

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 13 August 2012 at Town Hall, Royal Leamington Spa at 10.00am.

PRESENT: Councillors; Ms Bunker, Mrs Gallagher, Ms Goode, Mrs Higgins, Illingworth, MacKay, Shilton, Weed, Wilkinson and Wreford-Bush.

Apologies for absence were received from Councillors Gill and Pratt.

Councillor Mrs Gallagher chaired the meeting, in the absence of the Chairman Councillor Pratt, and in her capacity as Vice Chairman.

16. **SUBSTITUTES**

Councillor Mrs Bunker substituted for Councillor Pratt and Councillor Wilkinson for Councillor Gill.

17. **DECLARATIONS OF INTEREST**

Minute Number 18 – Application for a Sex Establishment Licence

Councillor Wilkinson declared a personal and prejudicial interest and having taken legal advice, decided to remove himself from the Committee for the remainder of the meeting.

18. **APPLICATION FOR A SEX ESTABLISHMENT LICENCE**

The Committee considered a report from Community Protection following receipt of an application for a Sex Establishment Licence from Shades Snooker Club Ltd, 6a High Street, Royal Leamington Spa.

The Chairman introduced herself and the officers present, and invited the Committee to follow suit.

Present were the applicants, Mr and Mrs Ransford and their legal representative, Mr Besant as well as a seventeen members of the public who had registered to speak and address the Committee.

The Licensing Services Manager outlined the report and advised that the club's current licence allowed them to hold one pole dancing event a month, up to a maximum of 11 per year.

Shades Snooker Club Ltd had applied for a licence for Shades Gentleman's Club located on the High Street in Leamington Spa. The application was attached as an appendix to the report and the hours applied for were:

23:00 to 03:00 – Tuesday to Thursday
23:00 to 04:00 – Friday and Saturday.

No hours had been requested for Sunday or Monday.

The premises had held an existing licence for four years and this permitted the sale of alcohol and regulated entertainment. However,

following the adoption of Section 2 and Section 3 of the Local Government (Miscellaneous Provisions) Act 1982, all premises that wished to provide sexual entertainment had to apply for a Sexual Entertainment Licence.

The current premise licence had a number of conditions attached and these were detailed in paragraph 3.8 of the report and current operating hours were described in paragraph 3.9 of the report.

Shades Snooker Club Ltd had previously applied for a Sexual Entertainment Licence in November 2012, however this was rejected by the Regulatory Committee at their meeting in June 2011. Subsequently an application was submitted by Mrs Ransford in December 2011 and again rejected by the Committee in March 2012.

Following receipt of the application, a number of representations had been received and these were attached as appendices to the report. In addition, anyone wishing to make a representation at the meeting had been contacted, inviting them to attend the meeting. Although a high number of objections had been received, the report also included representations from supporters and officers advised that the Police had no objection to the application.

The applicants' representative, Mr Besant, presented the application and gave a brief history of the premises, which the applicant had taken over in March 2008. He advised that, in that time, they had received no complaints from neighbouring residents and that no objection had been submitted from the Police, Environmental Health or Social Services.

Mr Besant outlined the club's customer profile, advised on average numbers of customers during the week and at weekends and advised that all the doormen were SIA registered. He explained that a copy of the Club Rules had been supplied in the supplementary documentation and these included that any breach of the rules by a customer equalled exclusion from the club.

Mr Besant described the up to date CCTV arrangements on the premises and reminded Members that there was no line of sight of the interior of the club from street level. In addition, a petition of support had been included, signed by local residents and reinforced that this was a well run club.

Mr Besant then answered questions from Councillor Mrs Goode who requested clarification on who had signed the petition and how the signatures had been obtained. Mrs Ransford explained that they had spoken to the students living nearby and customers of the club to request their support.

Mr Davies addressed the Committee in objection to the application and stated that his letter was attached at appendix 11 to the report. He objected to the licence on the grounds that there would be significant disruption and discomfort for the users of this area of town and it would be harmful to the reputation of the area. He felt that the public would be faced with this club on entering the town and highlighted the affect that a 'red light district' could have on South Town.

