

Licensing committee**09:30 to 18:55****8 September 2017**

Present: Councillors Button (chair), Woollard (vice chair following election), Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby, Thomas (Va) and Wright

Apologies: Councillors Ackroyd, Brociek-Coulton and Thomas (Vi)

1. Appointment of vice chair

RESOLVED to appoint Councillor Woollard as vice-chair for the ensuing civic year.

2. Public questions/ petitions

The following public question was received from Helen Dawson:

"Does Norwich City Council Licencing Committee have a contribution to make to a 3, 5, 10 year strategy for Prince of Wales Rd?

If so, in what ways does the Licencing Committee aim to increase the diversity of business on Prince of Wales Road to attract a greater diversity of people of all ages including those with families?"

The following response was given from the chair:

"Thank you for your question Ms Dawson

The role of the licensing committee (and its sub- committee) is fairly narrow, in that its remit is to set the licensing policies that surround the processing and determination of the various licences that Norwich City Council is responsible for administering, and then determining those applications in accordance with the agreed policy and relevant legislation.

This covers a wide range of licensing administration activity from alcohol/entertainment licensing, to gambling, taxis, scrap metal, tattooing and ear piercing.

Having said that, the recent adoption of the cumulative impact policy section of the Licensing Act 2003 Licensing Policy makes it more difficult for new later night

premises to open, which then gives a slight bias towards daytime and early evening uses. This policy is due for review in 2020.

The following public question was received from Liz Stocks:

"Have the council taken into consideration the fact this is the main gateway from the railway station to the City centre for visitors to our Fine City? I would have thought lap dancing clubs as the first impression is not a good one. Surrounding Prince of Wales Road is becoming much more a residential area and increasingly so. The behaviour at the moment requires a high police presence at the weekends as it is, without provocation being increased. Has respect for the mosque and any other religious places of worship even been considered?"

The following response was given from the chair:

"Thank you for your question Ms Stocks

The four current sex establishment applications will be considered by the Licensing Committee on the 8 September 2017. When determining an application for a sex establishment licence the licensing authority must take into consideration the "relevant locality" and the "use to which other premises in the vicinity are put". This is further set out in the City council's policy which states:

In considering the characteristics of a locality the Licensing Authority shall particularly take account of the density and proximity of:

schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children,
parks and children's play areas,
residential and sheltered accommodation,
religious and community buildings,
alcohol or entertainment licensed premises,
other retail units (and their uses).

The following public question was received from William Stocks:

"Prince of Wales road is the gate-way to Norwich from the station, what type of message does this give to the visitors to our 'Fine City'? If you approve the licences please ensure that any advertising, hoarding and signage is discrete.

The close proximity of a new primary school (Charles Darwin). The housing developments at St Anne's Quarter and those planned for Mounter Gate, having more families and children living in the area needs to be considered. There are local religious and community facilities in the Prince of Wales area, how will these be impacted?

The precedent set if the licence is granted, will this open the door to further adult entertainment establishments and how will this reflect upon what is becoming a residential area?

Could you make it clear how the licences and regulations will be managed given the

probable environment within the clubs (i.e. private booths)? The licencing objectives as I understand them are; public safety, the prevention of crime, protection of children, prevention of public nuisance. Will inspectors be visiting establishment during their operating hours (e.g. 01:00)?

Regarding the process followed for the licence application, according to the process which the council followed you refused to accept comments after the 28 day period. This is disappointing given the obvious public interest once people were informed of the consultation. It is a shame that the representatives and agents of the public appear to be excluding the people that they serve from voicing concerns."

The following response was given from the chair:

"Thank you for your question Mr Stocks.

Sexual Entertainment Licences have a number of standard conditions in relation to signage/advertising which address the concerns that you raise, in particular conditions 30-36."

In determining the application the committee must consider the characteristics of the locality.

The council may set maximum limits on the numbers of sex establishments in a particular area. No limits have currently been set, but this may happen as a result of the hearings on Friday 8 September.

The licensing objectives that you refer to relate to the premises licence, issued under the Licensing Act 2003, which authorises the premises to sell alcohol and other music type entertainments. This is a separate licence to the one being considered on Friday, which is only to authorise the provision of sexual entertainment. We would also be undertaking enforcement and inspection activities at each premises in relation to the alcohol licence, and these are often done jointly with other agencies, such as the Police, who also have a joint enforcement remit.

