

LICENSING PANEL SUB-COMMITTEES

FRIDAY, 7 JULY 2017

PRESENT: Councillors Phillip Bicknell, Jesse Grey and Sayonara Luxton

Officers: Janette Brettell, Roxana Khakinia, Shilpa Manek and Steve Smith

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Cllr Grey be appointed Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence received.

DECLARATIONS OF INTEREST

The Panel had previously visited the Pinks Gentlemen's Club for a site visit.

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

The Chairman welcomed all the parties to the meeting, introduced the Sub-Committee Members and explained the procedure, which all indicated they understood.

The Council's Licensing Officer, Steve Smith, introduced the application for Members to consider. Steve Smith explained that the application related to the renewal of a current SEV licence. Steve Smith gave further background on the premises explaining that the premises licence had been renewed without any concerns in 2014, 2015, 2016 and had only had one objection from the Ward Member this time at time of the renewal.

The Sub-Committee were informed that the conditions of the premises licence were very comprehensive and had always been adhered to. An additional condition had been added at the last renewal to change the hours of when the promotional vehicle could be used. The Licensing Team at RBWM and the Thames Valley Police had no concerns with the premises.

The Sub-Committee were reminded that they could, in this case, either renew the licence, revise the conditions or refuse the licence.

The Council's Licensing Team Leader advised the Sub-Committee to have regard for national guidance and the Council's own Licensing Policy.

Questions of the Licensing Officer

- It was confirmed that there was no touching between the client and the dancer.
- The last full inspection was completed ten months ago and there were no issues. Thames Valley Police regularly carry out checks and there have never been issues.

Applicant's case

The Sub-Committee were informed that the applicant had gone further in fulfilling the condition for the promotion vehicle, the vehicle had been sold and was not used for publicising the venue.

The following points were highlighted to the Sub-Committee:

- the club had been in the same location for some years;
- the entrance was discreet and the club had a ground floor controlled entrance;
- there had been no complaints to the club, the police or the licensing team to date;
- the club was heavily regulated with a serious code of conduct;
- the club had never breached any conditions;
- there was a prohibition on touching and there was no physical contact between the client and the dancer.

The objection raised by Councillor Rankin was on the character and locality. There had been no changes to the club from the beginning. The locality was a mixed residential and commercial area.

Questions to the Applicant

The following points were summed up by the Sub-Committee:

- No complaints had been received from any quarter except Councillor Rankin;
- There was no vehicle publicising the club;
- The club was heavily conditioned;
- The club had a basement location;
- The size of the club had not changed;
- Advertising is done by distributing flyers after 10.00pm, it was very low profile.

The Objector was not present.

Decision

After careful consideration of all the evidence, the Sub-Committee decided to renew the premises licence.

The Sub-Committee considered the written submissions provided by the applicant, Officers of the Council and Objectors. The Panel also heard oral evidence provided from the following:

- Steve Smith (Licensing Officer at the Royal Borough of Windsor & Maidenhead)
- Sarah Le Fevre (Legal Representative for the Applicant).

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy.

The Licensing Officer will be sent a copy of this decision letter, and those parties who made representations at the meeting held on 7 July 2017 will also be informed of the Sub-Committee's decision.

RESOLVED: That the application to renew the existing premises licence be granted. All existing conditions below to remain.

Conditions for premises licence:

- To limit the use of promotional vehicle/s for marketing purposes in Windsor (as defined by the ward boundaries for Castle Without, Clewer East, Clewer North, Clewer South, Eton & Castle and Park) the promotional vehicle/s not to be used before 23:00 and no later than 02:00 Mondays to Saturdays and not to be used for promotional purposes on Sundays.
- 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.
- 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.

- 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.
- Striptease performers shall be aged not less than 18 years.
- 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.
- Whilst striptease is taking place no person under 18 years of age shall be permitted within the premises.
- 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.
- Whilst performing striptease, dancers must not be able to be seen by persons outside the premises.
- Striptease may only take place in supervised public areas of the premises or areas covered by CCTV.
- The DPS or a nominated manager shall be present on the premises at all times whilst the striptease entertainment is taking place.
- A nominated person shall be present to oversee the activities of striptease performers.
- Dressing rooms will be provided for striptease performers and access to these will be restricted by management - before, during and after the entertainment.
- Any external advertising at the premises shall be in a form acceptable to the Police and Licensing Authority.
- There must not be any contact by the striptease performer with the patron immediately before, during and immediately 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.

The meeting, which began at 10.00 am, finished at 10.30 am

CHAIRMAN.....

DATE.....