

NOTICE
OF
MEETING



LICENSING PANEL SUB-COMMITTEES

will meet on

THURSDAY, 11TH AUGUST, 2016

At 6.00 pm

in the

COUNCIL CHAMBER - GUILDHALL, WINDSOR

TO: MEMBERS OF THE LICENSING PANEL SUB-COMMITTEES

COUNCILLORS JESSE GREY, JOHN BOWDEN AND JOHN COLLINS

Karen Shepherd - Democratic Services Manager - Issued: 03.08.16

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Tanya Leftwich** 01628 796345

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit, situated through the Mayor's Parlour (opposite the Chamber), and proceed down the back staircase. Do not stop to collect personal belongings. Congregate on the cobbled area, outside Hamptons Estate Agents and do not re-enter the building until told to do so by a member of staff.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APPOINTMENT OF CHAIRMAN</u> To appoint a Chairman for the duration of the meeting.	-
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
3.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
4.	<u>CONSIDERATION OF THE RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</u> To consider an application to renew the Sexual Entertainment Venue (SEV) licence for Pink Gentlemen's Club, Basement, Darville House, Oxford Road East, Windsor SL4 1EF. (Castle Without Ward)	7 - 36

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MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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REPORT TO LICENSING PANEL SUB COMMITTEE

CONSIDERATION OF THE RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

LICENSING PANEL SUB- COMMITTEE: 11th August 2016

OFFICER REPORTING: Steve Smith - Licensing Officer

A) THE APPLICATION

APPLICANT: Mr Desmond Murphy

PREMISES: Pink Gentleman's Club, Basement, Darville House, Oxford Road East, Windsor, SL4 1EF

The application is to renew the Sexual Entertainment Venue (SEV) licence for the above premises, as is required on an annual basis. An SEV is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer". Relevant entertainment is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

The application does not propose any changes to the current hours or conditions of the licence.

Application history:

12.10.2011 - Application for new SEV heard by panel on 17.11.11 → licence granted

19.01.2012 - Transfer of SEV from Annmarie Harris to Desmond Murphy

05.11.2012 - Renewal of SEV licence renewed

28.01.2014 - Renewal of SEV licence renewed

30.01.2015 - Renewal of SEV licence renewed

21.01.2016 - Renewal of SEV application being considered

B) REPRESENTATIONS

Police:

Thames Valley Police - response received on 16/02/16 – no objection

Objections

Attached are objections from two local Ward members, Cllr James Rankin and Cllr Wesley Richards, and Lead Member for Youth Services and Safeguarding/Windsor resident, Cllr Natasha Airey.

C) OBSERVATIONS

The application is in respect of existing premises which currently has a premises licence under the Licensing Act 2003. There are no outstanding complaints in relation to the premises or either the general or specific location of the premises “vicinity”. The applicant has no relevant convictions.

The Sub-Committee may under paragraph 8(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 renew the licence subject to any terms & conditions and restrictions it may decide are reasonable.

The term “reasonable” is not defined or mentioned in the 1982 Act but is included to indicate that in deciding what terms are reasonable, under public law, the Sub-Committee must only take account of matters relevant to the application and ignore any that are irrelevant.

As objections have been made to the Renewal of the Licence then in line with paragraph 11 of Schedule 3 and Royal Borough’s Policy a hearing is necessary before this Sub-Committee to decide whether the Licence should be renewed.

Guidance for England and Wales was published by the Home Office in March 2010. The entire Guidance should be considered as a whole, but relevant extracts, regarding the subtitled matters, is set out below as follows:

“Objections

3.23:

When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24:

Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25:

Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26:

Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27:

Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or

renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28:

A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29:

A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30:

When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31:

The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32:

Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33:

Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34:

Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35:

Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36:

When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37:

Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38:

Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

Appeals

3.44:

In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review."

The Sub-Committee may refuse to renew the Licence under the Grounds set out in Paragraph 12(3) of Schedule 3, namely:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Particular attention should be paid to the grounds under 12(3)(c) and 12(3)(d), as these are the grounds for objection in the representations received.

In making its decision, the Committee should have regard to the Home Office Guidance and the Council's own Licensing Policy.

