

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 1 March 2011

- COUNCILLORS PRESENT:** Councillors Capstick, Caswell, Conroy, Duncan, Lill, Reeve, Varnsberry and Woods
- COUNCILLOR APOLOGIES OFFICERS:** Councillor Chaudhury
Mehboob Kassam
Phillip Bayliss (Senior Licensing Officer)
- FOR THE APPLICANT:** Not for publication: By virtue of Paragraph 1 of part 1 of Schedule 12a of the Local Government Act 1972: *'Information relating to any individual'*.

FOR THE REPRESENTORS:

2. MINUTES

The minutes from the meeting held on 18 January 2011 were agreed as a true record and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

That the persons referred to in the private part of the agenda be granted leave to address the Committee.

4. DECLARATIONS OF INTEREST

Councillor PM Varnsberry declared a personal and prejudicial interest in item 8 as Ward Councillor and announced that she would be leaving prior to the commencement of this item.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

The Chair reminded members of a forthcoming Sub-Committee hearing for Far Cotton Working Men's Clubs on 16 March 2011 at 14:00.

The Chair also wished to thank the Committee for its support over the last two years, including those who continually volunteer for the Sub-Committees.

6. APPLICATION FOR SEXUAL ENTERTAINMENT VENUE LICENCE - URBAN TIGER, WELLINGBOROUGH ROAD NORTHAMPTON

The Chair introduced the Committee and welcomed everyone to the meeting.

Outline of the Application by the Licensing Officer

The Licensing Officer outlined the application by Urban Crowds Limited for a Sex Entertainment Venue Licence in respect of Urban Tiger, Wellingborough Road, Northampton and noted that there had been over 70 objections received from interested parties. He then explained the procedure for the hearing.

Application for the Premises Licence

It was explained that the Sexual Entertainment Venue Licence was a new procedure but it was confirmed that the venue had been trading with a Premises Licence for many years. It was noted that the owner was a responsible Licence holder and that his family had been running Public Houses in the area for approximately 30 years.

It was raised that this Licensing Authority had already deemed the location of the venue as appropriate for Sexual Entertainment and therefore the appropriateness of the venue should not need to be a consideration for this Sub-Committee.

She noted the genuine concerns of the objectors but stated that generic views not specifically regarding this club were, with the greatest of respect, not relevant. It was felt that objectors views concerning external advertising had been addressed in conditions, which only allow the club to use advertising material approved by this Licensing Authority.

The on road advertising would also be removed with immediate effect. The issue of 'rights' was also raised, but it was requested that is the Committee take Rights into consideration that this would also apply to the applicant, the dancers and the customers who enjoy the premises. It was noted that the Police had no objection to the application.

The Applicants witness, Aimee Albiston was confirmed as a dancer at the club for the last 2 ½ years while completing her Masters Degree at Northampton University. As a dancer for a total of 6 years Ms Albiston noted that she chose to stay at this specific venue and commented on behalf of all of the dancers that it was a nice place to work, good environment, that staff were well looked after and were all good friends who socialised together. She felt it was important to put across the views of the dancers, noting that they wanted to be there, felt safe and that there was a waiting list of girls trying to get into that venue.

Questions to the Applicant / Witness

The Applicants representative was asked about the types of advertising used by the venue in the past and raised an issue with advertising previously dealt with by this Licensing Authority. The possibility of the venue being used for an alternative use such as a bar or club was also raised.

The witness was requested to advise of the payment structure for the dancers, the employment basis and what affect closure of the venue would have on those dancers. It was noted that dancers were self-employed but as many were students or single mothers, the loss if their positions may necessitate benefit claims.

Members questioned the safety and security on the premises. It was confirmed that the dancers were well looked after with their own lockers, security cameras and having an escort to their cars.

Members questioned the links between dancing in a Sexual Entertainment Venue and prostitution. Ms Albiston did not see the link and has never witnessed or heard of this during her career.

Representation by the Representors

Objector Julie O'Bierne wished to raise the link between an increase in Sexual Entertainment venues and the increase in violence toward women. She noted that there had been statistics from areas such as Camden where the opening of venues such as this, and the sexualization and availability of women had led to a lack of respect for women culminating in an increase in violence and rape in the proximity. Her views and objection had been supported by organisations such as the Rape Crisis Centre of Northampton.

Members questioned if she had any specific statistics or evidence in regard of this club and asked if she specifically felt the venue contributed to the sexualization of women on fashion and culture could also play some part. The objector responded that it was a jigsaw effect and all issues of this nature contributed to the increase of violence towards women.

Objector Melanie Stratten as a mother of three children wished to note the appropriateness of the location in an area of the town frequented by families such as hers who felt uncomfortable with the suggestive nature of the venues advertising. She believed that the nature of the venue led to elude comments from men, making the area unsafe for women at all points of the day. The promotion of the sexual inequality was also noted as something she did not agree with or want to encourage in her son.