Licence applications, including the way they are advertised and the period of time that representations can be accepted for, are generally set within the relevant legislation which in this case is Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This legislation sets out that objections must be received within a 28 day period from the submission of the application, as below:-

LGMPA 1982, Schedule 3, section 10, sub-para (15) - Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application."

The following public question was received from Jessica Goldfinch:

"Why were those, who had expressed interest by objecting earlier, not informed, and the information not sent out with the usual licensing emails where people would expect to find it?

Why is the Sexual Entertainment Venue, (SEV), policy not anywhere to be found on the website and being enforced?"

The following response was given from the chair:

"Thank you for your question Ms Goldfinch.

The various licensing regimes that local authorities have to administer are set within their own different legal frameworks. Each will vary with regard to the advertising and consultation requirements. The Licensing Act 2003 (alcohol and entertainment licensing) casts a particularly wide consultation net and also requires that a public register of applications is held. This is done by publishing them on the Norwich City Council website.

This wide consultation requirement set by the Licensing Act 2003 is not reflected in most other licensing legislation, and the Local Government (Miscellaneous Provisions) Act 1982 (sex establishments) only requires that the applicant place a public notice at the premises for 21 days and for 1 day in a local newspaper. There is no requirement set in the legislation for further public notification and no facility for any public register of applications. The city council policy reflects the legislative requirements. All four of the current applications were advertised in line with the legislation and the council's policy.

The SEV policy has until recently been in draft format but is now finalised and will shortly be being made available on the council's website. The policy is currently being enforced, in as far as it guides the current application and decision making process being undertaken by the four current applicants. The policy contains standard conditions to be applied to any licences that might be granted, including some relating to signage. However these may only be enforced if/when a licence is granted."

The following public question was received from Geraldine Terry:

"I would like to know what measures these four clubs will take to prevent anti-social behaviour, including sexual harassment and assaults by customers outside the club?

Also, what measures will be taken to prevent the display of sexual images of women outside the club, where they can be seen by members of the public, including minors?

Also, there seems to have been little opportunity for public consultation, and I would like to know why this is?"

The following response was given from the chair:

"Thank you for your question Ms Terry.

Premises cannot be directly responsible for the actions of an individual once they are outside of the venue. Each venue will be subject to standard conditions

restricting the actions of the performers at the venue to ensure that their actions are not overly explicit in nature, thus limiting the stimulation of the customers. The performers are also prevented from engaging in communications such as exchanging telephone numbers or email addresses with customers. The standard conditions also require inappropriate behaviour by customers to be reported to the management so that this may be dealt with immediately.

Sexual Entertainment Licences have a number of standard conditions in relation to signage/advertising which address the concerns that you raise, in particular conditions 30-36.

Licence applications, including the way they are advertised and the period of time that representations can be accepted for, are generally set within the relevant legislation, which in this case is Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

This legislation sets out that each application must be advertised by a public notice in a local newspaper within 7 days of the application being submitted and also a public notice displayed on or near the premises for 21 days following the application being submitted. Representations must be submitted not later than 28 days after the application is submitted.

These requirements were complied with by all the applicants for the licenses being considered.”

A question was received from Councillor Lesley Grahame:

“Today Licensing Members are being asked to consider granting four Sexual Entertainment Venue, (SEV), licences. They can refuse an application if the number of SEVs is greater than that agreed. However no number has been agreed. They are being asked to do the impossible.

Granting four SEV licences at once, with no cap on the numbers would send a message that Norwich is a soft touch, a destination for stag parties, bringing more strip clubs into the city. While some may consider this desirable, the conversation has not been had and no democratic decision has been made, or can be without further consultation and a review of the policy to decide a cap on the numbers.

Over 400 people have signed a petition to extend the consultation.

I therefore ask the committee to consider a deferment of the decision on the basis that this meeting is not valid because relevant interested people were not given sufficient information, and the regulations that the applications will be judged under are clearly unworkable.

If that deferral cannot legally be done, I request a review of the policy, and an agreement that next year’s license application may be subject to a change in policy.”

The following response was given by the chair:

“Thank you for your question Councillor grahame.

The legislation relating to sex establishments allows a local authority to set a maximum number of licences, or licences of a particular kind, for a relevant locality. Relevant locality of a premises is not defined within the legislation other than as “the locality where they are situated”. The only further assistance that the Home Office Guidance can offer on this matter is that the relevant locality cannot be designated as the entire local authority area.