The Sub-Committee must have regard to all of the representations made and the evidence it hears.

The options available to the Sub-Committee are that it may:

- a) renew the licence, attaching any conditions they consider reasonable under paragraph 8(1) or,
- b) refuse the application under paragraph 12(2)

Where the Sub-Committee has refused to renew a licence then it is required to give written reasons for its decision to the licence holder (paragraph 11(20)).

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Royal Borough of Windsor & Maidenhead

Local Government (Miscellaneous Provisions) Act 1982 Section 3 and Schedule 3
Application for the Grant/Renewal/Transfer/ of a Licence for a Sex Establishment

Type of Application	Grant	Renewal	X	Transfer
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1. If application is made on behalf of an individual please state:

Full Name – Mr Desmond Murphy					
Permanent Address – 43 Laughton Road, Northolt, UB5 5LN					
Age	46	Date of Birth	23/05/1968	Place of Birth	London

If application is made on behalf of a corporate or unincorporated body please state:

Full Name of Body					
Address of registered or principle office					

2. Give full names and private addresses of all directors or other persons responsible for management of the establishment:

Full Name – Mr Desmond Murphy					
Address – 43 Laughton Road, Northolt, UB5 5LN					
Age	46	Date of Birth	23/05/1968	Place of Birth	London

Full Name					
Address					
Age		Date of Birth		Place of Birth	

Full Name					
Address					
Age		Date of Birth		Place of Birth	

Full Name					
Address					
Age		Date of Birth		Place of Birth	

3. Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state:

Date of Conviction	Offence	Sentence (including suspended sentence)

Note

- 1) All live convictions must be disclosed.
- 2) Spent convictions, as defined *Table 1* should not be included.

Royal Borough of Windsor & Maidenhead

Table 1

Sentence	Becomes spent after
Imprisonment of between 6 months and 30 months	10 years
Imprisonment of up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is longer)
Detention Centre Order	3 years
Remand home, attendance centre or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further 2 years after it expires
Cashiering discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years
Detention	5 years

Note

- 1) A sentence of more than 2½ years imprisonment can never become spent.
- 2) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

4. Have you been resident in the United Kingdom throughout a period of six months immediately proceeding the date **YES/NO**

5. If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom **YES/NO** *NA*

6. Full address of premises desired to be used as a sex establishment

Pink, Basement, Darville House, Oxford Road East, Windsor SL4 1EF

7. If this application relates to a vehicle/vessel/stall give description and state where it is to be used as a sex establishment

8. During which hours do you intend to trade

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 – 04:00	10:00 – 04:00	10:00 – 04:00	10:00 – 04:00	10:00 – 04:00	10:00 – 04:00	10:00 – 04:00

9. Are the premises to be used as a sex shop? **YES/NO**
 Are the premises to be used as a sex cinema? **YES/NO**
 Are the premises to be used as a sexual entertainment venue **YES/NO**

10. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment? **YES/NO**

Have you ever been refused a licence for a sex establishment?
 If Yes please give details

N/A

11. I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

Signed

[Signature]

[Signature]
 M. L. M. L.

21/1/16

Licensing Team - RBWM, Town Hall, St Ives Road, Maidenhead, SL6 1RF.

Royal Borough of Windsor and Maidenhead

Notice

Application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Scheduled 3

NOTICE IS HEREBY GIVEN THAT I,

Mr Desmond Murphy

APPLIED ON 21st January 2016

TO THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

In respect of the premises known as,

Pink, Basement, Darville House, Oxford Road East, Windsor SL4 1EF

for the renewal of a licence to use the premises as a 'Sexual Entertainment Venue'

ANY PERSON wishing to oppose the application should write to the Team Leader, Licensing, Town Hall, St Ives Road, Maidenhead, SL6 1RF by no later than :- 18th February 2016

Letters in support should also be sent to the Team Leader, Licensing by that date.

Please note that any written representations received in response to this consultation are likely to be required to be made available for public inspection in accordance with the Local Government (Access to Information) Act 1985.

LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

SEV0001

LOCAL AUTHORITY

Community Protection & Enforcement
Services
Craig Miller
Community Protection & Enforcement Services
Lead
York House



NAME & ADDRESS OF HOLDER OF SEXUAL ENTERTAINMENT VENUE LICENCE

Desmond MURPHY

43 Laughton Road Northolt UB5 5LN

PREMISE DETAILS

Pink

Basement, Darville House, Oxford Road East, Windsor SL4 1EF

PERMITTED HOURS

	Open from	Open to
Monday to Sunday	10:00	04:00

LICENCE DETAILS

COMMENCES :	07 Feb 2015	EXPIRY :	06 Feb 2016
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NOTES

- (1) THIS LICENCE IS SUBJECT TO THE PROVISIONS OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, THE CONDITIONS ATTACHED TO THIS LICENCE AND ANY OTHER RELEVANT ACTS.
- (2) THIS LICENCE IS NOT TRANSFERABLE WITHOUT THE CONSENT OF THE COUNCIL

SIGNED ON BEHALF OF THE ISSUING LICENSING AUTHORITY

Craig Miller
Community Protection and Enforcement Services Lead



CONDITIONS ATTACHED TO THE ISSUE OF

Sexual Entertainment Venue Licence

SEV0001

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

1. Whilst performing striptease the dancer may not perform any acts which by themselves or with others are, or clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening.
2. A customer code shall be prominently displayed and clearly visible throughout the premises advising patrons of the rules of striptease at the venue. A copy of the customer code will be provided to the Police and Licensing Authority and shall not be substantially amended without the consent of the Police.
3. The premises licence holder will have an operations manual and performer code of conduct. A copy of these documents will be provided to the Police and Licensing Authority prior to opening and shall not be substantially amended without the consent of the Police.
4. Striptease performers shall be aged not less than 18 years.
5. No dancer may perform at the premises until such time as photographic proof of identity showing date of birth is provided, confirming that the dancer is aged over 18 years.
6. Whilst striptease is taking place no person under 18 years of age shall be permitted within the premises.
7. A notice shall clearly be displayed in a prominent position at the entrance of the premises stating that "no person under 18 will be admitted" so that it can be easily read by persons entering the premises.
8. Whilst performing striptease, dancers must not be able to be seen by persons outside the premises.
9. Striptease may only take place in supervised public areas of the premises or areas covered by CCTV.
10. The DPS or a nominated manager shall be present on the premises at all times whilst the striptease entertainment is taking place.
11. A nominated person shall be present to oversee the activities of striptease performers.
12. Dressing rooms will be provided for striptease performers and access to these will be restricted by management - before, during and after entertainment.
13. Any external advertising at the premises shall be in a form acceptable to the Police and Licensing Authority.
14. There must not be any contact by the striptease performer with the patron immediately before, during and after the performance of striptease except:-
 - a) The leading of a patron hand in hand to and from a chair or to and from the designated dance area.
 - b) The simple handshake greeting.
 - c) The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
 - d) The customary kiss on the cheek of the patron by the dancer at the conclusion of the performance.
 - e) If the contact is accidental.

Sun 14/02/2016 18:27

Dear Kieran

I would like to formally object to the Renewal of Sexual Entertainment Licence for Pink on Oxford Road East, reference SEV0001.

I object on two grounds: the character of the locality is inappropriate for a Sexual entertainment License and to protect children from harm.

Character of the Locality

Under Section 3 Control of Sexual Entertainment, Paragraph 12, in 3di, the schedule allows an authority to reject the renewal of an SEV license if the award would be inappropriate having regard to the character of the relevant locality.

Pink is situated in the historic town centre of Windsor. Immediately off Peascod Street, this area constitutes our high street, full of historic buildings, where millions of visitors (constituting young families of residents' and tourists' alike) visit each year. I would contest that such an establishment is highly inappropriate if you assess the character of an area bursting with visitors' attractions and historic importance.

Further I would contend that the area is residential, and increasingly so. A large number of people reside both in Darville House directly above the premises, in Ward Royal and in flats in King Edward Court. It is inappropriate for a residential area to have in its midst a Sexual Entertainment Premises. This residential aspect of the area is also increasing; under permitted development rights, a developer can turn an office space into residential space without the planning authority objecting. In the area immediately surrounding Pinks' premises, large capacity of office space is being turned into residential accommodation under these permitted rights, and as the area becoming less business focused and more residential, the location of a Sexual Entertainment venue becoming increasingly inappropriate.

