



Licensing Committee

16:30 to 17:45

26 November 2020

Present: Councillors Stutely (chair), Fulton-McAlister (E)(vice chair), Ackroyd, Brociek-Coulton, Giles, Grahame, Huntley, Maxwell, Oliver, Price, Ryan and Youssef

Apologies: Councillor McCartney-Gray

1. Declarations of interest

There were none.

2. Public Questions/Petitions

There were none.

3. Minutes

To approve the accuracy of the minutes of the meeting held on 5 August 2020.

4. Statement of Licensing Policy

The chair introduced the report and explained that the purpose of the report was to approve the draft Statement of Licensing Policy for consultation. The committee would have an opportunity to review the consultation responses and the revised policy before the final version of the revised Statement of Licensing Policy was referred to council for adoption.

The environmental health and public protection manager presented the report and reassured members that the committee would consider a cumulative impact assessment (CIA) at the appropriate time in the future.

The public protection (licensing) team leader highlighted to the committee the other changes in the draft licensing policy, made in line with changes to legislation and guidance to ensure that the licensing policy was up-to-date. The statutory consultees would be consulted on the draft licensing policy and any omissions or changes in legislation that had not been covered would be raised in response to the consultation.

During discussion, the committee agreed a number of changes to the draft licensing policy for consultation. Members were asked to advise officers of any typographical errors outside the meeting. The changes included: further text to clarify the definition of an application and who had the ability to apply for a licence; provisions for facilities on the highway in accordance with the appropriate legislation; text to protect vulnerable people and children and provide controls where appropriate; stating the intention that a CIA would be produced at the appropriate time and to review this position 6 months after the policy has been approved; and, requesting the provision of gender neutral toilet facilities, where there were three or more toilets at a premises.

RESOLVED to:

- (1) authorise the environmental health and public protection manager to consult on the draft Statement of Licensing Policy, subject to the following amendments:
 - (a) 3. **Applications for licences** – [Insert here what is the definition of an application and who has the ability to make an application Sec 16 LA]
 - (b) 18.3 (additional text, shown in italics) Applicants should be aware that the provision of facilities (including tables, chairs barriers etc.) on the public highway require a separate permission in accordance with the Highways Act 1980 *or any other relevant legislation that might be in force at the time.*
 - (c) 20.3 (additional bullet point):
 - *protecting people from the risk of harassment and abuse, including sexual harassment, and protecting vulnerable adults from harm*
 - (d) 20.4 (additional bullet point):
 - *protecting people from the risk of harassment and abuse, including sexual harassment, and protecting vulnerable adults from harm*
 - (e) 26.7 (additional bullet point):
 - *where children are employed in the premises*
 - (f) 26.9 (additional bullet point):
 - *Measures to ensure children employed as staff are protected from harm*
 - (g) 29.3 (additional/amended text): Due to the current Covid-19 pandemic and the changing restrictions on licensed premises, it is not possible to carry out an *appropriate* cumulative impact assessment at this time. *It is the intention of this authority to perform a cumulative*

impact assessment at an appropriate time. This committee will review the possible introduction at a six monthly interval from the introduction of this policy.

- (h) 31.1 (additional/amended text): The applicant should provide an appropriate number of suitably designed and maintained toilet facilities together with hand-washing facilities *to be provided separately for use by male and female patrons at all licensed premises where patrons will be consuming food or drink on the premises, or where regulated entertainment is being provided. Generally, where there are three toilets within a premise one should be indicated as being gender neutral. This is to improve accessibility, comfort and the public safety of individuals who prefer not to use gendered toilets.* Generally, these facilities shall be separate to those provided for use by staff, though an exception may be considered in respect of small premises (capacity less than 50 persons including staff). The criteria are attached at Appendix 1.
- (2) note that the committee will consider the outcome of the consultation at a future meeting before recommending the Statement of Licensing Policy to council for adoption.

CHAIR



Licensing Committee

10:30 to 15:20

28 January 2021

Present: Councillors Stutely (chair,) Ackroyd, Driver (substitute for Cllr Ryan) Giles, Huntley, Maxwell, Oliver, and Youssef

Apologies: Councillors Fulton-McAlister (E), Brociek-Coulton, Grahame, McCartney-Gray, Price and Ryan

1. Declarations of interest

There were no declarations of interest.

