



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: Dazmonda Ltd t/a Sugar & Spice

Name of Premises/Postal address of Premises: Sugar & Spice, 39 Prince Of Wales Rd, Norwich NR1 1BG

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

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

SUMMARY NOTES OF HEARING:

Mr Shearman presented the report.

Mr Tempest, representing the applicant, noted his previous experience as Chief Inspector in charge of community safety and the night-time economy, and mentioned, in his view, that the police hold the venue in high regard. There were no representations from the police to be considered by committee. The premises has an extensive code of conduct and this was described further by Daz Crawford.

Mr Crawford addressed committee. He gave details of the way Sugar & Spice operated and noted it was the only proposed SEV club which can accommodate wheelchairs. The premises had a number of regular customers. Capacity was discussed and it was noted that the capacity was 200 persons. On a busy Saturday, 100 persons could be present, but likely to be less. 48 CCTV cameras were present. In respect of controls, the applicant noted they have a Challenge 25 policy in force, a breathalyser was used and in the last three months they had probably turned 150 persons away from the premises. The application was fully in accordance with procedures and policies. Panic buttons were present but in seven and a half years, the applicant thought they had been pressed less than ten times. Planning conditions did not permit smoking at the back of the premises, screens were see-through to ensure controls and CCTV was anyway in each booth.

Regarding conditions, all venues in Norwich have lying down areas and this premises is included.

Dancers were not allowed to accept phone numbers or contact numbers of any sort. Reference was made to condition 42 and minor renovations/decorations which will not affect capacity.

Regarding the locality, the applicant mentioned there were places of worship and education nearby, but the premises were in the late-night activity zone and would not be open whilst the school was open. The Muslim Faith Centre was in a separate location. The premises were already operating and had operated successfully for seven years and were well thought of by the police. Advertising would not refer to sexual matters and indeed, granting the operating license requested would have no practical effect, as no change was proposed to the way the premises were already running. In conclusion, the applicant noted this was a lawful activity, fully compliant with SEV policy statements and a very well-run premises.

DECISION OF COMMITTEE

The decision of committee was to grant the license sought with amended conditions.

The locality is noted to be in the late-night activity zone and the character of that locality was noted to be predominantly retail and leisure uses.

1. In respect of Condition 10, the following words are added; 'apart from promotional flyers for the premises, which shall not include the following;

- a) Any depiction of fully nudity
- b) Any depiction of partial nudity, (including the display of breasts, buttocks or genitalia).
- c) Any depiction 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.

2. In addition, the committee imposed a condition that promotional flyers may not be distributed during times when the premises is not open for the purposes of being a sexual entertainment venue, nor shall flyers be distributed outside Prince Of Wales Road.

3. Condition 11 is to be amended to read as follows ' the licensee shall maintain an up to date register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence and the names and addresses of those employed in the establishment. There will be a daily register of employees and members of staff on duty, showing who is working. This register is to be completed each day within 30 minutes of the sex establishment being open for business, and is to be available for inspection by the police and by authorised officers of the council.



4. In respect of Condition 20, the word 'dedicated' was removed.
5. Condition 28 is amended to exclude the use of toy handcuffs from controls.
6. Condition 31 is amended to read 'the windows and openings of the premises shall be covered with a material which will ensure the interior of the premises is not visible to passers-by. Performers are to be fully dressed when outside the premises at all times.
7. Condition 42 is amended to include 'with the exception of minor decoration changes, which will not affect capacity', which is added to the end of the first sentence
8. Re Condition 43, regarding booths being visible to supervision, this was redrafted as 'all booths, cubicles or VIP areas used by private dancers must not have closing doors, curtains or coverings such that they are not easily visible to supervision from outside the booth'.
9. Re condition 44, this was amended to "All booths, cubicles, VIP areas used for private dances must be monitored by either a SIA-registered door supervisor, a member of staff who has direct contact with SIA-registered door supervisors working on the premises, or a CCTV operator at all times the booths/cubicles/VIP areas are in use".
10. Condition 46 is amended to read 'performers shall only perform to customers in specified designated areas or in such areas of the licensed premises as may be agreed in writing by the council.
11. The committee did not agree to an amendment of condition 50, which remains as per the standard conditions in order to assist dancer safety.
12. Condition 53 is amended to delete '(this excludes the toilets as performers must not use the public toilets whilst open to the public)'.
13. In respect of Condition 54(5) 'performers must not place their feet on the seats' is deleted. Condition 54 will read 'the licensee must ensure that during the performance of a table, lap, sofa or bed dance;
 - (1) Customers must be seated or lying with their hands by their sides or behind their head before a dancer can start to dance
 - (2) Customers must remain seated or lying during the entire performance of the dance
 - (3) Performers must not sit on or straddle the customer when naked
14. Current Conditions 54(3) and 54(4) are deleted

15. Condition 57 is amended to include in the exceptions 'a social greeting such as a handshake, hug or kiss on the cheek'.

Committee considered the appropriate locality and its character. The committee was of the view the relevant locality was the late-night activity zone and the character of that locality was predominantly retail and leisure uses.

Committee noted the premises were of long-standing, appeared well-run, with satisfactory policies and police had made no representation regarding the application. It was accepted the police had no objections to the proposal. The committee were aware of the grounds on which the application could be refused and after considering these, felt that, on the evidence provided, no reason to refuse the application had been made out. The committee noted that the licensing policy of Norwich City Council did not contain a stated number of SEV establishments for this locality. The committee considered Schedule 3 of the Local Government (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.

Dated30th.....November 2017

Signed...*Button*.....Chair