Further considering the wider area, rather than just the immediate locality, we have the historic Alexandra Gardens, a visitor attraction and play area for children and young families, and the Holy Trinity Garrison Church, a place of worship and remembrance of our fallen servicemen and women. I would contend the considering the wider area, as well as the immediate area, would lead to a conclusion that the character of the relevant locality does not suit a SEV license being renewed.

The character of the immediate relevant locality is an historic, tourist based, family space which is increasingly residential. As such the Royal Borough should reject the application for an SEV at this premises under Paragraph 12 3di of the Schedule.

Protection of Children from Harm

If Pink had been discreet in its presence locally I would have little to no concern on these grounds. However its increasing level of marketing, taking place on High Street and Peascod Street, lead me to object on the basis of protection of children, in addition to my objection on character of the locality.

At the weekend, there is often a 'Pinks' car sitting at the top of Peascod Street on High Street advertising the existence of a Sexual Entertainment Venue in Windsor. This is in addition to flyers

being handed out. This advertisement leaves the casual observer in no doubt as to the existence and nature of Pinks' business.

As this is an area where children and families are present in great number, I am concerned that children are being exposed to the concept of sexual entertainment and I am in no doubt that this does children harm. As such it is highly inappropriate and highly aggrandising to the Windsor community.

In summary I believe the application should be refused due to the character of the immediate relevant locality and its increasing residential make-up, and to protect children from harm in the shape of advertisement of the premises activities in areas where children will be exposure to the activities of the establishment.

Thank you for the consideration of this representation.

Cllr Jack M. Rankin
Castle Without

From: Kieran Clough
Sent: 22 January 2016 09:38
To: Cllr Rankin; Cllr Richards; Cllr Shelim
Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton
Subject: Renewal of SEV - Pink

Dear Councillors,

I attach details of an application for a variation of a premises licence within your Ward.

Ward: Castle Without

Application Type: Renewal of Sexual Entertainment Venue Licence

Premises: Pink, Basement, Darville House, Oxford Road East, Windsor, SL4 1EF

Licence Holder: Mr Desmond Murphy

Reference: SEV0001

Applicants: Mr Desmond Murphy

Summary of application:

The application is to renew the Sexual Entertainment Venue licence, which is subject to a 28 day consultation period.

There will be no change to the current hours or conditions.

Last date for representations: 18/02/2016

If you have any questions about the application, do not hesitate to contact me.

**Kind Regards,
Kieran**

**Kieran Clough | Assistant Licensing Officer
Licensing | Royal Borough of Windsor & Maidenhead**

Thu 18/02/2016 07:46

I mentioned the 'Pinks' car sitting at the top of Peascod Street on High Street advertising the existence of a Sexual Entertainment Venue in Windsor, in addition to flyers being handed out. I stated that I believe this advertisement leaves the casual observer in no doubt as to the existence and nature of Pinks' business and that this was inappropriate and damages children. I attach images and evidence of such a van.

I am sure that the panel will agree with me that it is wholly inappropriate, damaging both the character of the area and exposes children to harm, for such a vehicle to 'cruise' around the town, trying to drum up custom.

Cllr Jack M. Rankin

From: Kieran Clough
Sent: 15 February 2016 11:29
To: Cllr Rankin
Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton; Cllr Richards; Cllr Shelim
Subject: RE: Renewal of SEV - Pink

Cllr Rankin,

Thank you for your representation and supporting evidence.

Your objection is being considered and we will be in touch once the consultation period has ended.