2. Public Questions/Petitions

There were no public questions or petitions.

3. Application for the renewal of a Sex Establishment Licence - Sugar and Spice

(Daz Crawford and Simon Goodings, directors of Sugar and Spice were in attendance for this item).

The chair introduced the panel and the applicants.

The licensing team leader presented the report. The legal advisor for the committee added that the committee could depart from policy . The committee would be considering each of the three applications on their own merits and would hear all three before any determinations were made. If the committee was minded to give significant weight to the number of licenses, it would be appropriate to consider sensitive locations which were set out at page 5 of the report.

The chair invited Daz Crawford to address the committee. Mr Crawford said that he and Simon Goodings, were the two owners of Sugar and Spice and had been involved in the night-time economy for over thirty years, including managing the most successful nightclub in the city. He had worked in several table dancing venues and brought that experience to Sugar and Spice.

The business model was to move away from the negative reputation of 'gentlemen's clubs' by introducing training for the performers who would work in a well-lit and well

run venue. The venue provided professional entertainment with a five star service. The venue was wheelchair accessible and around thirty percent of the customers were female.

The venue welcomed many regular customers who would use the venue to have a social drink and enjoyed the safe and pleasant atmosphere. The venue had a strict code of conduct which had to be adhered to. The success of the venue was down to the good working relationships with customers, local police and the council. It employed ten bar staff, together with security staff and performers. Professional cleaners were also brought in each day.

The business had been unable to open as a Sex Entertainment Venue (SEV) since March 2020 due to the Covid-19 pandemic, and had instead opened as a bar only in July 2020 to try and keep staff in employment. The venue had been closed since Christmas 2020 and staff had been paid through the furlough scheme which the business had topped up to 100% of wages from March to July.

The performers were interviewed in an extensive process and were tested on the code of conduct and health and safety procedures before they were allowed to start work and a review was undertaken one month into employment to ensure they were 'settling in'. Training was provided on an ongoing basis including advice on how to grow as a professional entertainer. The performers also had access to a representative for one to one advice as well as the manageress with monthly group meetings held to discuss any issues. It was noted that the performers had access to shower facilities.

Within the venue there were 64 CCTV cameras with footage kept for 31 days. There were phones within the venue and panic buttons in the private booths. The panic buttons had been used around six times in eleven years. Trained security staff were present and the 'Challenge 25' process was in place. The venue also made use of technology to check for false IDs. Performers used an app on their mobile phones to ensure that their time spent with customers and the prices were regulated.

The business was run by two experienced and professional operatives who had worked together to build the city's number one table dancing club and he asked that members considered the application on these merits.

A member asked what provision had been made for staff to return to work once lockdown was over. Mr Crawford said that the managers would meet with all of the staff and remind them that the senior girl and the manageress would be there if they had any concerns. The managers had a good relationship with the staff and had been in regular contact with them throughout the lockdown.

A member referred to the code of conduct and asked what training was given to security staff and whether customers who had breached the code of conduct were banned from the premises. Mr Crawford said that the security staff were briefed on the types of customers that the venue had and customers were briefed on the code of conduct at the door. If the customer 'overstepped the mark' in the club, they would be asked to leave. There was also CCTV throughout the venue which could be reviewed and the performers would go directly to management if there was an issue. Security staff received training which was specific to the venue as it was different to a regular bar or pub and had to sign the briefing to say they had

understood. Management would also speak to security staff regularly throughout the night.

The chair asked if the SIA trained security staff were part of the permanent staffing of the venue. Mr Crawford said that they were from a security agency and that a minimum of two SIA trained security staff were present on a Friday and Saturday and one on the other days. The venue was not heavily populated like a nightclub and customers were always seated.

In response to questions from a member, Mr Goodings said that a radio alert scheme was in use with some venues which would allow venues to be altered if someone was ejected from the premises. The venue had wheelchair access and carers were also welcome with no cover charge for carers.

