

REGULATORY COMMITTEE

18 APRIL 2012

NOTE: THIS SUMMARY IS NOT THE FORMAL MINUTES OF THE COMMITTEE. IT IS INTENDED TO GIVE EARLY NOTICE OF THE DECISIONS TAKEN.

1. **Emergency Procedure**
2. **Substitutes** - Apologies from Councillors Mrs Falp and Councillor Mrs Blacklock substituted for Councillor Mrs Goode.
3. **Declarations of Interest** - These will be detailed in the minutes of the meeting.
4. **Minutes** - The minutes of the meeting of 15 March 2012 were approved subject to a minor amendment.
5. **Application for a Sex Establishment Licence**

Having considered the application the Committee noted that no objection was received by any of the relevant statutory bodies, including Warwickshire Police or Children's Services. However, around 50 objections were received from a variety of people, including non-statutory bodies, local residents and other interested parties.

Some objections which were based wholly on either religious or moral grounds were ignored. It was important to note that while people may have strong objections to sexual entertainment venues, Parliament had already debated the moral and religious basis for SEV, and the resulting legislation provided that they were legal where licensed. The Committee considered only those grounds permitted by Schedule 3 of the Act.

Where possible, objections framed partly on Schedule 3 grounds, and partly on moral or religious grounds, were considered, but only to the extent that they could be characterised in terms of the grounds permitted by Schedule 3.

The Committee heard from several of the objectors, to enable them to amplify their submissions. These objections were carefully scrutinised by the Committee and Committee members asked questions where appropriate and the answers given were considered. The principle grounds which were relevant to the majority of the objections received, were that the grant of the licence would be inappropriate having regard to the character of the relevant locality and to the use to which any premises in the vicinity was put.

The broad scope of the remaining objections were summarised as follows: the presence of an SEV in Old Town mitigated against the attempts by the Council and the community to regenerate the area; the presence of an SEV close to places of worship, schools, charities and community groups was inappropriate; and the proximity of residential property made the SEV inappropriate.

The Committee also considered the applicant's submissions to the effect that the premises had been well run previously and that there had been no objection by the Police. The Committee were told that female and male entertainers would be subject to strict working conditions and the customers would be required to obey a set of rules. The Committee noted the applicant's submission that there would be little or no effect on businesses, schools and places of worship in the area due to the opening hours of these not coinciding with the proposed hours for the premises.

The Committee considered that they had received no evidence that suggested that the applicant's description of how the premises had been or would be run was inaccurate, and noted that Warwickshire Police had not objected to the grant of the licence. They concluded that they had not been provided with any evidence that the premises were connected with any form of illegal activity, whether inside the premises or outside them.

The Committee have considered the grounds for refusal provided by paragraph 12(1) of schedule 3 of the Act which are that the grant of licence would be inappropriate having regard to the character of the relevant locality or to the use of any premises in the vicinity or to the layout, character or condition of the premises. The Committee have also considered the Council's Policy and in particular paragraph 3.2 which states that the Council will not normally licence premises that are in close proximity to a residential area, school/nursery, park or recreation area, church or other place of religious worship.

The Committee consider the locality of the area to be characterised by a mix of industrial, commercial and retail uses with some residential use. Having considered the character of the area the Committee consider that the grant of the licence would not be inappropriate.

Further while the Committee note the proximity of the premises to the residential properties in Tower Street, the Committee did not consider that Tower Street would constitute a residential area and in any event Tower Street was not in close proximity to the premises.

Whilst the Committee note that there is no definition of close proximity in the Policy the Committee considers close proximity to be adjacent to the property or immediately opposite.

It was therefore proposed, duly seconded and

RESOLVED that

- (1) the application be GRANTED, subject to the following hours and conditions:

23:00 to 03:00 Sunday to Thursday
23:00 to 04:00 Friday and Saturday.

- (1) No persons under the age of 18 be inside the premises at all when adult entertainment is

- taking place;
 - (2) No material to be displayed externally and visible to the general public of an adult nature;
 - (3) No adult entertainment to be visible from outside the premises;
 - (4) Door supervisors be on duty on every occasion where erotic dancing/adult entertainment is to take place no later than 30 minutes before the entertainment starts and shall remain until 30 minutes after the end of adult entertainment;
 - (5) At least one door supervisor to be on duty on every occasion where erotic dancing/adult entertainment is taking place, which is an addition to the required door supervisors controlling the entrance/exit;
 - (6) If booths are used, all shall be fitted with panic buttons for the protection of performers; and
 - (7) Any changes in signage shall be approved in writing by Licensing Services; and
- (2) the Council's Statement of Licensing Policy for premises to be licensed as a sex establishment be brought to the Committee for consideration.