Kind Regards,
Kieran

Kieran Clough | Assistant Licensing Officer
Licensing | Royal Borough of Windsor & Maidenhead
York House, Sheet Street, Windsor, SL4 1DD
Tel: 01628 68 (5969) | **Email:** kieran.clough@RBWM.gov.uk

From: Cllr Rankin
Sent: 14 February 2016 21:48
To: Kieran Clough
Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton; Cllr Richards; Cllr Shelim
Subject: RE: Renewal of SEV - Pink

Kieran,

May I please add the attached evidence in defence of my assertion that the area is increasingly residential. As I noted earlier, Windsor Town centre is increasingly residential and hence increasingly inappropriate for an SEV when having regard to the character of the relevant locality as under Section 3 Control of Sexual Entertainment, Paragraph 12, in 3di.

Cllr Jack M. Rankin
Castle Without

From: Cllr Rankin
Sent: 14 February 2016 18:27
To: Kieran Clough

Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton; Cllr Richards; Cllr Shelim
Subject: RE: Renewal of SEV - Pink

Dear Kieran

I would like to formally object to the Renewal of Sexual Entertainment Licence for Pink on Oxford Road East, reference SEV0001.

I object on two grounds: the character of the locality is inappropriate for a Sexual entertainment License and to protect children from harm.

Character of the Locality

Under Section 3 Control of Sexual Entertainment, Paragraph 12, in 3di, the schedule allows an authority to reject the renewal of an SEV license if the award would be inappropriate having regard to the character of the relevant locality.

Pink is situated in the historic town centre of Windsor. Immediately off Peascod Street, this area constitutes our high street, full of historic buildings, where millions of visitors (constituting young families of residents' and tourists' alike) visit each year. I would contest that such an establishment is highly inappropriate if you assess the character of an area bursting with visitors' attractions and historic importance.

Further I would contend that the area is residential, and increasingly so. A large number of people reside both in Darville House directly above the premises, in Ward Royal and in flats in King Edward Court. It is inappropriate for a residential area to have in its midst a Sexual Entertainment Premises. This residential aspect of the area is also increasing; under permitted development rights, a developer can turn an office space into residential space without the planning authority objecting. In the area immediately surrounding Pinks' premises, large capacity of office space is being turned into residential accommodation under these permitted rights, and as the area becoming less business focused and more residential, the location of a Sexual Entertainment venue becoming increasingly inappropriate.

Further considering the wider area, rather than just the immediate locality, we have the historic Alexandra Gardens, a visitor attraction and play area for children and young families, and the Holy Trinity Garrison Church, a place of worship and remembrance of our fallen servicemen and women. I would contend the considering the wider area, as well as the immediate area, would lead to a conclusion that the character of the relevant locality does not suit a SEV license being renewed.

The character of the immediate relevant locality is an historic, tourist based, family space which is increasingly residential. As such the Royal Borough should reject the application for an SEV at this premises under Paragraph 12 3di of the Schedule.

Protection of Children from Harm

If Pink had been discreet in its presence locally I would have little to no concern on these grounds. However its increasing level of marketing, taking place on High Street and Peascod Street, lead me to object on the basis of protection of children, in addition to my objection on character of the locality.

At the weekend, there is often a 'Pinks' car sitting at the top of Peascod Street on High Street advertising the existence of a Sexual Entertainment Venue in Windsor. This is in addition to flyers

being handed out. This advertisement leaves the casual observer in no doubt as to the existence and nature of Pinks' business.

As this is an area where children and families are present in great number, I am concerned that children are being exposed to the concept of sexual entertainment and I am in no doubt that this does children harm. As such it is highly inappropriate and highly aggrandising to the Windsor community.

In summary I believe the application should be refused due to the character of the immediate relevant locality and its increasing residential make-up, and to protect children from harm in the shape of advertisement of the premises activities in areas where children will be exposure to the activities of the establishment.

Thank you for the consideration of this representation.

Cllr Jack M. Rankin
Castle Without

From: Kieran Clough
Sent: 22 January 2016 09:38
To: Cllr Rankin; Cllr Richards; Cllr Shelim
Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton
Subject: Renewal of SEV - Pink

Dear Councillors,

I attach details of an application for a variation of a premises licence within your Ward.

Ward: Castle Without

Application Type: Renewal of Sexual Entertainment Venue Licence

Premises: Pink, Basement, Darville House, Oxford Road East, Windsor, SL4 1EF

Licence Holder: Mr Desmond Murphy

Reference: SEV0001

Applicants: Mr Desmond Murphy

Summary of application:

The application is to renew the Sexual Entertainment Venue licence, which is subject to a 28 day consultation period.