Norwich city council has not at this time defined all the relevant localities that the district could be split into, and therefore has not been able to set maximum numbers for relevant localities.

However, maximum appropriate numbers may be set and considered as part of the determination of an application, as the relevant locality can be better identified and properly assessed, once the location of an application premises is known. This initial decision could also then be applied to further applications that are received from premises within the same relevant locality.

Although four applications have been received and will be heard by the licensing committee, the relevant locality of each of the premises will be considered, including whether it is appropriate to set a maximum number for that locality, before a determination is reached. Any maximum number(s) set may be more than, less than or equal to the number of applications received. Any maximum numbers set by the committee for a relevant locality, would then need to be considered as an amendment to the policy.”

In response to Councillor Grahame’s supplementary question the legal advisor to the committee advised that in terms of capping the number of venues in the locality all applications would need to be heard before determining this.

No petitions were received.

3. Declarations of interest

The committee’s legal advisor explained the notion of predetermination. All members of the committee declared that they did not hold a pre-determined view in relation to the applications being heard.

Councillor Price declared an ‘other’ interest in item (5) below, application for the grant of a Sexual Entertainment Venue Licence – Lace, 75 Prince-of-Wales Road, Norwich, NR1 1DG; as he was the father of a child who attended a school in the area.

Councillor Maxwell declared an ‘other’ interest in item (6) below, application for the grant of a Sexual Entertainment Venue Licence – Platinum Lace, 15 Dove Street, Norwich, NR2 1DE; as she lived in the area.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 9 March 2017.

5. Application for the Grant of a Sexual Entertainment Venue Licence – Lace,

75 Prince-of-Wales Road, Norwich, NR1 1DG

(Councillor Price had declared an 'other' interest in this item)

The environmental protection, licensing and markets manager presented the report. He explained there were two objections received to the application, one from Helen Dawson who was unable to attend and another from Councillor Lesley Grahame. He confirmed that opening hours requested on the application had been amended, on the application they were shown as 24hours but had been amended to 08:00-05:00.

The counsel for the applicant presented to the committee. She highlighted that the provision of sexual entertainment was a lawful activity and the question of morality was irrelevant. She stated sexual entertainment venues in general do not give rise to issues of crime and disorder or public nuisance. The business model was not driven by encouraging people to drink to excess meaning customers left the premises calm, sober and controlled.

The establishment catered to a small number of customers, with a high proportion of staff to customers and extensive CCTV in operation. They exhibited a high level of care for the performers, each being escorted away from the premises back to their home. The business has been established for 10 years and had excellent working relationship with both licensing and policing authorities.

On a typical night 18 customers would be hosted at any one time and over a total night an average of 55. The venue had an extensive CCTV system of 35 cameras installed and the duty manager was equipped with an iPad on which to view the CCTV. There were three Security Industry Authority (SIA) staff on duty at any time. If there were to be an incident they could call upon further SIA staff. There would also be a bar manager, deputy manager, two to three barstaff, dedicated dance counters at two points with one on each floor. Therefore, at any one time there would be a 1:2 staff to customer ratio.

There was a single door into an entrance lobby. Each customer's ID was checked at this stage and the house rules explained to them. The entrance lobby was anonymous, there was no visibility to any passerby of the relevant entertainment.

The applicant's counsel suggested some alterations to Norwich City Council's standards conditions of licence, which were outlined below:-

Condition 20 reads: The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation.

This was considered unnecessary and disproportionate, technology had overtaken need to have a one person sit in a room and monitor CCTV.

Condition 38 and 39 were designed to avoid visibility from the street. Council for the applicant contended that there was already an entrance lobby and spirit and intent of conditions achieved.

Condition 54 (1) 'customers must be seated in an upright position against the back of the booth or seat' presented problems for the design of the premises. Seats used were circular deep and wide and did not have an obvious back to them. It was suggested to delete 'against the back of the booth or seat'.

In summary these alterations could be characterised as minor departures from the standard conditions.

In response to a question from Councillor Maxwell the applicant clarified that the bedroom shown in the plans comprised 2 booth areas with a divan which were monitored by CCTV.

In response to a question from Councillor Wright the applicant advised that the venue was currently opening 21:00 – 04:00 but had requested 08:00 – 05:00 to provide flexibility.