Objector Stephen Whiffen wished to request that if this Committee were minded to grant the Licence to note potential alterations to the licence conditions including evening only opening hours, limits on the nature and wording of advertising, restriction of full nudity in the club and adoption of a no contact and minimum 3ft distance rules.

In regard to the 3ft rule the applicant confirmed that this was fairly unenforceable due to a body not being straight up and down. It was confirmed that unintentional contact in regard to accidental contact such as hair would need to be in the conditions to protect the girls from breaking these conditions unintentionally.

The applicant also wished to note that the concern in regard to advertising was addressed in their amended conditions.

Objector Del Pickup objected due to the character of the venue and the location in proximity to the town centre, due to the location among retail premises frequented by children. In addition to this concerns were raised for the potential vulnerability of women and an unreported incident was raised where a female in a public house of close proximity was groped by a group of gentlemen that had left the Sexual Entertainment Venue and now that female does not feel safe in that area of the town.

Objector John Palethorpe as a primary teacher within a five-minute walk of the venue wished to object on the grounds of advertising and the location. As an area frequented by children he objected to the advertising and the suggestive nature of the venue. As an area with a vibrant nightlife, over excited men leaving this venue could cause problems for other women in proximity. In addition to this he objected to the nature of the venue in general and the gender inequality issues.

Issues were raised in regard to the mobile advert and the elude nature of some of the past advertisements. These issues were noted as addressed by the applicants altered conditions submitted to this Committee.

Objector Jac Higgs raised objections due to the increased effect venues such as this are having on citizens. He raised issues in regard of women being treated as sexual objects, increased violence towards women, increased demand for prostitution and due to Sexual Offences raising by 11% in this area he noted a clear connection between venues such as this and offences against women. As this Licensing Authority had duty to promote gender

equality he felt it would be inconsistent for this Committee to grant a Licence.

Members questioned the statistic provided for the increase in sexual violence. It was confirmed that this figure was not since the opening of the club but just demonstrates a trend.

The Applicant wished to note that there was no proven link between rape and Sexual Entertainment Venues.

Objector Jasmine Shadrack as a Lecturer at Northampton University wished to object to the Licence on the basis of gender inequality ideology. She noted that we were witnessing a capitalist venture in regard to Sexual Entertainment Venues who have sexually available women. She believed that the selling of women in clubs such as this promoted a false ideology with a narrow vision of femininity.

It was noted that she had no specific evidence in regard of this venue.

Objector Michael Drakes objected to the Licence by reading a statement on behalf of Mrs V Higgs, which was tabled in the agenda.

The Committee took a vote to discuss the item in private session, which was carried.

Summing up by the Applicant

Solicitor, Julia Palmer wished to sum up by noting that the discretionary grounds for refusal in this case were not applicable but that mandatory grounds such as character and use of the premises could be used. She confirmed that she had noted the concerns of objectors in regard to the area being frequented by children but it was raised that this Licensing Authority had already deemed this area to be suitable as a location of up to three Sexual Entertainment Venues. She also confirmed that the objections in regard to advertising had already been addressed in altered conditions the applicant had offered, which could also be altered further by this Committee. #

Summing up by the Representors

Stephen Whiffen summed up on behalf of the representors by reminding this committee of the potential impact on gender inequality and the location of the premises frequented by children. If the Committee were minded to grant the Licence they hoped that conditions imposed on the venue would be enforced.

The Determination

The Committee considered the application and heard all the representations by the Applicant and the objectors, and considered all the written submissions. Taking these into consideration, it was decided by a majority to grant the application for Sexual Entertainment Venue Licence in respect of Urban Tiger, Wellingborough Road, Northampton.

The Grant of the Licence was subject to the licence conditions offered by the applicant and subject to:

- Paragraph 3 - change "Council" to "Licensing Authority";
- Paragraph 5 – be amended to 21 instead of 18;
- Paragraph 10 – "particularly women" be deleted;
- Paragraph 13 and 14 – change "Council" to "Licensing Authority";
- Paragraph 15 – delete "decorum" and insert "which does not offend public decency";
- Paragraph 17 – after "installed" add "outside within the curtilage of the premises and inside the premises";

- Paragraph 25 – take out “full”; and
- Paragraph 27 – insert comma after “sex act”.

All parties have the right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

8. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and confirmed that he was happy to go ahead with the hearing at this time. The Licensing Officer then outlined the circumstances for the review of the licence as set out in the report.

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It was therefore,

RESOLVED:

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence; and
2. That the Driver's Private Hire Licence be revoked with immediate effect following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right to appeal to the Magistrates.

The meeting concluded at Time Not Specified