By way of a follow up question, a member asked how one security person could monitor both outside and inside the venue and whether there was a log book kept of customers who breached to code of conduct. Mr Crawford said that there was CCTV access to the private booths so these could be seen at all times. Mr Goodings said that the main door security staff member had worked at the venue for eight years so he was aware of any customers that were not allowed into the premises. If the doorman was dealing with an incident, no one else would be admitted to the venue. He confirmed that he would be agreeable to a condition being placed on the licence to keep a log book of customers who had breached the code of conduct.

In response to a question regarding opening measures following Covid-19, Mr Goodings said that more space had been created between seating and there were screens in some areas. It would be a gradual re-opening and the venue would comply with government guidelines. Some staff were taken on when the venue opened as a bar in the summer to give staff some employment, even though it meant the bar was not making money. He said that he expected to retain most staff and had completed job references for those that had asked.

A member referred to the code of conduct for performers and asked if they would be dismissed if their behaviour put the reputation of the venue into question. Mr Crawford said that there were very professional performers and some that would break the rules. The performers were often 'local celebrities' and any poor behaviour would reflect on the club. A member followed by asking if the performers signed the code of conduct. Mr Crawford confirmed that they did, it was updated regularly and the performers were tested on it.

The chair asked if customers were made aware of the costs when they were offered dances. Mr Goodings said that the performers knew the prices so when they were discussing a service with a customer, the customer would be made aware of the price. When the customer and performer went to a private booth, the performer would put a PIN into a mobile app which showed the price. The price would also show on the PDQ machine so the prices could not be changed. Prices and times were also displayed on big screens throughout the club and there was a timer in each private booth.

By way of a follow up question, the chair asked how much pressure was put onto customers to spend money on dances. Mr Crawford said that the performers were

not allowed to approach a customer until they had purchased a drink. The code of conduct covered interactions with customers and the performers know how to act around patrons. If a customer said no to a performer, the performer should walk away. The performers were given training on approaching customers and they were allowed to spend up to ten minutes with a customer before moving away from them.

A member asked whether there was any help given to customers who seemed to spending large amounts of money in the venue. Mr Crawford said that they had not had this as an issue but the managers would speak to any customers who seemed to be in this situation and restrict their spend if necessary. If a customer was requesting multiple private dances, a manager would be called to check that they were not too drunk and understood the spending as the managers did not want the customers to have a bad experience in the club.

The chair invited the applicants to make a final statement to the committee. Mr Goodings said that the venue had been operating since 2010 and they had not been approached by any schools in the area regarding issues with the venue. The venue did not open until 9pm and the front of the building was very plain. There had been one complaint from a resident that the performers were noisy when they left the building at closing, so they were asked to leave out of the front door instead to mitigate this. Mr Crawford said that they were two highly respected and experienced professional who had been running a successful business for eleven years. They hoped to continue to eliminate the negativity attached to the industry through a well-run venue and thanked the committee for hearing their application.

(Mr Goodings and Mr Crawford left the meeting at this point. The committee took a break at 12:05 and re-convened at 13:00)

4. Application for the renewal of a Sex Establishment Licence – Pure Gold

(Petrit Vladi, owner and operator of Pure Gold and Rob Edge, Licensing Consultant for Pure Gold were in attendance for this item).

The licensing team leader presented the report. The legal advisor for the committee added that the committee could depart from policy if it was minded to.. The committee would be considering each of the three applications on their own merits and would hear all three before any determinations were made. If the committee was minded to give significant weight to the number of licenses, it would be appropriate to consider sensitive locations which were set out at page 5 of the report.

The chair invited Rob Edge, licensing consultant, to address the committee. Mr Edge said that the premises had been managed by Mr Vladi since 2014 and was held in high regard by the responsible authorities which was shown with no objections to the application from the Police or Fire Service. Mr Edge had been contacted to produce a Covid-19 risk assessment by Mr Vladi which showed that he took the responsibility of running the venue seriously. The venue employed ten full time and fifteen part time performers, the majority being local to the area, alongside three SIA trained security staff.

Mr Vladi had recently undertaken a full refurbishment of the premises and was up to date with all relevant payments for the venue, which was shown in the late documents submitted to the committee.

The premises continued to be an asset to the city with a strong management team and robust policies in place to ensure that the licensing objectives were met. There was regular staff training by a consultant and monthly staff meetings. The owner had invested time, money and passion into the venue to be a credit to the night-time economy.