In response to a question from Councillor Wright the environmental protection, licensing and markets manager advised that the application was not advertised on the council's website as there was no requirement to do so unlike with alcohol licence applications.

In response to Councillor Tim Jones' question on the seating in the boudoir, the applicant confirmed it was a half circular bed, similar to a divan in style.

Councillor Raby commented that the change from regular trading hours of 21:00 – 04:00 to requested 08:00 – 05:00 hours provided an unusual degree of flexibility.

In response to a question on staff training from Councillor Woollard the applicant confirmed that staff received 2-3 days of training which was renewed every 12 months.

The applicant responded to Councillor Maxwell's question that there were 8-16 dancers on duty dependent on the night and that the fire regulations for the building covered 150 people.

The applicant confirmed to Councillor Woollard that the house rules restricted under 18s from entering the premises.

In response to questions from Councillor Price and Councillor Malik the applicant stated that there were multiple iPads used by staff which linked into and monitored the CCTV. The iPads were placed in the hands of those most empowered to respond. The applicant said that managers walked the floors constantly and the premises were small. A member of staff at the CCTV point would be at the furthest point from where the customers were. The dedicated process they had in place currently was working.

In response to a question from Councillor Thomas the applicant stated the premise was open to all genders, races and sexes.

The applicant advised in response to a question from Councillor Beth Jones that all performers were escorted by back to their vehicles at the end of their shift.

In response to a question from Councillor Price clarifying the points raised on condition 38 the applicant confirmed that when the business was operational the door was staffed with security and when not operational the door was locked.

Councillor Lesley Grahame had provided a representation to the committee and was provided with an opportunity to comment on the application. She discussed the use of female imagery outside of the premise and questioned what a young girl walking past would think if she saw this. She highlighted concerns over the welfare of performers and suggested that no applications should be granted and referred to a decision by Oxford council.

The applicant responded to the representation that the billboard would be removed if the licence was granted. They confirmed that the use of phones during performances was not allowed as detailed in their house rules and that the performers were escorted back to their cars.

In terms of the Oxford case this was utterly distinguishable as Oxford had adopted a policy of nil venues in the locality. The High Court determined this was lawful to refuse as number in policy was nil.

Councillors discussed the number of applications to be granted and how this would be determined. The environmental protection, licensing and markets manager clarified the questions to be considered in terms of determining applications; the relevant locality needed to be taken into consideration and whether the locality required a maximum number to be set.

In conclusion the applicant stated the locality must recognise the status quo. The premise had been trading successfully in an area deemed appropriate for late night activity. They asked for three minor amendments to standard conditions of licence and reminded the committee that a licence once granted was enforceable within criminal law.

6. Application for the Grant of a Sexual Entertainment Venue Licence – Platinum Lace, 15 Dove Street, Norwich, NR2 1DE

(Councillor Maxwell had declared an 'other' interest in this item)

The environmental protection, licensing and markets manager presented the report. He explained there were two objections received to the application, one from Helen Dawson who was unable to attend and another from Councillor Lesley Grahame.

The counsel for the applicant presented to the committee. He stated that whilst members may not consider the provision of sexual entertainment tasteful, it was a lawful and legitimate activity. The establishment had been operating for 11 years and the application was appropriate and in the relevant locality. He referred to section 9.2 in Norwich City Council's Sex Establishment Policy Statement and stated it was critical to consider the application in light of the representations received which he addressed in turn.

With regard to the representation from Helen Dawson, (appended to these minutes), it was far from clear that it had any relevance to the application; it was fundamentally addressing issues about Prince of Wales Road area. In respect of crime and disorder there was no evidence and Norfolk Police had issued no objection to the application. There was not a single observation about the premise itself which had been open for 11 years. Reference to schoolchildren related to Prince of Wales Road and the timings in the objection differed to the application's which were 20:00-03:00 closing at 04:00 on a Saturday. The economy of Prince of Wales Road which was referred to was not relevant. The listing of Trip Advisor reviews for the Prince of Wales Road area again was not relevant and could not be the basis of a determination.

He stated the application had attracted three representations from local business in support of their application.

