

LICENSING COMMITTEE 17 FEBRUARY 2012

Present :- Councillor Barrie Cook (Chairman)
Councillors Mary Blandon, Michael Lilley, Colin Mudie
and Ann Quarrie

14. Appointment of Chairman

Councillor Cook was appointed as Chairman for the meeting.

15. Minutes

RESOLVED that the minutes of the meeting held on 23 November 2011 were confirmed as a correct record.

16. Application for a Sexual Entertainment Venue Licence

Councillors Blandon, Cook, Mudie and Quarrie (in respect of knowing the objector, Ms Hayes) declared their personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

The Licensing and Enforcement Manager, Mr O'Shea, declared that he knew the applicant's agent, Mr Fish but that he was not party to the decision making process and did not therefore consider the matter prejudicial.

The Licensing and Enforcement Manager introduced a report setting out details of an application that had been submitted by Exquisite Enterprises Limited for Heaven Gentlemen's Club at 27-30 St Botolph's Street, Colchester for a sexual entertainment venue licence.

The application was to enable the provision of nude lap and pole dancing Mondays to Sundays inclusive from 12.00 to 04.00 the following day. Three valid objections were received to the application, two from Ward Councillors and one from a local resident and these were appended to the report. It was noted the Police had not objected to the application. The objections from Councillors Frame and Spyvee were concerned primarily with the effect that the granting of an extension of hours would have on crime and disorder and the problems already prevalent in the area. The applicants, having considered these points in advance of the meeting, had determined to amend the application and sought a licence to permit the provision of nude lap and pole dancing Fridays and Saturdays from 12.00 to 03.00 and Sundays to Thursdays from 12.00 to 02.00 and the Committee considered the application on this basis.

Mr Fish, agent for the applicant, presented the application and informed the Sub-Committee that the application was from an existing business that had been operating

as a Gentlemen's Club for the past 2 years in its current location without any problems or reported incidents. The application before the Sub-Committee had been necessitated not because of any changes in the nature of the premises or its operation but because the law governing such entertainments had changed bringing them under the jurisdiction of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

In setting out the details of the application, Mr Fish highlighted that the conditions which had successfully controlled the operation of the premises over the past two years would form part of the new licence, in the event that it was granted. The Directors of the company, he considered, had an exemplary record in operating in this field and had operated another premises in a different authority area for the past 6 years without any problems. It was part of the local community and had established a good relationship with the St Botolph's Church which was located behind the premises. The premises did not encourage excessive drinking and Mr Fish outlined the security arrangements in place at the premises. Mr D'Angeles, the Head of Regency Security, provided further details and responded to questions on this matter and in particular in relation to the end of night policy which was of concern to the Sub-Committee. It was explained that at the time of closing there were relatively few customers in the premises and those that were there were encouraged to leave over a staggered period. The door staff were part of the Community Safety Accreditation Scheme which gave them powers to deal with issues in the street that may arise following the dispersal of customers from the premises and to issue fixed penalties for low level disorder issues.

Mr Newell and Mr Clark, Managing Directors of the business; and Mr Firkins, Manager of the premises, responded to members questions and provided further information on the application.

Ms Hayes, local resident, attended the meeting and addressed the Sub-Committee on her representation which questioned the appropriateness of the granting a sexual entertainment venue licence in the St Botolph's area which was part of a regeneration area and made reference to the St Botolph's Master Plan planning guidance to support the view expressed that to permit such a licence would be incompatible with the aspirations and objectives expressed for this area. In responding to the points raised Mr Fish reiterated that the premises had been operating in its current location for two years without attracting any objections; it was an unassuming premises and went largely unnoticed by those passing by; and there was no intention to change its mode of operation.

RESOLVED that the application for a Sexual Entertainment Venue Licence by Exquisite Enterprises Ltd for Heaven Gentlemen's Club at 27-30 St Botolph's Street, Colchester be granted to permit the provision of nude lap and pole dancing on Fridays and Saturdays from 12.00 to 03.00 and on Sundays to Thursdays from 12.00 to 02.00 subject to the following conditions –

(i) that 2 members of door staff remain outside the premises and in the area for 20 minutes after its closure to monitor dispersal from the premises and to deal with any issues that may occur.

(ii) the Management Policy appended to the application.

(iii) all relevant mandatory conditions.