There will be no change to the current hours or conditions.

Last date for representations: 18/02/2016

If you have any questions about the application, do not hesitate to contact me.

**Kind Regards,
Kieran**

**Kieran Clough | Assistant Licensing Officer
Licensing | Royal Borough of Windsor & Maidenhead**

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Pink Club Windsor @PinkStripClub · 20 Aug 2015

Don't forget to call us for a free ride to Pinks or should I say heaven for lads 🍷🍷



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Pink Club Windsor Retweeted



Rob Ratcliff @71_rsr · 12 Aug 2015

Just seen the new addition to the [@PinkStripClub](#) Windsor Team. Party bus cruising around the castle looking pretty!



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Thu 18/02/2016 19:56

Additionally:

Windsor has/had its night time economy issues. Although I am unaware of any direct problems related to Pinks, the existence of a sexual entertainment venue as part of Windsor's night time economy does nothing to raise the quality of the economy or visitors. A further reason this should be declined.

Wesley

From: Cllr Richards

Sent: 18 February 2016 16:38

To: Kieran Clough; Cllr Rankin; Cllr Shelim

Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton

Subject: RE: Renewal of SEV - Pink

Dear Kieran

I would like to formally object to the renewing of this licence as it has breached its licence and upon the basis of two grounds under Schedule 3 (although one is sufficient for it to be refused).

The council should refuse to renew this licence on the grounds (Schedule 3 part 12(3)(c) and (4)) that 'the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.'

The council should further refuse to renew this licence (Schedule 3 part 12(3)(d)(i) and (5)(a)) as a 'renewal of the licence would be inappropriate, having regard—
(i) to the character of the relevant locality.'

According to Schedule 3 part 12(2) Subject to paragraph 27 below, the appropriate authority may refuse—

(a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;

(3) The grounds mentioned in sub-paragraph (2) above are—

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made..

(4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above..

(5) In this paragraph "the relevant locality" means—

(a) in relation to premises, the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

Nil Requirement

I contend that the SEV licence in Windsor exceeds what is appropriate for the RBWM, which should be Nil. The fact that SEV licences have been granted in the past is a mistake that the RBWM should not continue to make into the future.

Character of the Locality

Having such an establishment in central Windsor is not in keeping with the character of the locality.

The venue is approx. 300m from Windsor Castle. As home to Her Majesty the Queen, who is also the Head of the Church of England it is highly inappropriate that such a venue should exist within such a close proximity. This is further highlighted by the fact that Pinks has sought to use the Castle in publicity to generate business. This is hugely embarrassing to the Monarch and the town and should be brought to an end immediately by the RBWM.

Windsor Castle is the main tourist attraction for the town, drawing millions of visitors a year. It is highly inappropriate that Pink has sought to use Windsor Castle to win business. Consider: <https://twitter.com/PinkStripClub/status/637077350283390977> It would be difficult to imagine something more inappropriate in regard to the 'character of the relevant locality.'



Further, Windsor is a residential town with many families living in central Windsor. Having an 'sexual entertainment venue' directly opposite a large residential complex (Ward Royal) and so close to a popular shopping destination is very much out of place.

Breach of SEV Licence

I further believe the licence should not be renewed due to the breach of the existing/prior licence.

Condition 14 is very clear:

14. There must not be any contact by the striptease performer with the patron immediately before, during and after the performance of striptease except:-
- a) The leading of a patron hand in hand to and from a chair or to and from the designated dance area.
 - b) The simple handshake greeting.
 - c) The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
 - d) The customary kiss on the cheek of the patron by the dancer at the conclusion of the performance.
 - e) If the contact is accidental.

Pink's Twitter feed is also very clear that this is not adhered to:

<https://twitter.com/PinkStripClub/status/633645170110672896> Given their willingness to post to a public website in order to attract business it is clear they do not respect the conditions set by RBWM nor abide by them.



This raises the question of what other conditions may have been ignored (and not posted to Twitter)?

