

Licensing committee**14:15 to 16:40****7 March 2019**

Present: Councillors Malik (chair), Fulton-McAlister (E) (vice chair), Ackroyd, Bradford, Brociek-Coulton, Fullman, Huntley, Maxwell, Raby (sub for Henderson), Ryan, Stewart and Thomas (Va)

Apologies: Councillors Henderson and Price

1. Public questions/ petitions

There were no public questions or petitions received.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 18 December 2018.

4. Application for the Grant of a Sexual Entertainment Venue Licence – Lace, 75 Prince-of-Wales Road, Norwich, NR1 1DG

The environmental protection, licensing and markets manager presented the report. A member asked if it was possible to have an indication of the feedback received to date in relation to the consultation on the draft Sexual Establishment Policy. The legal advisor to the committee advised that no weight could be given to this information and the application in front of the committee was being assessed under the current policy and not the draft policy.

A member queried if the certificate in the agenda pack on page 23 had been returned to the licensing department signed, as the copy provided within the agenda pack was not. (The committee adjourned whilst the certificated was produced.)

The legal advisor for the applicant said that the licensing committee had met on 6 September 2018 and proposed to set a cap on Sexual Entertainment Venues (SEVs) at three, she said the logic for this seemed to be that three existed in the area of the city at that time. The venue then did not renew its licence leaving two SEVs in the area. When the draft policy figures were considered, these were set at two again as

the logic seemed to be that this reflected the current number in the area.

The business was owned by a family with a history of owning and running licensed premises. The family had suffered a well publicised tragedy and the renewal date for the licensing of the premises had been missed. If not for this family tragedy, the business would hold a current licence. The business had been licensed as required since 2010.

The chronology of events was summarized, on 7 September 2017, the initial SEV licence was granted, and expired on 7 September 2018. On 11 September 2018 the manager of the business died. The licensing committee convened on 6 September 2018 and at this time there were only two SEVS in the area; therefore the draft policy was set at two. The application being made was under Norwich City Council's existing policy which did not have any cap on numbers.

There were no police objections to the application. The operator had a nine year trading history and members were referred to papers which had been circulated which were anonymized emails from previous performers and workers at the club in support of the application.

A member asked if there had been changes in the business's interaction with the police. The police licensing officer said that various people had been running and managing the club over the period of its ownership by the family but the police had no issues with crime and disorder.

A member asked why the premises were referred to as a 'gentleman's club' and question if it was only for gentleman. The legal advisor for the applicant said if the licence were granted the business could give thought to rewording. It was not meant to exclude women from visiting the premises.

Norwich City Council's standard licence conditions stated that licence holders were responsible for ensuring the safe passage of performers from their venue and at LACE security staff were paid to walk performers to their cars or a taxi.

A member asked if the premises employed any male, transgender and or mature dancers. The legal advisor for the applicant said it was outside the premises control who applied to work there or who attended the business. Mr Ward, premises manager said that female customers were not turned away but did not attend in high numbers.

A member asked why all performers were self employed and if there was scope for a performer to ask to become employed. The legal advisor to the applicant said that it was personal choice and was the most common model across this style of business.

A member noted an inconsistency in the paperwork presented and asked for clarification on the minimum age of entry. Mr Ward said that the policy was 'challenge under 25' but customers over 18 were allowed in to the premises.

In response to member questions, Mr Ward said that there were two security operatives on site when the business was open, one at the front doors and one upstairs. Customer's bags and coats were checked upon entry.

The legal advisor to the applicant said that the current application had been submitted on 3 January 2019. However, the business had been shut since approximately

February 2018, before the expiry of the original SEV licence due to possession issues which were now fully resolved. Mr Peri held significant responsibilities within the business and the fact that the SEV licence had not been renewed only came to light after his death. When the family became aware they started to pursue a fresh application.

In response to a member question regarding performer welfare, Mr Ward explained the role of the housemother, who could be a man or a woman and was available for performers to talk to if they had any concerns. Records of conversation relating to welfare concerns were kept by the manager. A member asked how exploitation of performers was picked up upon. Mr Ward said at interview and induction questions were asked about whether it was their choice to work. He said that the venue was 'close knit' and issues were dealt with. A member asked what specific training the house mother had undertaken. Mr Ward said that they were normally ex dancers, familiar with the business who acted in an 'agony aunt' role.

A member asked about the interview and induction process. Mr Ward advised that at induction, the code of conduct and house rules were explained and a performer introduced to the venue, was carried out this normally lasted an hour to an hour and half. The business actively recruited via social media platforms but many dancers approached the club directly.

A member asked if the area had changed since the original SEV licence was granted in September 2017. Mr Ward said that the clientele of the area had changed, the night time economy was slower and fewer people were spending. The legal advisor to the committee discouraged against considering market forces when determining an application.

A member noted that a large amount of residential housing was due to be built on Mountergate. The legal advisor to the committee noted that Mountergate was the only building raised as relevant to consider in the area, a member noted that there was also a school near the proposed premises.

The committee heard from Daz Crawford who had submitted a representation to the application. Mr Crawford said he operated a SEV in the area, he was an ex dancer and performer who had been in the industry over 25 years. He objected to the application as he was concerned the draft policy on sexual establishments was proposing a cap of two sex establishments and his was one of the two current businesses operating in that area. It would be perverse to grant the application today then have to review all three applications in September.

The legal advisor to the applicant summarized her points and said, there had been a considerable discussion on caps but the committee were respectfully required to apply the policy which existed, and could not pre judge the outcome of the consultation. There were multiple licensing authorities who had set the appropriate number of SEVs in their area at nil but yet continued to renew the SEVS existing in their area annually on the basis that they were trading lawfully.

This application was made by an operator who had been trading lawfully for the best part of a decade without issue. The police had raised no concerns with the application and no local resident, school or religious establishment had raised any issue. The applicant thought that weight must be paid to this. The applicant admitted their oversight and the reasons why the application to renew the licence had not been

made. The committee's comments on improvements which could be made had been noted.

RESOLVED to exclude the public from the meeting below on the grounds contained in paragraph 5 of Schedule 12(A) of the Local Government Act 1972, as amended.

(Following discussion, the public and the applicant were readmitted to the meeting.)

The legal advisor to the committee advised that the committee had applied its current policy and not the draft policy to the application. It was noted there were no complaints or concerns from any school or religious establishments nor from any resident. The police had no concerns regarding crime and disorder.

This decision to grant did not pre judge any later decision on the draft policy following close of consultation. The committee did not consider on the evidence provided that any of the statutory reasons for refusal were evidenced.

RESOLVED with Councillors Ackroyd, Bradford, Brociek-Coulton, Fullman, Fulton-McAlister (E), Huntley, Maxwell, Raby, Ryan and Stewart voting in favour of the application and Councillors Malik and Thomas (Va) voting against, that the application be granted subject to the following conditions:

- (1) that welfare training for house parents is introduced to include safeguarding training, health and safety and wellbeing; and
- (2) for the interviewing procedure to include information about other employment statuses and an explanation of the rights associated with these.

5. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 10 December 2018 and 11 February 2019.

CHAIR