He continued with the representation from Councillor Grahame and highlighted that the form used was for a premise licence application objection and not a sexual entertainment venue application. Some of the studies and academic papers referred to dated back to 1998 and were from observations in America or Scotland and could not help inform the decision. The representation was not about the application in question at all. If each application had to be considered on its own merit, he said representations must be as well. On 17 July 2017, Sugar and Spice made a premise licence application and the objection was extraordinarily similar to the objection the councillor made then. Summarising he said that nothing in the representation engaged their discretion.

The business was making an application for the same layout, operating structure and planning that they were currently operating with. The entrance was discreet, with no overt advertising of the business. It was a well thought out application from a mature business that was a national operator. He summarised the paperwork provided in the application.

The applicant requested some amendments to the standard application if it were to be granted detailed below:

Condition 10 currently go out and market for customers, this should be appropriate material but some marketing was needed.

Condition 20 regarding CCTV the applicant requested that this not be interpreted as an individual needing to watch CCTV the whole time. It would not be proportionate to have a dedicated CCTV operator based on the number of customers visiting the premises.

Condition 23 regarding customer numbers suggested the current wording was substituted for 'A Fire Risk Assessment will be undertaken at the premise and a customer capacity limit set. Such capacity limit shall be complied with at all time. A copy of the Fire Risk Assessment will be made available to the council and police officers on request.' The result of that was that the fire risk assessment should be basis for capacity.

Condition 38 and 39 in reference to doors the applicant highlighted the design of the venue and asked for the condition to be amended. The current design was discreet and any member of the public walking past could not see inside.

Condition 53 and Condition 54 (1) to (4) suggest adding to the end of the condition the wording 'or as otherwise may be agreed with officers in writing'. There was a need to future proof the licence and the applicant wanted to ensure an ongoing dialogue with officers.

Condition 54 (5) regarding performers feet on seats requested be removed.

The applicant suggested the addition of an extra condition that a code of conduct for customers be clearly displayed in the premises.

Condition 42 regarding no alterations without prior consent; the applicant would ask for the addition 'with the exception to the minor alteration to the internal premises' which would allow alterations such as putting up a shelf, or changing seating.

The applicant said the business was positively regarded and had received representations of support from local businesses, made in good time. It was a non-threatening, subtle and discreet business and the application was a considered one from a good premise.

In response to a question from Councillor Beth Jones the applicant confirmed all dancers were walked to their cars at the end of their shift.

Councillor Malik commented that the policy on Modern day slavery was a good recommendation for all venues to adopt.

In response to a question from Councillor Wright the applicant confirmed the representations received from local business were legitimate and genuine.

In response to a question from Councillor Woollard the applicant confirmed staff numbers were; three bar staff, three or four door staff depending on the day, seven to 22 dancers depending on the day, a DJ, a manager and an assistant manager who was SIA trained.

Councillor Lesley Grahame had provided a representation to the committee and was provided with an opportunity to comment on the application. She reminded the committee that they had the power to set the number on venues deemed appropriate to be considered for a licence in a determined locality.

The applicant summed up and stated that the provision of sexual entertainment was a lawful and legitimate activity and that this was a good application from an established business and that a licence should be granted.

7. Application for the Grant of a Sexual Entertainment Venue Licence – B52 Lap Dancing Club, 52 Prince-of-Wales Road, Norwich, NR1 1LL

The environmental protection, licensing and markets manager presented the report. He explained there were two objections received to the application, one from Helen Dawson who was unable to attend and another from Councillor Lesley Grahame.

The council for the applicant presented to the committee. He stated that the application was to operate for the hours of 18:00 to 03:45 everyday. The business had been operating for three years and achieved an excellent working relationship with the police. In addition an experienced house manager would be recruited. He highlighted the code of conduct for performers and customers. He referenced that the layout had an inner lobby and separate doors and this complied with the terms of licence. When premises were operating door staff were on duty.

The venue provided strip dancing, pole dancing, lap dancing, and full nudity in private booths. In booths there were flat beds where customers were able to watch performances lying down with their hands by their side. Staff would be fully trained with SIA door staff and an in house radio system. CCTV would be monitored by a dedicated person and CCTV was installed in private booths.

The applicant suggested some amendments to the standard conditions, listed below:

Condition 10 in reference to marketing, the applicant wanted to be able to hand out flyers which would not depict full or partial nudity or sex or violence, applying the same criteria which was listed in condition 33.

Condition 31 to amend 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'. This was to enable performers who wished to, to go outside and smoke.

Condition 43 regarding private booths, to amend to enable the use of see through covers over entrance to private booths.