Further, it raises the issue of how frequently, if at all, Pinks is inspected or monitored by the RBWM to ensure compliance. Please could the panel confirm what action has been taken by the relevant authorities to ensure compliance over the past year?

Protection of Children

Pinks advertising in central Windsor as shown by the limo photos presents a clear harm to children. Much great work has been undertaken by the RBWM in regard to MASH to protect children and this should not undermine it.

Protection of Vulnerable Adults

Related to the protection of children the panel should consider how it has ensured the protection of vulnerable adults. It is well documented that it is often vulnerable women who work in SEVs. Please can the panel confirm what action they have taken to ensure that vulnerable adults are protected?

The existing conditions state that dancers should be 18 years or older. Although the age of independence it seems odd that the council will go to great lengths to protect children and girls (as is should via MASH) yet is willing to licence a venue for a woman to dance aged 18 years 1 day.

Policy Review

In conclusion, I propose a wholesale policy review should be undertaken of SEVs in the RBWM to assess their suitability and understand resident opinions.

Kind regards

Wesley Richards

From: Kieran Clough
Sent: 22 January 2016 09:38
To: Cllr Rankin; Cllr Richards; Cllr Shelim
Cc: Alan Barwise; Steve Smith (Licensing); Brian Houlton
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If you have any questions about the application, do not hesitate to contact me.

**Kind Regards,
Kieran**

Kieran Clough | Assistant Licensing Officer
Licensing | Royal Borough of Windsor & Maidenhead
York House, Sheet Street, Windsor, SL4 1DD
Tel: 01628 68 (5969) | **Email:** kieran.clough@RBWM.gov.uk

Sun 14/02/2016 20:41

Dear Kieran

As lead member for youth services and safeguarding within RBWM, I would like to formally object to the Renewal of Sexual Entertainment Licence for Pink on Oxford Road East, reference SEV0001.

I would like to object on two grounds - firstly on the matter of preventing children from harm, and secondly I believe the character of the locality makes it an inappropriate location for a premise to be operating with such a licence.

1. Protecting Children from Harm

As a life-long Windsor resident, I have seen how Pink engages in active marketing on the high street by women who hand out leaflets whilst wearing very little - thus exposing children to the concept of sexual entertainment whilst they are simply out in the town centre environment. The public marketing has increased over the years. Not only is this extremely damaging to children, this also means children are exposed to the concept of sexual entertainment in what should be a family-friendly environment, and means parents are unable to protect their children or prevent them from the exposure as this is happening on the high street. This does not happen only late at night, but early evening when families are out to dinner or coming back into the Windsor train stations, and is damaging to children as well as to the reputation of Windsor as part of a family-friendly Borough.

The venue is also promoted with a branded Pinks car which locates itself around Peascod Street and Thames Street, again exposing children to the concept of sexual entertainment which is inappropriate and goes against the Borough's child-safe environment.

We are a Borough committed to safeguarding all children, and exposing them from an early age to sexual entertainment which goes on in the town centre is not acceptable, safe or appropriate.

2. Character of the locality

Windsor is a historic and cultural landmark in the UK. Pink is located immediately off the main high street - Peascod Street - and the town sees around 7million tourists visit per year, many of whom are families and school children visiting.

The premise also borders the residential part of Windsor with Arthur Road, Ward Royal flats and Darville House residences immediately surrounding Pinks.

Considering the historical, cultural and residential character of the locality, I would argue that based on Section 3 Control of Sexual Entertainment, Paragraph 12, in 3di, which gives local authorities the power to reject the renewal of a licence if it is considered inappropriate having regard to the character of the relevant locality, the licence should not be renewed.

To conclude, I am in no doubt that the application should be refused for the reasons outlined above so that we can keep all children resident and visiting RBWM safe from exposure to sexual entertainment which is increasingly encroaching onto the high street in Windsor, as well as the premise not being in keeping with the character of the locality.

