

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 13 OCTOBER 2021 AT ONLINE MEETING.

Present:

Cllr Peter Hutton, Cllr Stewart Palmen (Chair) and Cllr Tim Trimble

Also Present:

Applicant

Barrie White

Wiltshire Council

Kevin Fielding – Democratic Services Officer

Emma Hyde - Public Protection Officer – Licensing

Sarah Marshall – Senior Solicitor

Lisa Pullin – Democratic Services Officer

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Stewart Palmen as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

No apologies were received. There were no substitutions.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was being recorded and that the recording would be available on the Council's website for public viewing and that as indicated on the information within the Agenda pack, that images and sound recordings may also be used for training purposes within the Council.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent and that they would be recorded presenting this. Also the meeting could be recorded by the press or members of the public.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982" (Pages 5 to 10 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman permitted a short delay to the start of the hearing to allow the Applicant to provide an additional more detailed internal plan for the Sub Committee before the hearing which was provided by the Applicant. There were no other Chairman's announcements.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Mr Barrie White for a Sexual Entertainment Venue in respect of Venom Nightclub, Quartermaster Road, West Wilts Trading Estate, Westbury

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Sexual Entertainment Venue presented by Emma Hyde (Public Protection Officer – Licensing). The application was for the following licensable activities:

- To provide the following forms of 'relevant entertainment' – lap dancing, stage strip-tease and strip shows with full nudity on Wednesday - Saturday from 21:00 to 06:00.

In accordance with Section 6 of the of Wiltshire Councils Sex Establishment policy, all applications for the grant of a new licence will be determined by the Licensing Committee or a Licensing Sub Committee, irrespective of whether objections are received.

The Licensing Sub Committee is required to take such steps listed below as it considers necessary. In considering the application, the Sub Committee must also have regard to relevant Government guidance and the Council's Sex Establishment Policy.

Such steps are:

1. Grant the application for a sexual entertainment licence in accordance with the application
2. Grant the application for a sexual entertainment licence subject to additional and/or varied conditions
3. Reject the application for a sexual entertainment licence.

The Sub Committee were advised that any conditions that are imposed must be non-discriminatory, necessary and proportionate. They should not duplicate or contradict any conditions that appear on the licence issued under the Licensing Act 2003.

Under Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 a premise can hold entertainment nights without a licence, providing that they do not exceed one a month. The Venom Nightclub had been operating similar nights to that applied for on an infrequent basis for over 22 years. To date Wiltshire Council had not received any complaints.

No Responsible Authority has made a representation in connection with this application.

It should be noted that here is no right of appeal against a refusal to grant a licence for the reasons identified in paragraph 9.38 or 9.39 of the hearing report. The Applicant may appeal refusal on any other grounds to the Magistrates Court.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Mr Barrie White

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant (Barrie White) spoke in support of the application, highlighting the following points:

- The Applicant had been running these types of adult entertainment events for 22 years and in that time, there had been no cause for any Police involvement, nor had there been any complaints from the entertainers or customers of his premises;
- Previously the Applicant had been able to host up to one such event per calendar month without the need for a separate licence and he now wished for the ability to host these events more frequently in order to recover from being closed during the prolonged period due to Covid;
- The Applicant had previously hosted these events to raise money for local charities and had hosted gentleman's evenings where they would have cabaret stage shows and then dancers available for lap dances etc.

The Applicant had been a member of the local community since 1996 and highlighted that no representations from any responsible authorities or members of the public had been submitted.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given by the Applicant:

- In response to a question about the health and safety/wellbeing of performers, the Applicant referred the Sub Committee to the Entertainers, Dancers and Performers Welfare Policy which had been circulated with the Agenda and reported that they were all aged over 18 and that he knew most of them personally and that they had their own vehicles to get home and if they were stuck for any reason at the end of a shift in the early hours then he would make arrangements for them to get home safely;
- In response to a question about the planned promotion of the more frequent events to be held at the premises and the appropriateness of the advertising, the Applicant reported that he did not put up banners or posters outside of the premises or in nearby areas and that the events were promoted by word of mouth and through the links that he had with the Chambers of Commerce and other business/sports clubs that attend the events. Promotion was through direct contact and appropriate social media advertising;
- In response to a question of the working hours and amenities of the performers the Applicant confirmed that they were all self-employed and made themselves available for the shifts that they wanted to work. There was a lounge and changing areas available as well as refreshments available for the performers. Lap dancers would generally only work for 2 hours during the 9 hour opening period of the premises;
- In response to a query about pole dancing not being selected on the application form, the Applicant confirmed that as the pole dancers are clothed this was not required for the sexual entertainment licence and was already permitted under the current Premises Licence.

The Applicant showed a plan of the premises at the meeting and highlighted the performers green room area, changing area and facilities and that there was a separate entrance/exit and parking area for performers. None of the booths were enclosed and were in the slight line of the security. Patrons could also view the shows from the balcony on the first floor.

There were no representatives of Responsible Authorities present.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- The premises had been used as a nightclub in the location for a long time and had always been run responsibly. The Applicant was a father himself and lived in the area and would not do anything to bring problems into the area where he was a member of the community. He was pleased to be able to report that the public like the events they provide and that there had been no complaints or issues from the public or the local community.

Points of Clarification Requested by the Sub Committee

No points of clarification of the Applicant’s final submission were requested by the Sub Committee.

The Sub Committee then adjourned at 11.05am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the application.

The Hearing reconvened at 11.30am.

The Senior Solicitor advised that she gave the following legal advice to the Sub Committee

- Brief advice on the review process of a licence for a Sexual Entertainment licence.

Decision:

The Western Area Licensing Sub Committee RESOLVED to GRANT the application for a Sexual Entertainment licence (for the standard period of 12 months) in respect of Venom Nightclub, Quartermaster Road, West Wilts Trading Estate, Westbury to provide the following forms of ‘relevant entertainment’:-

- **Lap dancing, stage striptease and strip shows with full nudity.**

The days/hours granted are as follows:

Day	Hours
Monday	Closed
Tuesday	Closed
Wednesday	21:00 to 06:00
Thursday	21:00 to 06:00
Friday	21:00 to 06:00
Saturday	21:00 to 06:00
Sunday	Closed

And subject to the standard conditions for Sexual Entertainment Venues (attached as Appendix 1 to the Decision Notice).

Reasons

The Sub Committee heard evidence from the Applicant and viewed the internal plan submitted to the Sub Committee by the Applicant and were satisfied that the Applicant was a fit and proper person to hold a licence, that the location of the premises was appropriate and not in an inappropriate proximity to the prescribed locations.

In reaching their decision the Sub Committee took into account the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, the Home Office Guidance on Sexual Entertainment Venues in particular paragraphs 4.19 to 4.21, (relating to the human rights issues to be considered when determining applications) and the Council's Sex Establishment Licensing Policy and the submissions made by the Applicant, Barrie White.

Right to Appeal

Refusal on any other grounds can be appealed to the Magistrates Court within 21 days of notification of the decision. A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Sexual Entertainment Licence.

(Duration of meeting: 10.35 - 11.35 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services,
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