

Licensing Sub-Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 23 January 2020 at 6.00 pm

Present:

Councillor Pat Rodohan (Chair)

Councillors Jim Murray and Barry Taylor

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing, Service Delivery), Ed Hele (Functional Lead - Quality Environment), Michele Wilkinson (Lawyer (Housing & Regulatory)), and Emily Horne, Committee Officer

12 Appointment of Chair

Councillor Taylor proposed and Councillor Murray seconded that Councillor Rodohan be appointed as Chair for this meeting.

RESOLVED: That Councillor Rodohan was appointed Chair for the meeting.

13 Minutes of the meeting held on 17 December 2019

The minutes of the meeting of the Sub-Licensing Committee held on 17 December 2019 were approved and the Chair authorised to sign them as a correct record.

14 Apologies for absence / declaration of substitute members

There were none.

15 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct

There were none.

16 Application for the renewal of a Sexual Entertainment Venue Licence: Lux, 2a-2b Pevensey Road, Eastbourne, BN21 3HJ

The Chair welcomed everyone. All parties present introduced themselves and the Chair detailed the procedure to be followed and asked if there were any representations to vary it. There were none.

Counsel for the Applicant, Mr James Rankin, declared he would be speaking on behalf of the Applicant, Mr Forte.

The Specialist Advisor for Licensing outlined the report setting out the application for the renewal of a Sexual Entertainment Venue (SEV) licence for Lux, 2a-2b Pevensey Road and highlighted the relevant policy implications.

Appended to the agenda was the Home Office Sexual Entertainment Venues Guidance for England and Wales (March 2010) at Appendix 1, Eastbourne Borough Council's Sexual Establishment and Encounter Policy at Appendix 2, and the Equality and Fairness Analysis at Appendix 6.

Following a consultation period of 28 days, one representation had been received against the application from the Soroptimist International Eastbourne & District and this was included in Appendix 5 of the agenda pack. In their objection against the granting of the SEV renewal, they felt that the establishment would not help them achieve their goals of equity and equality and creating safe and healthy environments, or promote Eastbourne as a desirable place to live. Approval of the application would go against Eastbourne Borough Council's Equality and Fairness Policy. The objector had been invited to attend the meeting, but for personal reasons was not present.

The Chair invited Members and then the Applicant and Mr Rankin, to ask questions of the Specialist Advisor. There were none.

Mr Rankin, Counsel, representing the applicant, addressed the Sub-Committee. Having noted that one objection to the application had been received, Mr Rankin reminded the Sub-Committee that the premises had not operated since it was granted a licence for a sexual entertainment venue in December 2018. He explained that the applicant's ownership of the Embassy Nightclub had demonstrated an improvement in the area and well run business. In addition, the applicant wanted to create a table dancing club within the footprint of the premises with its own discreet entrance. He noted that legislation has made provision for such a business. He said that such businesses do not have a reputation for causing public order issues because of the high levels of management and because they prioritise the safety of dancers and clientele.

He accepted that the Sub-Committee must have due regard to the public sector equality duty (Section 149 of the Equality Act 2010) and it was for the Sub-Committee to decide what weight should be given in deciding matters.

Whilst referring to the objection letter from the Soroptimist International Eastbourne & District, he said this was speculation of what might happen as the business had not operated. The dancers, both men and women would take part willingly and neither gender will be on the stage at the same time. Some of the dancers would be using this employment as an opportunity for progressing to further education.

Mr Rankin referred to the conditions appended to the SEV licence in Appendix 3 of the agenda, pages 78, 79 and 80. He identified parts of the key conditions that related to the safety and protection of the dancers:-

- Condition 8: No physical contact between the customer and dancer, to protect the dancers.....
- Condition 9: No propositioning, shouting.....
- Condition 12: Members shall not throw, or encourage others to throw money.....
- Condition 13: There shall be no deliberate physical contact between customer and dancers.....
- Condition 14: Customers must remain fully clothed at all times.
- Condition 18: Dancers shall only perform on the stage area or at a designated place to seated customers..... (Mr Rankin added that dancing would only take place in specified areas).
- Condition 19: The private booths would be designed in such a way that there can be no curtain or other visual barrier that can be pulled across the entrance.....
- Condition 20: The role of Booth CCTV operator will be a member of staff designated exclusively for that purpose whilst the performances are taking place..... (Mr Rankin assured the Sub-Committee that CCTV coverage will be in place throughout the premises and the footage would be accessible for up to 31 days if required. In addition, the CCTV operator who will be looking at a monitor real time, will be able to respond immediately should an incident occur).
- Condition 21: All dancers will be escorted from the premises at the end of each evening to their transport (eg taxis) to ensure their personal safety and security.

With reference to the Equality and Fairness Analysis, in particular at page 90 of the agenda, Mr Rankin said that if the establishment operated poorly and the conditions had been breached where the dancers were unsafe or clientele objectified and there was hard evidence to prove it, then it would be a matter for review. The operator would do their level best to comply with the conditions of the licence to protect the performers, both men and women.

Mr Rankin said Mr Forte was in negotiation with a potential operator for the business who would not take over unless the licence was renewed.

The Chair invited the Applicant and Mr Rankin to make any closing remarks. Mr Rankin declared they had covered all the points in their earlier address.

The Sub-Committee members retired at 6.31pm to consider and determine the application. Michele Wilkinson as Legal Advisor was in attendance to assist with any legal queries.

Having taking into account all the relevant considerations, the Sub-

Committee returned to the meeting at 7:15pm and announced the decision as follows:

RESOLVED: That the application for the renewal of the current premises licence be approved, as set out in the attached Decision Notice document (Minutes Appendix 1).

The meeting ended at 7.16 pm

Councillor Pat Rodohan (Chair)