Yours sincerely,

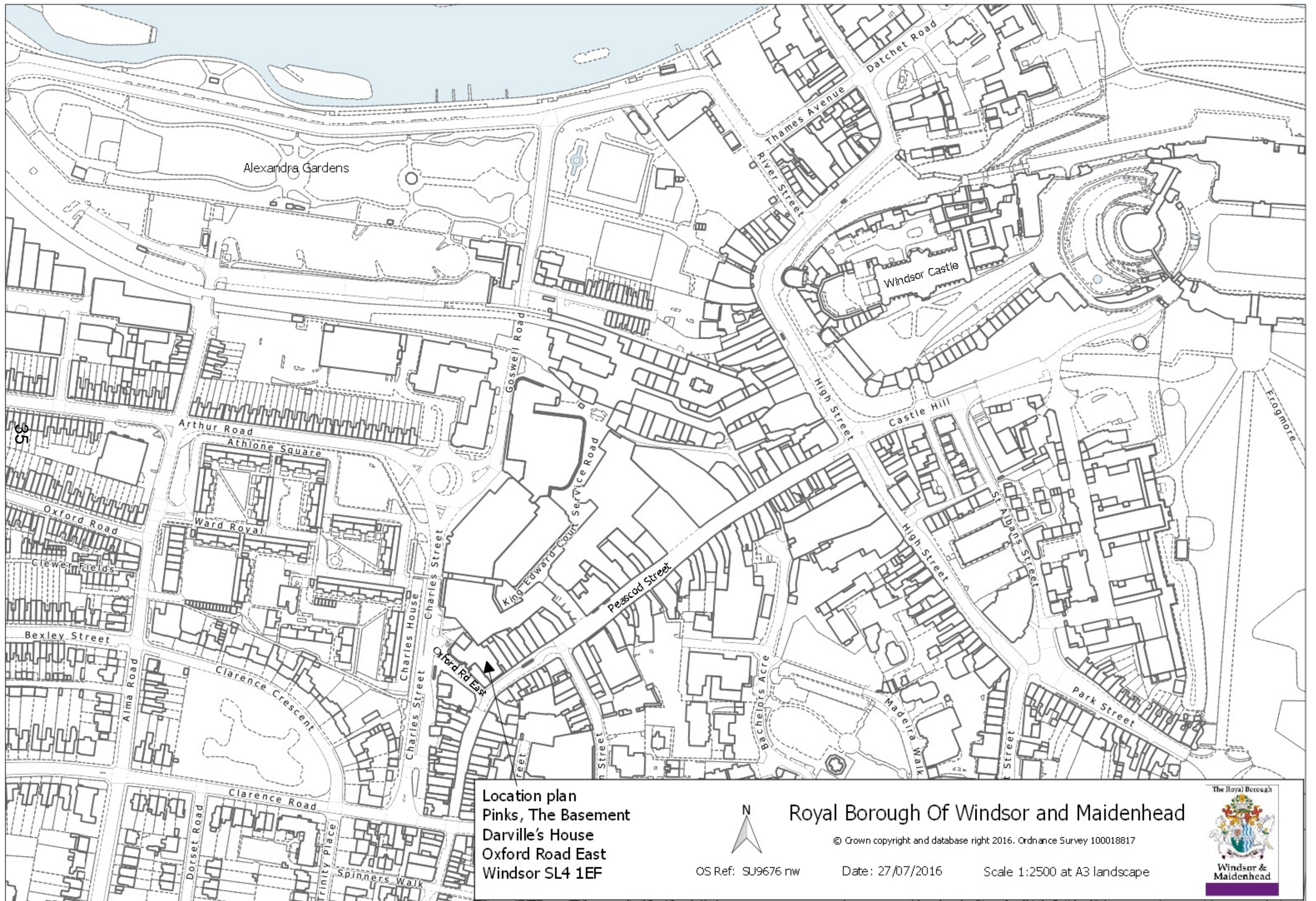
Councillor Natasha Airey

Lead Member for Youth Services and Safeguarding

Chair of the Windsor Town Forum

Councillor for Park ward, Windsor, RBWM

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Location plan
Pinks, The Basement
Darville's House
Oxford Road East
Windsor SL4 1EF



OS Ref: SU9676 nw

Royal Borough Of Windsor and Maidenhead

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Date: 27/07/2016

Scale 1:2500 at A3 landscape



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