Ms Miller addressed the Committee and advised that her objection was attached as appendix 62 to the report. She felt that the club projected an inappropriate and degrading image and was located in close proximity to facilities used by under 16 year olds. She reminded Members that this was the club's third application and urged the Committee to uphold their previous decisions.

Mr Deepak addressed the committee and advised that his objection was attached as appendix 17 to the report. He objected to the application because he felt it was inappropriate due to it's proximity to a nearby place of worship. He felt the change of hours was irrelevant because religious festivals could continue throughout the night and made reference to new flats being built nearby in September.

In response to a question from Councillor Illingworth, Mr Deepak advised that the temple was located 100 to 150 yards from the club.

Mr Tara addressed the Committee and outlined his objection, which was attached as appendix 22 to the report. He felt that the club was inappropriate due to it's proximity to the temple, as well as being opposite a residential dwelling which had 15 students living there. He reminded Members that these students would have to pass the entrance to the club in order to get home. He felt that the activities that took place at the temple and nearby Community Centre could often continue through the night, especially at weekends.

Mr Pitts addressed the Committee on behalf of the Friends of Leamington Station, whose objection was attached at appendix 10 to the report. He stated that this type of club 'violates our aims' and highlighted the close proximity to the temple, student accommodation, the community centre and the railway station, which welcomed 1.8 million users per year. He advised that the last train left the station at 01.30 hours, during the clubs opening hours, and made reference to planning applications for premises in Wise Street. He felt the granting of the licence would weaken the efforts of all those committed to regenerating the area and highlighted the affect on residents of a wider area, not just Wise Street or Wise Terrace. He also stated that the supporters comments should not be counted because they were not local residents.

Mr Pitts answered some questions from members of the Committee regarding the general opinion of people using the station, which were mostly positive.

Royal Leamington Spa Town Councillor, Councillor Singh, addressed the Committee and introduced his objection which was attached at appendix 83 to the report. He highlighted that the club was located in a diverse residential area which had good prospects for future development and made reference to many worshippers who walked through this area to attend temple.

In response to a question from Councillor Shilton, Councillor Singh advised that he was not aware of any incidents of antisocial behaviour being reported but felt that the potential was there.

Mr Bond addressed the Committee and stated that his objection was attached at appendix 15 to the report. He felt that residents did not want to live in an area with a 'sleazy reputation', full of men from out of town who were visiting at all hours of day and night looking for sex and alcohol. He made reference to 'kerb crawling and prostitution' but was advised that these comments were not relevant as no evidence existed to prove these claims.

Dr Holdcroft addressed the Committee and outlined his objection, attached at appendix 30 to the report. Although he felt that many of the arguments had already been aired he did wish to make reference to the timing of the application and how the area had recently done well in the Portas Bid. He felt this application could appear contrary to the message of regeneration and reminded Members that many businesses were struggling and facing closure. He requested that a strong message be passed from the 'powers that be' to ensure that decisions were made with consistency.

Ms Davies addressed the Committee, stating that her objection was attached at appendix 7 to the report. She advised that she had worked for Regenesys and, along with others, had worked hard to regenerate this area of Leamington. She was outraged that the applicant was seemingly being allowed to reapply and felt the application was contrary to the number of planning applications being generated for the area.

In response to a question regarding numbers of planning applications in the area, Councillor Mrs Goode was advised that the officers present were not Planning Officers and all applications could be viewed via the council's website.

Mr Ashworth spoke on behalf of Dr Cook, who was the Chair of the Leamington Society, and whose objection was attached at appendix 8 to the report. He supported Dr Cook's objection and highlighted the additional support from CLARA. He objected to the number of repeat applications being made by the club, which he felt resulted in it being the same applicant each time. He did not feel that the applicant was unfit but that the location of the premise was inappropriate. This was due to the increasing presence of residential flats and the location of the nearby place of worship. He requested that Members had regard to planned regeneration and reminded the Committee that Old Town had struggled both economically and socially.