Condition 50, regarding contact details, would like to change to 'except in the form of a business card and before leaving the premises the performer will surrender permanently'.

Paragraph 53, the applicant said it was not practical to have separate female toilets for performers and therefore requested the removal of the wording (this excludes the toilets as performers must not use the public toilets whilst open to the public).

Condition 54 (1) and (2), there were performance areas where customers could lay on beds with their hands by their sides or under their heads and asked could the wording be amended.

Condition 55 (3) requested the condition be amended to take into account money or tokens handed to performers or placed in their garters.

The applicant summarised and said no objections were received within the 28 day consultation period and highlighted that there were no objections from the police. It was he said a well managed establishment that worked closely with police. The applicant said the late objections which were received and included, were directed at national policy and were not for this committee to deal with.

The evidence used was out of date and not based on Norfolk.

In terms of locality, B52 was closed when schools and churches were open. There was no outside indication at the premise that it was a Sexual Entertainment Venue. The establishment was currently called 'Bar 52 Lap Dancing' but if the committee thought it necessary, the applicant would be happy to comply and change the name to 'Bar 52'. The establishment had no detrimental effect on the appearance of Prince of Wales Road. The welfare of performers was central to the operation and all were checked to determine that they were able to work legally in UK.

The applicant said that Councillor Grahame's representation had requested several conditions but said there was no need for these as they were covered in the Sexual Entertainment Policy and could be enforced. Mrs Dawson's representation had similar themes as Councillor Grahame's and had been responded to previously in the meeting.

The applicant said that the application complied with all relevant policy; the establishment had a good working relationship with authorities and was asking for only minor amendments to the conditions.

In response to a question from Councillor Maxwell, the applicant advised that the performers would surrender any business cards immediately to the house mother. A house mother was a manager/ supervisor of performers and ensured their welfare and compliance with the code of conduct. The wording could be changed to 'will be surrendered immediately to nearest house mum, SIA staff or the CCTV dedicated person.' Councillor Wright suggested that customers could deposit the cards at reception.

Councillor Wright clarified the opening hours, as the application had requested 18:00-03:45. The applicant confirmed the establishment would open from 20:00.

Councillor Malik commented that as regards condition 10, the business should only need to flyer in the locality of the venue and not the wider city.

The applicant responded to a question from Councillor Raby and said that the performers were required to comply with the code of conduct as part of their contract with the business. It was the responsibility of management in terms of who they hired.

In response to a question from the chair, who was concerned about the curtains covering each booth, the applicant confirmed there was CCTV in the private booths.

In response to a question from Councillor Beth Jones, the applicant agreed that escorting performers to their transport safely would be part of the business' normal practice and would be written into their policy in due course.

In response to Councillor Woollard, the applicant advised 'fully' clothed in reference to performers going outside to smoke, meant wearing a dressing gown or a coat and in terms of supervision it was one performer at a time with a member of door staff alongside.

In summing up the applicant stated they were entering into a new phase of their business and that they took note of the committee's comments.

8. Application for the Grant of a Sexual Entertainment Venue Licence – Sugar & Spice, 39 Prince-of-Wales Road, Norwich, NR1 1BG

The environmental protection, licensing and markets manager presented the report. He explained there were two objections received to the application, one from Helen Dawson who was unable to attend and another from Councillor Lesley Grahame.

The consultant for the applicant presented to the committee. He stated that the business was a mature one and significant investment had been made into the business. The establishment provided a relaxed and friendly atmosphere, in which people drank as their 'local'. The venue and its operators had always worked closely with the authorities and the police held the venue in high regard.

The applicant expressed that they welcomed the SEV policy as it created a level playing field for all venues. They said people from all walks of life attended the venue and highlighted that 30 - 35% of customers were female. This was the only SEV in Norwich which could accommodate customers in wheelchairs. Performers adhered to a code of conduct and attended ongoing training. The premise had 48 CCTV cameras.

In response to Councillors Maxwell's question the applicant confirmed their fire capacity was set at 200 and on a busy Saturday night they could have 100 customers present in the venue.

The applicant confirmed dancers were able to accept drinks and could drink in moderation whilst at work.

In response to Councillor Bradford's question the applicant confirmed that if customers who visited looked under 25 they were breathalysed before being allowed to gain entry and in the last 3 months, 150 people had been turned away at the door.

