



# NORWICH City Council

## NOTICE OF DETERMINATION

Date of Hearing: 8<sup>th</sup> September 2017

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

Name of Applicant: Romina (Management) Ltd

Name of Premises/Postal address of Premises: Platinum Lace, 15 Dove St,  
Norwich NR2 1DE

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 Daz Crawford, Mr Simon Goodings (both present for Sugar & Spice) Mr T Grover representative for B52, Mr Les Pierce, Mr Matthew Phipps, Solicitor, Councillor Lesley Grahame, Mr Tony Shearman, Environmental Protection, Licencing 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 save from Cllr Maxwell.

### SUMMARY NOTES OF HEARING:

Following Mr Shearman presenting the report, Mr Mathew Phipps, solicitor on behalf of the applicant, presented their application to committee. He was supported by Les Pierce, the chief operations officer of the group, and Lisa Dunne, who had eleven years of experience at Platinum Lace.

The applicant mentioned that the activity was lawful and legitimate if conducted properly within parameters. The premises had been operating for eleven years. The premises had only ever traded as a striptease venue.

The applicant noted the objection from Helen Dawson and asked committee to consider whether there were any matters of substance or relevance contained in respect of the specific application. The applicant viewed the objection as being directed to Prince of Wales Road and the premises were in Dove St. The applicant noted the Norfolk Constabulary had not objected to the application and confirmed that the applicant was applying for what they currently carried out. The applicant suggested nothing in this objection was relevant to the application premises. There was not a single observation about the operation of the unit itself

The applicant then noted the representation of Councillor Grahame. Whilst legitimate to consider the representation, relevance was important. It was noted the form used was not designed to deal with sexual entertainment venues (SEVs) but instead was dealing with premises licenses. Matters under the Licensing Act 2003 objectives were not material considerations. Policies mentioned relate to other local authority areas and other parts of the UK, and it was suggested these passages do not help inform the council's decision. It was noted there was a reference to 'opposite Sugar & Spice' and the applicant again queried whether the representation was relevant to the applicant premises. Each application should be considered on its individual merits and the representation should be about the individual application. The applicant suggested Councillor Grahame's representation was a generic predisposition objecting to this activity. The applicant noted that the Edinburgh and Newquay studies preceded SEV legislation.

The applicant noted that the application was for the same layout and hours that the premises currently operated. The applicant is a national operator, the formalities are satisfied. While no photographs of the interior of the premises were available, this was because until four days ago, no objection had been received to the application. The premises was the most discrete of all these proposed SEV premises in Norwich and the applicant confirmed there was no line of sight from the street into the area where licensable activities took place, there was no chance of anyone entering the premises by accident due to door staff and committee was provided with a copy of the rules and regulations governing the premises.

The applicant requested changes to the generic conditions, suggesting that in respect of Condition 20, requiring a dedicated CCTV operator, would not be proportionate to the risks and the applicant referred to the proposed amended conditions contained in their application.

Regarding the area, the applicant noted that the premises was positively regarded in the locality, and this was borne out by representations received before the committee from some local businesses in support of the application.

Councillors raised questions relating to the proposed amendment to the standard conditions. The applicant responded, noted that, regarding hours, they had not sought longer than the council's policy suggested.

Numbers of bar staff and dancers were discussed, which varied between days of the week from 7 to 18-22 dancers in busy periods.

The committee heard other applications before making their decision.

## DECISION OF COMMITTEE

The application was granted, with amended conditions.

- 1) The committee did not agree to remove Condition 10, feeling whilst marketing for custom was not inappropriate for Prince of Wales Rd, marketing for custom in Dove St was not appropriate to the nature of that locality



- 2) Regarding Condition 20, the words 'by a dedicated member of staff or security personnel at all times' was deleted
- 3) Committee agreed the proposed amendment to Condition 23 "A Fire Risk Assessment will be undertaken at the premises and a customer capacity limit set. Such capacity limit shall be complied with at all times. A copy of the Fire Risk Assessment will be made available to council and police officers on request".
- 4) Committee agreed to remove 'the external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order' from Condition 38.
- 5) The committee agreed to delete Condition 39,
- 6) The committee agreed alterations to condition 42 (adding "with the exception of minor alterations to the interior layout of the premises that would not add to the capacity of the premises")
- 7) Amendments to condition 54 were agreed as proposed by the applicant, with the additions of the words "unless in areas as may be agreed in writing with the council" to condition 54(5) and "or as otherwise may be agreed in writing with the council" to condition 54(1) and 54(2).
- 8) New condition 62 was agreed to be inserted as proposed by the applicant: "A customer code of conduct shall be prominently displayed and clearly visible throughout the premises, advising patrons of the rules as to how the striptease will be performed".
- 9) Committee amended condition 53 to delete "(this excludes the toilets as performers must not use the public toilets whilst open to the public)".

## REASONS FOR THE COMMITTEE'S DECISION

The premises were well run with acceptable controls and policies, to which the above proposed changes to the standard conditions would assist. The nature of the locality was that of the City Centre Leisure Area excluding the Late Night Activity Zone, being predominantly retail and leisure in character. Committee noted that the police had made no representation regarding the application, and it was accepted that the police had no objections to the proposal, nor to the way the premises had been run. The committee reviewed the grounds under paragraph 12 of schedule 3 of the Act and noted that a decision to refuse a licence must be relevant to one or more of those grounds. The committee 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, and also proceeded on this basis. 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.

Dated .....30<sup>th</sup>.....November 2017

Signed.....Shuton.....Chair