Ms Alty then outlined her objection, which was attached as appendix 12 to the report. She reiterated the comments made regarding the club's proximity to residential dwellings, a place of worship and the community centre. She went on to define the term 'Sexual Entertainment' and voiced her concern that people who had been 'aroused' or 'sexually stimulated' would be leaving the club in the early hours of the morning. Ms Alty also made reference to the number of planning applications that had received approval in the area and referred to photographs taken of Old Town which underpinned her opinion that this was a family, residential area.

Ms Alty then went on to outline Mr Chilvers objection because he had been unable to attend the meeting. His concerns centred around vulnerable people, many of whom lived in nearby sheltered housing. He felt that

some vulnerable people could not always differentiate between strangers being friendly or predatory and how the presence of this club could exacerbate this problem.

The Committee then heard from Ms Finnesey whose objection was detailed at appendix 33 to the report. She felt that the town was at risk of losing its good reputation and feared it would be known as 'sleaze town'. She stated that those individuals involved in regeneration of the area did not want anything to interfere with their hard work.

Councillor Mrs Morrison from Royal Leamington Town Council addressed the Committee and outlined her objection as detailed at appendix 66 to the report. She stated that she hoped the Committee would not approve the application and reinforced her view that the District Council should apply a 'Nil Cap' to the area.

Councillor Mrs Knight spoke to Members in her capacity as Ward Councillor and endorsed her objection which was attached at appendix 32 to the report. She highlighted that she represented the residents of Brunswick Ward and both she and her family were residents of the town. She feared that the presence of this club would go against the residents' aspirations to improve the area. She also made reference to the recent Portas Bid and stated that she would not wish to see any regeneration hindered. Councillor Mrs Knight also had concerns about the number of young, impressionable people who had to walk past the club.

Councillor Illingworth asked for clarification on the comments made regarding regeneration and the recent Portas Bid and if any official response had been made by officers. The officers present were not aware of any comments made specifically about the negative impact this application could have on the Portas Bid.

The Reverend Wilson addressed the Committee, outlined his objection detailed on appendix 14 to the report and thanked the Committee for their time and attention. He asked the Committee to consider the difficult options that young female students faced, many of whom lived in and contributed to the District. He felt that it was unfair to approve a sex club licence when there was student accommodation in such close proximity and reminded Members that many of the students were from abroad and so may not have found it easy to place an objection in their second language. He felt it was irrelevant whether the premise was open or closed because the character of the area would be affected.

Mr Tanner outlined his objection which was attached at appendix 6 to the report. He felt this was a vexatious application and as a local businessman felt that the Council and officers' time was being wasted dealing with repeat applications in one of the worst recessions in history. He stated that the sex trade heavily contributed to the sleazy image of the area and would put off his customers.

Warwick County Councillor, Councillor Naylor, was the final speaker to address the Committee and his objection was attached at appendix 65. He endorsed the previous speakers' comments and asked Members to be mindful of the Code of Corporate Governance with regard to the two previous applications, in which only the name of the applicant had altered.

He felt that there had been a 'liberal use of the law' in allowing this application to proceed and felt that the weight of the evidence against this type of premises was increasing.

The Chairman then asked the applicant's representative to give a brief summary of their application.

Mr Besant reminded Members that they should not refuse the application on the grounds that it caused offence. He made reference to the lack of evidence that the club had been poorly run and felt that visitors to the area would not even know of the premises existence, especially as it had operated for four years without objection from any of the statutory authorities.

Mr Besant stated that no evidence had been provided that granting the licence would have a detrimental affect on any neighbouring educational premises or local businesses. He also made reference to a retailer, located in the middle of the Royal Priors, who openly traded in merchandise of an adult nature.

He reminded Members that no objection had been received from the nearby gym or martial arts centre and the hockey club closed at 23:00. In addition, he did not feel that evidence had been provided to show that any funding promised for regeneration had been affected by this application being considered.

Mr Besant made reference to the previously mentioned sheltered housing in the area and stated that no objection had been received from the charities involved nor the Housing Association.

With regard to the issues raised about the temple, Mr Besant explained that this was located in the next road along to Wise Street and advised that worshippers did not have to walk past the club to reach the temple. He highlighted the fact that a recent Diwali event took place at the Spa Centre but advised that the applicant was happy to agree non-opening of the club if a function was planned on religious grounds.