Mr Vladi had stayed in touch with the employees during lockdown to check on their wellbeing and to keep them updated on government guidelines. There was also a 'house mum' who would keep in contact with the performers and spoke to them individually to check on them.

Pure Gold was a quality establishment which diversified the offer of entertainment in the city.

Mr Vladi addressed the committee. He said that there had been no objections to the application as he had always worked with the local authority. He was strict when following rules and legislation. He had converted the business to an SEV in 2017 and had never had any problems with the police. His policies were in place to protect both the staff and customers and Mr Vladi held an SIA qualification alongside being a personal licence holder. He employed fifteen performers who all relied on that employment to support their families. He had invested time and money to make Pure Gold a successful business.

The chair invited committee members to ask questions.

A member asked whether women were welcome as customers at the venue and whether there were any adaptations for disabled customers. Mr Edge said that all customers were welcome and the venue was fully fitted for disabled customers. In terms of carers, each case was dealt with on an individual basis but if they wished, they could sit separately and have soft drinks. It was not in the owner's interest to offer a low quality service to any customer.

A member referred to the statement about staff training and asked if Mr Edge could expand on this. Mr Edge said that Mr Vladi held both a personal licence and SEV licence. The training covered the four licensing objectives and how to implement the challenge 25 policy, including inspecting appropriate documentation. The personal licence holders course included a test and gave an overview of customer conduct and performer conduct rules, including why these were in place and safeguarding elements so that staff could understand why they were necessary.

A member asked what provisions had been made for staff over the lockdown period. Mr Edge said that the main concerns around welfare were mental health and concern for those with no income. The staff were given advice covering these topics. Some staff had taken other full time jobs during the lockdown and some staff were on furlough at eighty percent of their wages. There was a text message support group for staff to contact each other. With regards to plans for re-opening, as there was no firm guidance on dates from the government, the only actions being

taken were regular cleaning and updating the Covid-19 risk assessment. Guidance would be kept under review.

A member asked how many security staff were employed at the venue. Mr Edge said that there were three SIA staff as well as Mr Vladi who also held an SIA qualification. Mr Vladi clarified that on a Sunday to Thursday, there was one doorman and himself, and on a Friday and Saturday, there were three SIA staff and himself. There were thirty two CCTV cameras in the venue, including in the booths and dancing area where the house mum would take the payments. Staff had radios and the manager would be monitoring CCTV. The venue would use the radios to inform other venues of any incidents and there was an incident report for which the doorman would complete and were available to be reviewed by police.

A member referred to the list of sensitive locations and asked if the school in the vicinity of the venue had raised any issues. Mr Vladi said that the school had not been in contact with him but he would be happy to work with them if they did raise concerns. Mr Edge added that the façade of the venue was very discreet and the business did not open until 9pm. The door staff were vigilant about activity on the street to ensure that the venue did not have an impact on other premises.

A member asked how customers were made aware of the prices of the venue. Mr Edge said that they would be spoken to by the doorman to ensure they understood the venue and then escorted to the bar. The customers were informed about the facilities by the house mum but prices, how to pay and how to get a receipt were all advertised within the club. Customers were asked to complete a form if they wanted to exceed a certain spend. Spending was also monitored and if it seemed that an individual was getting 'carried away' they would be spoken to by staff. It was not in the interest of the club to damage its reputation.

Mr Edge confirmed that Challenge 25 was a condition of the premises license and it was advertised within the premises. Under 18s were not admitted to the venue.

The chair asked if there was always someone in the venue with a knowledge of the CCTV system to ensure that disputes could be resolved. Mr Edge said that there were monitors in three locations – behind the bar, in the main office and at the door. There were three staff members who were trained in downloading the CCTV footage. The SIA trained staff would watch the monitor at the door, the manager on duty would watch in the office and the bar staff would be monitoring the screen behind the bar.

In response to a member's question on the relationship with other venue, Mr Edge said that Norwich was a small city so the club owners all knew each other well and would discuss legislation changes and any issues they had. The venues all attended Pubwatch meetings and worked together through their radio systems.

