decided to refuse it, it had to provide the applicant with the reasons for the decision in writing.

The applicant then gave a closing statement. She reminded the committee that they were not big operators; they had run the premises for a number of years before the new legislation came in. They were just trying to run a business with hard working women who signed contracts and abided by the rules of the premises. She referred to references made about scantily clad women at the door to the premises. She informed the Committee that the women who worked in the premises were not allowed to go outside without being suitably dressed with jackets/coats, and in any event no evidence could be given that the women at the entrance to the premises were guests or performers. The premises were not a "brothel" and she invited the Committee to the premises which was similar to a cocktail bar.

The interested party then gave a closing statement she strongly disagreed with the impression that she may have given that the premises was a brothel this was not her intention at all and she strongly denied this. She believed that the

granting of the licence and the variation would have an impact on the community. She referred to the address of the premises which had been stated as 99 and 99a she thought they wanted to run two establishments one for the films and one for the club; however she had had clarification that this had been a mistake. She also referred to the confusion over the website address for representations to be made. She concluded by stating that she strongly objected to the granting of the SEV Licence and any variation to the hours.

(11.21am the Licensing Officers, applicants and interested party left the meeting)

Members discussed the application having regard to the information contained within the report and the representations made during the meeting. Although Members respected the views the interested party had made, there was no evidence to support these and no other representations had been received. No objections had been made by any of the statutory authorities and therefore it was proposed and seconded to approve the application as applied for including the variation to hours. One Member abstained from voting.

(11.38am the Licensing Offices, applicants and interested party returned to the meeting)

The Solicitor to the Committee read out the decision. The decision of the Committee was to renew the Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended) together with the application to vary the hours were approved as applied for.

5. CLOSE OF MEETING

The meeting closed at 11.40am.