

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

21ST DECEMBER 2011

AN EXTRAORDINARY MEETING of the LICENSING COMMITTEE was held at the MANSION HOUSE, DONCASTER on WEDNESDAY 21ST DECEMBER 2011 commencing at 2.00 P.M.

PRESENT :

Chair – Councillor Patrrica Bartlett
Vice-Chair – Councillor David Nevett

Councillors Elsie Butler, Linda Curran, Eddie Dobbs, Barbara Hedley and Pat Porritt.

Also in attendance :

Mr. P. Whurr, Solicitor - Woodswurr Solicitors
Mr. J. Cole, Applicant - Bentleys

APOLOGIES :

Apologies for absence were received from Councillors B. Johnson J.P., G. Jones, K. Keegan and M. Pinkney.

7. DECLARATIONS OF PERSONAL OR PREJUDICIAL INTEREST

No declarations were made at the meeting.

8. APPLICATION FOR SEX ENTERTAINMENT VENUE LICENCE – BENTLEY’S, HALLGATE, DONCASTER, DN1 3NE

The Committee received a report containing an application for a Sex Entertainment Venue Licence in respect of Bentley’s, Hallgate, Doncaster.

Before hearing the application, the Chair made introductions and outlined the procedure to be followed.

Mr. P. Whurr, Solicitor introduced the application on behalf of the Applicant and began his presentation by asking the Committee to take into consideration that there were no objections to the application which he felt was a clear indication of the robust management and policies which had been in operation at the premises for a number of years.

The Committee received a detailed overview of the full application which covered the following issues:-

- Applicant's experience in the industry
- Advertising
- Company policies and house rules
- Details of the current licence

The Committee was informed that the business had been in operation in excess of 5 years, during which time no issues or complaints had arisen from neighbouring businesses, the authorities or the Police.

Mr. Whurr made representations with regard to the Draft Standard Conditions contained within the Council's Sex Entertainment Venue Policy, in particular General Conditions 4(ii) and (iii) which related to marketing and advertising and asked the Committee to consider removing these, should it be minded to grant the licence, in light of the Applicant already being in receipt of an appropriate licence specific to advertising which had already been agreed with the Council.

In addition to the above, a request was also made to the Committee not to impose Condition 3 (The Protection of Performers/Prevention of Crime and Disorder) relating to a specified minimum distance of a one metre separation between a performer and a customer. Mr. Whurr stated were such condition imposed, this would be difficult to manage and could potentially contravene case law.

The Chair thanked the Solicitor for his detailed presentation and the Committee sought clarification on a number of issues around the following:-

- Smoking area
- Location of fire extinguishers
- Safety of performers

The Council's Licensing Manager was invited to respond to the application. He confirmed that the premises had held a licence under previous legislation for a period in excess of 5 years during which no problems had been encountered and the Licensing Authority continued to maintain regular contact with the Applicant. Confirmation was also given that any previous concerns with regard to advertising had been resolved.

9. ADJOURNMENT OF MEETING

In accordance with Council Procedure Rule 16(I), the Chair adjourned the meeting at 3.15pm. All parties were then asked to leave the room whilst the Committee deliberated on the application and reached a decision.

10. RECOVERED MEETING

The meeting reconvened at 3.30pm when the Committee delivered its decision as follows:-

RESOLVED that the Licensing Committee having considered an application for Sex Entertainment Venue Licence for Bentleys, Hallgate, Doncaster having taken into account the written representations and evidence presented at the meeting, decided to grant the application, with the addition of the Council's standard conditions, save for paragraph 4 of the General Conditions:-

- (4) The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:-
 - (i) by means of personal solicitation in the locality of the licensed premises;
 - (ii) by means of leafleting in the locality;
 - (iii) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.

be replaced with the following:-

- (4) Except with the consent of the Council, no external advertising of the striptease/lap dancing shall take place at the premises or in its immediate vicinity.

And paragraph 3 of the Performers/Prevention of Crime and Disorder:-

- (3) A minimum one metre separation should be maintained between performers and customers during all performances.

be replaced with the following:-

- (3) Any bodily contact between performers and entertainers or any movement that indicates sexual activity or simulated sex between performers and entertainers is strictly forbidden.

The Committee made its decision for the following reason:-

The Committee believe that the application, together with the additional conditions imposed, meet the Council's requirements for premises to be licensed as Sex Establishments within the meaning of the legislation.