The chair asked how many incident reports had to be completed during the last full year of trading. Mr Edge said that there had been four incidents, two of which were for customers who had broken the code of conduct rules. They were given a polite but firm warning before being given a final warning and asked to leave. Mr Vladi was strict about the customer code of conduct and would not tolerate rules being broken. There was also a disciplinary policy for performers. This had only had to be used once, for a new performer, and was dealt with amicably to ensure they fully

understood the code of conduct. Performers were not to keep personal business cards from customers and should not make contact with customers outside of work.

Mr Vladi confirmed that if the performers did not reach a certain threshold of earnings for the evening they did not pay commission. This was to ensure that all performers took home earnings after each shift.

A member referred to item 20 on page 76 of the agenda papers which stated that performers would leave the venue in a taxi or be escorted to their car. Mr Edge said that the SIA trained staff would escort the performer to their own car or a taxi and ensure they had safely driven away to protect the welfare of the performers. IF the performer went outside for a smoking break, there were coats for them to wear in the staff area and they would have an SIA trained employee with them. Mr Vladi added that if the performer was taking a taxi, the staff would check they had received a text message from the driver and that they got into the right taxi.

In response to a member's question, Mr Vladi said that the private booths did not have panic buttons but it was a very small venue. Staff members were always nearby and the music was not played loudly.

The chair invited the applicants to make a final statement to the committee. Mr Edge said that Mr Vladi ran a very well managed premises with concerns for the welfare of all staff. Monthly meetings were held to ensure that the club remained an asset to the night-time economy with strong procedures and policies in place. The club carried out regular risk assessments on all aspects of work within the club to ensure it continued to run properly. The jobs of around fifty staff depended on the renewal of the licence.

(Mr Edge and Mr Vladi left the meeting at 14:20. The meeting was adjourned and the committee reconvened at 10:10 on Friday 29 January 2021 to hear the final application)

5. Application for the renewal of a Sex Establishment Licence – Lace

(Martyn Stokes, applicant, and Sarah LeFevre, Barrister for Lace were in attendance for this item).

The licensing team leader presented the report. She said that additional papers had been circulated the previous day and all present confirmed that they had read these. The legal advisor for the committee added that the committee could depart from policy if it was minded to. The committee would be considering each of the three applications on their own merits and would hear all three before any determinations were made. If the committee was minded to give significant weight to the number of licenses, it would be appropriate to consider sensitive locations which were set out at page 5 of the report.

The chair invited Sarah LeFevre, barrister representing Lace, to address the committee. Ms LeFevre said that the witness statement and CV for Mr Stokes which had both been circulated to the committee, showed that he had a lot of experience in the night time economy. Mr Stokes was seeking a renewal and a variation to his licence which would bring the licence in line with the other SEVs.

The premises had been in existence for many years and had a discreet entrance next to the bar that it was above and was well policed by door staff. The venue had not been open since March 2020 and it was a very difficult time for such businesses. The venue would re-open on the basis of proven policies which had resulted in a problem free venue. This was shown by the lack of objections from the responsible authorities.

Regarding the staffing at the venue, there was a DPS, the manager, the house mother, 3-4 security staff depending on the day of the week and 10-25 performers. This gave a ratio of 1:2 staff to customers which was incomparable to other kinds of licensed venues and offered protection to both staff and customers.

There was the recognition that the venue would need to 'start again' and rebuild staff and customer bases after the pandemic. When opening was permitted, the applicant would be cautious and ensure that the venue had been fully risk assessed. This information was not submitted as part of the application as it was difficult to forecast for reopening but it was recognised that there would be measures in place, even once the venue was open.

The required level of monitoring was achieved through the use of CCTV cameras and through the staff to performer ratio.

Ms LeFevre added that the applicant understood concerns of the committee but said that the density and proximity of venues had not changed, including proximity to a school, since the last renewal and the venue would respond to any concerns that were brought to it from nearby premises.

Mr Stokes read out his statement which had been circulated to members prior to the meeting and published as part of the late submission papers for the meeting.

The chair referred to page five of the policy and asked what the relationship between Lace and the list of venues was. Mr Stokes said that no venues on the list within the policy had reached out to the club or had concerns, but he was always open to a dialogue if needed. There was a good relationship with the bar underneath the venue and the nearby retail units.

