

MINUTES

**ALCOHOL, ENTERTAINMENT &
LATE NIGHT REFRESHMENT
LICENSING COMMITTEE
FRIDAY, 20 JUNE 2014**



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor George Chivers
Councillor Breda Griffin
Councillor Reginald Howard

Councillor Bob Russell (Vice-Chairman)
Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Legal Advisor to the Committee
(John Armstrong)
Licensing Officer (Pam Robinson)
Democratic Officer (Lucy Bonshor)

OTHER MEMBERS

Councillor Alan Davidson

1. APPOINTMENT OF VICE-CHAIRMAN

Decision

Councillor Bob Russell to be Vice-Chairman of the Alcohol, Entertainment and Late Night Refreshment Committee.

The Chairman asked for nominations from the Committee. Only one Councillor was proposed and seconded, Councillor Russell. On being put to the vote he was returned as Vice-Chairman.

2. APOLOGIES

Apologies for absence were received from Councillor Broughton and Councillor Rowlands.

3. DISCLOSURE OF INTERESTS

None disclosed.

4. MINUTES OF MEETING HELD ON 10TH JANUARY 2014

The minutes of the meeting held on 10th January 2014 were agreed as a

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correct record subject to 10.05am on page 3 being changed to 11.05am.

5. LICENSING ACT 2003: APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE AT TABOO GENTLEMAN'S CLUB, 99 WESTGATE, GRANTHAM.

Decision:

That the application to renew the Sexual Entertainment Venue Licence for Taboo Gentleman's Club, 99 Westgate, Grantham be granted as applied for in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009).

The Legal Advisor to the Committee confirmed who was present.

The Licensing Officer referred to report CSL/048 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. The applicant had also applied for a revised floor plan for the ground floor private dance booth1 which had been enlarged so it was similar in size to private dance booth2.

Additional CCTV cameras had been installed in both the ladies and gentlemen's toilet areas (observing the wash basins only). The CCTV monitor previously located behind the bar had been moved to the entrance lobby and was available for door staff to monitor.

No objections had been received from any of the statutory responsible authorities only one objection had been received from a member of the public.

The objection referred to - when planning permission was obtained;
- the objector being unable to read a page in the application;
- the enlargement on the private dancing booth, and
- Concern for the welfare of the dancers

The applicants were then invited to introduce themselves; Mr Kent, solicitor for the applicants Mehmet Yusuf Yenibertiz and Maria Karlsson and Mrs Browne attended as an interested party who had made representation.

A Member asked whether planning permission was required for the work that had been done; the Licensing Officer replied that it was not required.

The interested party asked about the advertisement for the premises and the name. The Licensing Officer replied that Taboo Gentleman's Club referred to the Sexual Entertainment Licensing where as Taboo referred to the premises licence for alcohol. The quality of the plan that had been supplied was also questioned, and the Licensing Officer gave a plan to the interested party and

stated that an inspection of the premises had shown very little change.

Mr Kent then put his client's case. It was the third time that application had been made to renew the Sexual Entertainment Venue licence following the changes to the legislation. No adverse comments had been received from any of the statutory responsible authorities since the licence had been renewed last year and that included an increase in hours. His clients were well aware of their responsibilities both inside and in the immediate area outside the premises. Mr Kent had checked the premises himself and referred to the changes to one of the dancing booths and the relocating of the CCTV camera from behind the bar to the lobby and installation of cameras above the wash basin areas in both the ladies and gentlemen's toilets. The changes to the dance booth was by way of a stud partition wall that did not require planning permission and all changes were very minor and he asked that the Committee approve the renewal as applied for.

Since the last meeting and comments made about the advertising on the front of the premises the silhouette of the lady had been removed and only the words Taboo were now present. Mr Kent felt that the representations made were not valid as they did not fall into either the mandatory or discretionary grounds that the licence could be refused. He went through each of the discretionary grounds stating why each was not relevant. The only ground that may have been relevant was the last one but as a licence had been granted previously and only a minor variation had been made to the dance booth he felt that this was not a relevant ground for refusal.

Questions were then put to the applicants solicitor by the interested party which covered the CCTV coverage of the dancers (who viewed the CCTV footage and how long it was kept (28 days) – Management, Local Authority Inspectors, the Police), the safety of the dancers whilst in the private booths, the code of conduct for both patrons and dancers specifically the no touch rule and the expectation of free dances, how inappropriate behaviour was dealt with, who viewed the incident book (the Police, Local Authority Inspectors) and what was a house fee. Mr Kent replied to the majority of the questions and Maria Karlsson explained the house fee.

The Legal Advisor reminded the interested party that her questioning should be relevant to the licence under discussion.

The interested party felt that due to the nature of the business carried out at the premises there was little information available and she was trying to find out more as she was concerned about the working conditions of the women.

Another Member asked for clarification about who could see the CCTV monitor in the lobby to which Mr Kent replied.

The Licensing Officer then gave her closing statement reminding Members that each application had to be considered and determined on its own merits and the Committee should have regard to South Kesteven's sex establishment procedures, the Human Rights Act, SKDC's regulations prescribing standard

conditions and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Any refusal of the application had to be on certain defined mandatory or discretionary grounds as outlined within the report.

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 must provide the applicant with the reasons for the decision in writing.

The interested party declined to give a closing statement as she had raised her concerns previously.

The applicants solicitor then gave a brief closing statement stating that the police did visit the premises regularly and worked with the management on the operation and management of the premises and they were happy with the premises as they had not submitted any representations and he asked the Committee to renew the licence.

(10.55am the Licensing Officer, applicants and their solicitor and the 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. Members respected the views of the interested party but having considered them determined there was no evidence to support her assertions and questioned their relevance in strict licensing terms when applied to the mandatory and discretionary ground that Members must have regard to when determining whether to refuse an application. Members were also mindful that no other representations had been received from any of the responsible authorities. It was proposed, seconded and unanimously agreed to approve the application as applied.

(11.01am the Licensing Officer, applicants and their solicitor and the interested party returned to the meeting)

The Legal Advisor read out the decision of the Committee. The Committee having considered in depth the representations made, and whilst wishing to express their gratitude to those who had taken time to attend and present their particular views on the application, had agreed unanimously, having regard to the relevant grounds on which a decision had to be based, to renew the application as applied for.

6. CLOSE OF MEETING

The meeting closed at 11.04am.