



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing: 8th September 2017

Licence Type: Application for the grant of a Sexual Entertainment Venue Licence

Name of Applicant: Bar 52 Ltd

Name of Premises/Postal address of Premises: Bar 52, 52 Prince Of Wales Road, Norwich, NR1 1LL

Persons present: Councillors Button (chair), Woollard (vice chair following election), Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby, Thomas (Va) and Wright; and Mr Tony Grover, representing the applicant; Mr Petrit Vladi; Lauren Hendrik, Daz Crawford, Gavin Tempest and Simon Goodings from Sugar & Spice; Tony Shearman, Environmental Protection, Licensing and Markets Manager; David Lowens – Clerk, Alex Hand senior committee officer.

The committee considered and agreed to receive late representations. There were no declarations of interest.

SUMMARY NOTES OF HEARING

Mr Shearman presented the report.

Mr Grover, on behalf of the applicant, presented his application, noting that the premises were already in operation, the application was made in accordance with the regulations and properly submitted. The premises opened three years ago. This was a well-managed and safe venue and the police had only been called once to the premises. The premises were not operating at the time of application as a sexual entertainment venue, but if the application was granted, would be refitted as the same.

The applicant noted he would be obtaining an experienced supervisor for dancers and additional management control will be via conditions of employment introduced by a new manager when in post. The premises would have a lobby with separate doors, it would be impossible to see inside from the street, and when open entry will be monitored by door staff. Door staff would ensure compliance with stated house rules and CCTV systems will be constantly monitored by a dedicated member of staff via tablet showing all CCTV images. The applicant sought amendments to standard conditions.

Regarding the latterly received objections, the applicant suggested that the councillors concerns were directed towards old studies, and there was no evidence to show these concerns were in effect in Norwich. Noting the locality, the applicant stated Bar 52 would not be open when the school/church were open and nothing at the exterior would indicate it is a sexual entertainment venue.

Discussion ensued regarding business cards and the giving of these to dancers. Discussions also took place regarding acceptable smoking areas. The applicant noted that door staff would be present at the front of the premises to ensure control and to ensure that no soliciting took place. The applicant was keen to have a clear net curtain on the booths that could be seen through and thus supervision maintained. Dancers would maintain compliance with the code of conduct.

Discussion took place regarding controls via CCTV and it was noted by the applicant there would be CCTV in each booth.

Discussion took place regarding safety of performers and the applicant confirmed that performers would be escorted to their mode of transport. This was not yet entered in the policy but would be in due course.

Committee considered other applications before making a decision in respect of Bar 52.

DECISION OF COMMITTEE

The application was granted with amended conditions. The following amendments were made to the standard conditions.

- 1) Regarding Condition 10, as to soliciting custom, it was agreed that the following words would appear 'apart from promotional flyers for the premises, which shall not include the following;
 - a) Any depiction of full nudity
 - b) Any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
 - c) Any description of sexual or violent images, or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

Committee imposed a condition that promotional flyers may only be distributed during the hours the premises are acting as a sexual entertainment venue, and may only be distributed in Prince Of Wales Road, Norwich.

- 2) Condition 31 is amended to delete 'at no time shall a performance or persons working in the premises be visible from outside the premises, with the exclusion of door supervisors', replacing these words with 'performers may only go outside the premises in the presence of a door supervisor and when fully dressed'.

- 3) Condition 43 is amended to start 'the inside of all booths, cubicles or VIP areas must be visible to direct supervision from outside the booth', deleting 'and must not have closing doors, curtains or coverings of any description'.
- 4) Committee did not agree to amend the wording of Condition 50, for reasons of dancer safety.
- 5) Condition 53 is amended by deletion of '(this excludes the toilets as performers must not use the public toilets whilst open to the public)'.
- 6) Current Condition 54(3),(4) and (5) are deleted, and Condition 54 rewritten in accordance with the proposal of the applicant contained on page 245 of the agenda:

The licensee must ensure that during the performance of a table dance:

- (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a dance
- (2) Customers must remain seated during the entire performance of the dance

The licensee must ensure that during the performance of a lap dance:

- (1) For a seated performance, customers must be seated in an upright position with their hands by their sides or, for a performance on a bed, customers must be lying with their hands by their sides or behind their head, before a dancer can start a dance.
 - (2) Customers must remain seated or lying down during the entire performance of the dance.
 - (3) There shall be no physical contact from the customer to the Performer except for the placing of money/tokens in a garter or in the hands of the Performer at the beginning or conclusion of the performance or for payment of drinks.
 - (4) Performers may only touch the customer with their hands for the purpose of restraint.
- 7) Condition 55(3) 'performers may not intentionally touch a customer at any time during the performance unless absolutely accidentally or due to a third party' is deleted, as not necessary due to other conditions.

REASONS FOR THE COMMITTEE'S DECISION

Committee noted the premises appeared well run as a bar, with well written policies and the police had made no representation regarding the application and had no objections to the proposal. The committee, noting the grounds on which the application could be refused, and after considering the nature of the locality (the late-night activity zone) and feeling that the character of the locality was predominantly retail and leisure use based, considered on the evidence provided, that they had no reason to refuse the application. The committee noted the licensing

policy of Norwich City Council did not contain a stated number of SEV establishments for this locality and proceeded also on that basis. The committee considered Schedule 3 of the (Miscellaneous Provisions) Act 1982, the Home Office Guidance, and its own statement of policy.

RIGHTS OF APPEAL – The applicant has a right of appeal in respect of the decisions of committee, to be exercised within 21 days of being advised of the decision appealed against. The right of appeal is at first instance to the Magistrates' Court.

Dated 30th.....November 2017

Signed.....Subt chair