By way of a follow up question, a member asked how the applicant would deal with concerns if they were raised by a nearby premises. Mr Stokes said that if he was approached by the school, he would have a dialogue and would implement measures to alleviate any concerns. The opening times of the venue meant that that it was not open when the school was open but he would work with them if necessary.

In response to a member's question about access for wheelchair users, Mr Stokes said that security staff helped disabled customer up the stairs as there was no lift. The furniture within the venue could also be moved to make it accessible.

A member asked whether the venue kept a log book of incidents and how many incidents had taken place in the last six months that the venue was open. Mr Stokes said that there had not been any incidents but there was a full reporting system in place. Anyone who had been ejected from the club would not be allowed back in at a later date. There were panic buttons at the main bar but not in the private booths as the ratio of staff to customers meant that these were not needed.

A member questioned whether the security staff were trained in dealing with the sensitive nature of such incidents. Mr Stokes said that the venue tried to use regular security staff as the venue was different to a usual bar or club. They also knew the policies of the venue. There would be a minimum of two security staff on a Thursday and three to four on a Friday and Saturday.

The chair asked how customers were informed of the services provided at the venue. Mr Stokes said that all customers were greeted by security staff and told the house rules. When the customer got to the pay desk, there was a price list, which was also available on the tables within the venue. Regarding commission, there performer needed to reach a set fee before paying commission to ensure that all performers went home with a wage, even on a quiet night.

A member asked what the process would be is a customer was spending too much money. Mr Stokes said that there was no benefit to the venue if a customer felt they had been taken advantage of. When a certain level of payment was reached, the manager would check it with the customer.

Regarding re-opening processes, Ms LeFevre said that as more information became available, measures would be considered. The management would be constantly engaged in risk assessments, especially around cleaning of the building.

Mr Stokes confirmed that performers were escorted to their car or taxi at the end of their shift and security would wait until they had safely driven off.

6. Application for the variation of a Sex Establishment Licence – Lace

The licensing team leader presented the report.

Mr Stokes said that the venue was looking to amend condition 10 of the SEV licence to bring it in line with the two other SEV venues in the area. Condition 10 read “Save for in Prince of Wales Road, neither the licensee or any employee or agent shall personally solicit custom for the sex establishment in the locality of the premises.” He said that there would be no explicit photographs on leaflets or drinks promotions.

A member asked how the applicant would ensure that the street was tidy of leaflets. Mr Stokes said that he would not want to be association with littering. The promoter would be asked to check each area they were working in to ensure no leaflets were on the street. Although the venue was close to other SEV venues, he would not impede on their areas when promoting Lace.

Ms LeFevre said that she hoped that through the renewal application, the committee found Mr Stokes to be a competent and thorough manager who was sensitive to the needs of everyone involved in the business.

(The meeting was adjourned at 12:00 for committee members and the legal advisor to the committee to deliberate. The committee reconvened at 16:00 to give the below determinations).

RESOLVED, with all members voting in favour, to:

- 1) Renew the sex establishment licence for Sugar and Spice with the following condition imposed 'A log will be kept of persons refused entry to the premises, or ejected from the premises, or given a formal warning by the premises management as to their behaviour whilst on the premises. This log will be kept in both digital and hard copy format and may be inspected by any police or local authority officer on request. The data will be held for a period of at least one year.'
- 2) Renew the sex establishment licence for Pure Gold, with the following condition imposed 'A log will be kept of persons refused entry to the premises, or ejected from the premises, or given a formal warning by the premises management as to their behaviour whilst on the premises. This log will be kept in both digital and hard copy format and may be inspected by any police or local authority officer on request. The data will be held for a period of at least one year'.
- 3) Renew the sex establishment licence for Lace with the following condition imposed 'A log will be kept of persons refused entry to the premises, or ejected from the premises, or given a formal warning by the premises management as to their behaviour whilst on the premises. This log will be kept in both digital and hard copy format and may be inspected by any police or local authority officer on request. The data will be held for a period of at least one year'.; and
- 4) Grant the variation to condition 10 in the sex establishment licence for Lace to read 'Save for in Prince of Wales Road, neither the licensee or any employee or agent shall personally solicit custom for the sex establishment in the locality of the premises.'

CHAIR