The applicant asked the committee to consider the following amendments to the conditions:

Condition 10, the applicant suggested the following amendment 'Promotional flyers can only be used after the design of the flyer has approval from the Police/ Norwich City Council. Promotional advertising will only take place after 9pm by fully clothed staff.'

Condition 11, the applicant was concerned that this could breach individual's confidentiality in its wording and suggested rewording as; '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 are 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'.

Condition 20, they requested that the word 'dedicated' be removed from the condition.

Condition 28, which precluded the use of items which could be used to restrain customers, the applicant highlighted that the venue hosted Stag and Hen parties which used 'handcuffs' and asked if the wording of the condition be amended to take this into consideration.

Condition 31, would prevent performers from going out the front of the building to smoke but their planning conditions did not allow for smoking at the back of the building. It was noted that the wording of this condition precluded performers from leaving the premises for any reason.

Condition 43, a chain link curtain which could be seen through was used in booths but each booth has CCTV. Therefore could the wording regarding coverings be reconsidered.

Condition 46, the applicant suggested rewording to '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'.

Condition 50 regarding performers taking customers contact details, it was suggested that this be reworded to 'performers shall try to make it clear to customers that they may not accept any telephone number, email address or contact information from them. Performers must not retain any business card or similar in the event that any such information is given to them.'

Discussion ensued, around taking contact details and members noted that this raised expectations, that it was best to say no when security personnel were there and suggested the venue introduced a corporate card bowl at reception which people could leave details in on way out.

Condition 53, regarding customers and performers not being in each other's company except in public areas and precluded performers using the same toilets as customers. The applicant said that female staff used the same toilet as female customers and requested that the condition be reconsidered.

Condition 54(1) – (5) it was noted that the venue had areas where there were beds and customers would lay on with either hands at their sides or under their heads. The applicant suggested the rewording and consolidation of numbers (1) – (4) as below with removal of (5);

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 a dance
- (2) Customers must remain seated or lying during the entire performance of the dance

(3) Performers must not sit on or straddle the customers when naked

Condition 54(3) which described the areas of the torso deemed acceptable for performers to touch customers when restraint was necessary. The applicant considered this was not practical in an emergency situation and requested the removal of this section of the condition. The environmental protection, licensing and markets manager stated that proportionality applied.

Condition 57 the applicant stated many customers of the venue considered the establishment as their 'local' and to take account of this would like to insert the following wording into the condition; 'A social greeting such as hand shake, hug or kiss on the cheek'.

Condition 42, in reference to alterations to the venue, could the committee consider adding additional wording 'with exception to minor alterations which will not affect capacity'.

In summary, the applicant said in terms of locality, the venue had been operating for the last 7 years and was well thought of by police and relevant authorities.

(All applicants and their legal representatives left the meeting at this point.)

9. Standing item – Regulatory subcommittee minutes

The chair took this item before the determination of the applications.

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 8 May 2017, 12 June 2017 and 10 July 2017.

10. Determination of applications

The legal advisor reminded members that applications were to be considered on their individual merits and the relevant locality and its merits. Discussion on localities and how these were to be defined ensued.

11. Determination of application for the Grant of a Sexual Entertainment Venue Licence – Platinum Lace, 15 Dove Street, Norwich, NR2 1DE

Members considered the application in terms of locality with the venue situated in the lanes. Discussion ensued around the relevant locality, city center and the character predominantly being retail and leisure.

The environmental protection, licensing and markets manager highlighted a map showing the planning department's city centre leisure area. After discussion it was agreed to amend the map of the city centre leisure area (appended to these minutes) and to exclude the late night activity zone. This area would constitute the locality.

Members considered each of the changes requested to the conditions of the licence.

Condition 10, regarding marketing by use of flyers this request to amend was refused as the area was not deemed an appropriate area to market in.

RESOLVED to grant the application with the following amendments to the conditions with ten members (Councillors Button, Woollard, Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby and Wright) voting in favour and one abstention (Councillor VaughanThomas).

Condition 20, regarding CCTV to remove 'by a dedicated member of staff or security personnel' to leave last sentence as : 'The CCTV must be monitored at all times that the premises are in operation.'

Condition 23, agreed proposed amendment regarding customer numbers, wording substituted for 'A Fire Risk Assessment will be undertaken at the premise and a customer capacity limit set. Such capacity limit shall be complied with at all time. A copy of the Fire Risk Assessment will be made available to the council and police officers on request.'