He urged Members to carefully consider the application and be mindful that it was a proper and responsibly run club, with no record of complaints regarding its operation. He reminded Members that they would have more powers of control by granting a licence, especially with regard to signage, than if the club operated on the permitted 11 occasions per year.

At the end of the public speaking section, the Chairman took the opportunity to take a comfort break and requested all interested parties present to take a seat in the public gallery on their return.

The meeting reconvened at 1.05 pm and the Council's Legal Advisor, John Gregory, advised Members to be mindful of the legislation surrounding the European Convention of Human Rights and its relationship to this application.

Councillor MacKay addressed the Committee and felt that as elected members they were compelled to look at other peoples views, not just

their own and also felt that peoples perceptions were important, even when there was a lack of evidence.

He made reference to the high number of planning applications in the area, the lack of parking for the venue and the potential impact on local, vulnerable people.

Councillor MacKay therefore proposed refusal of the application due to the club's close proximity to residential properties and places of worship, the high number of planning applications and planned regeneration and due to the nature and concerns of the representations received.

This proposal was seconded by Councillor Ms Goode who reiterated that the previous decision by the Regulatory Committee had been robust. She agreed that the club was in the presence of a place of worship and the area was becoming more residential.

Councillor Illingworth addressed the Committee and advised that anti-social issues were not solely concentrated to Old Town and, having been out with the Police, he had witnessed the varied locations of problem areas in the town. He did not feel that the negative comments being made in the press or by objectors were helping the image of Old Town.

He made reference to the high level of student accommodation in the area and reminded Members that the club had been existed and operated for four years prior to this application and felt that developers obviously hadn't been worried about the presence of the club to continue to build and renovate properties in the area, and no objection had been received from them.

He therefore, felt that he would be minded to grant the licence but would welcome a change to the existing signage and this could be approved by officers prior to installation.

Councillor Shilton endorsed Councillor Illingworth's comments and reminded Members that the individuals involved in the Portas Bid had worked hard, with the knowledge that the club existed.

Some discussions were held regarding the hours being applied for and the potential for adding conditions regarding the employment of young females at the club. The Licensing Services Manager advised that the licence would be valid for 12 months, if any complaints were received the matter would come back before the Regulatory Committee and the licence could be revoked if necessary.

Some Members felt strongly that this was a clear, residential area, that dwellings were in close proximity to the club and some could only be accessed by passing the entrance to the premises. It was also highlighted that there were a large number of objectors present but no supporters had attended the meeting.

It had been proposed and duly seconded that the application be refused for the reasons stated above. Councillor Ms Goode requested that the vote be recorded.

Councillors Ms Goode, MacKay, Weed and Wreford-Bush voting for the application to be refused. Councillors Mrs Bunker, Mrs Gallagher, Mrs Higgins, Illingworth and Shilton voted against this proposal.

The vote was therefore lost four votes to five.

It was therefore proposed, and duly seconded, that the application be granted subject to the conditions detailed in the report and with an additional condition to ensure that all exterior signage be agreed to the satisfaction of the local authority. It was also felt that liaison with organisers at the temple should be encouraged, especially with regard to special religious occasions, which the applicant agreed they would do their utmost to do.

Members agreed that the signage should be restricted to letters only in a regular font size and typeface.

A vote was taken and won five votes to four and the motion was passed.

Having given due consideration to the representations made, the Committee were of the opinion that the character of the area would not be adversely affected by the granting of this licence. They did not feel that sufficient evidence had been received to convince them that there would be a negative impact on regeneration or on the businesses already established in the location.

In addition, no objections had been received from the Police or any other statutory authorities and the business had run successfully for the past four years. Members felt that this was not an unsuitable location for the premises because it was located in an area of mixed uses.

The Committee therefore,

RESOLVED that the licence be granted in accordance with the application with an amendment to Condition 3.8 regarding external signage, to ensure this be limited to the words 'Shades Gentlemans Club' in regular typeface and font.

(The meeting finished at 5.15 pm)