Condition 38 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'.

Condition 38 agreed to delete condition.

Condition 42, agreed to addition of wording 'with the exception of minor alterations to the internal premises'.

Condition 53, committee amended condition to delete '(this excludes the toilets as performers must not use the public toilets whilst open to the public)'.

Condition 54, amendments to condition 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).

Condition 62, new condition, addition code of conduct agreed.

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

Three applications had been received from Prince of Wales Road. Members considered that Prince of Wales Road itself could constitute a locality with the riverside retail area included within this area. Locality late night activity zone which includes riverside.

The character of the locality was discussed, and the fact that there was a school in the area.

RESOLVED to grant the application with the following amendments to the conditions with ten members (Councillors Button, Woollard, Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby and Wright) voting in favour and one abstention (Councillor VaughanThomas).

Discussed opening hours, taking account school in area, members considered that the opening hours of the venue should not intersect with the opening times of the school. Licence would grant opening hours of 18:00 – 05:00.

Condition 20, agreed to removal of wording 'by a dedicated member of staff or security personnel'.

Paragraphs 38 and 39 designed to avoid visibility from the street agreed to the removal of these conditions.

Paragraph 54 (1) agreed to deletion of the wording 'against the back of the booth or seat'.

Condition 10 was amended as follows, committee noting that other SEV premises in Prince of Wales Road had been treated similarly:

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.

13. Determination of application for the Grant of a Sexual Entertainment Venue Licence – B52 Lap Dancing Club, 52 Prince-of-Wales Road, Norwich, NR1 1LL

Locality late night activity zone which includes riverside.

RESOLVED to grant the application with the following amendments to the conditions with ten members (Councillors Button, Woollard, Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby and Wright) voting in favour and one abstention (Councillor VaughanThomas).

Condition 10, lap dancing removed from title outside of venue, flyering limited to Prince of Wales Road area and at the time only that the venue was open as inappropriate to leaflet wider. 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.

Condition 31 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'. This was to enable performers who wished to, to go outside and smoke.

Condition 43 regarding private booths, to amend to enable the use of see through covers over entrance to private booths.

Condition 50, applicant amendments not accepted to keep with standard conditions as per policy because risk to dancer's safety if changed.

Condition 53, amended to delete the wording (this excludes the toilets as performers must not use the public toilets whilst open to the public).

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.

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.

14.Determination of application for the Grant of a Sexual Entertainment Venue Licence – Sugar & Spice, 39 Prince-of-Wales Road, Norwich, NR1 1BG

RESOLVED to grant the application with the following amendments to the conditions with ten members (Councillors Button, Woollard, Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby and Wright) voting in favour and one abstention (Councillor VaughanThomas).

Condition 10, flyering limited to Prince of Wales Road area and at the time only that the venue was open as inappropriate to leaflet wider. It was agreed that the following words would appear 'apart from promotional flyers for the premises, which shall not include the following;

- d) Any depiction of full nudity
- e) Any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
- f) 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.

Condition 11, 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.'

Condition 20, word 'dedicated' to be removed from the condition.

Condition 28, agreed to addition of the wording 'except toy handcuffs'.

Condition 31, agreed to amend wording to 'The windows and opening of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premise is not visible to passers-by. Performers are to be fully dressed when outside of the premises at all times'.

Condition 42, in reference to alterations, accepted additional wording 'with exception to minor alterations which will not affect capacity'.

Condition 43 regarding private booths, to be amended to '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. '

Condition 44, accept applicant amendments to 'All booths, cubicles, VIP areas used for private dancers 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.'

Condition 46, to reword conditions as follows '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'.

Condition 50, applicant amendments not accepted to keep with standard conditions as per policy because risk to dancer's safety if changed.

Condition 53, agreed to the removal of the final bracketed part of condition '(this excludes the toilets as Performers must not use the public toilets whilst open to the public)'

Condition 54(1) – (5) agreed to following rewording and consolidation of numbers (1) – (4) as below with removal of (5);

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 a dance
- (2) Customers must remain seated or lying during the entire performance of the dance
- (3) Performers must not sit on or straddle the customers when naked

Condition 57, agreed to insert the following wording into the condition; 'A social greeting such as hand shake, hug or kiss on the cheek'.

CHAIR