

MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON MONDAY 5 SEPTEMBER 2016

Present: Councillor Joy (Chairman), and
Councillors Adkinson, Mrs Blackmore, Garten, Greer,
Mrs Grigg, McLoughlin, B Mortimer, Naghi, Newton,
Mrs Robertson and Springett

17. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor Hinder.

18. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Blackmore was substituting for Councillor Hinder.

19. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

20. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

21. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

22. **EXEMPT ITEMS**

RESOLVED: That the items on Part II of the agenda be taken in private as proposed.

23. **MINUTES OF THE MEETING HELD ON 16 JUNE 2016**

RESOLVED: That the Minutes of the meeting held on 16 June 2016 be approved as a correct record and signed.

24. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SCHEDULE 3 - APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE -**

FOR PLAYERS, GENTLEMENS' CLUB, 57 HIGH STREET, MAIDSTONE, KENT, ME14 1SY

The Chairman requested those participating in the hearing to identify themselves as follows:

Members of the committee;

John Littlemore – Head of Housing and Community Services
Jayne Bolas – Legal Advisor;
Poppy Collier – Clerk to the committee;
Emma Sexton – Applicant and Manager of Players Gentleman's Club;
Stephen Thomas – representing the Applicant;
Jemma Anscombe – Assistant Manager of Players Gentleman's Club, witness for the applicant.

None of those who made representations attended or gave any indication relating to attendance.

The Chairman confirmed that all parties had a copy of the hearing procedure. A Member requested that the procedure notes be circulated separately to the agenda going forward for ease of reference and Mr Littlemore agreed that this could be arranged in future

It was confirmed by the Chairman that the committee Members had read the report and other attached documents, and that no amendments or conditions had been put forward.

The Head of Housing and Community Services outlined the application for renewal of the licence for Players Gentleman's Club, and advised that the additional conditions added at the transfer of the application to Ms Sexton had all been actioned. The Police had commented on the application to state they had no objections. It was the officer's recommendation that the application be approved with current conditions.

Three objections had been received with regards to the application. Officers had attempted to contact the objectors on several occasions but had received no response, and statutory notice of the hearing had been given.

Mr Thomas, representing the applicant, provided opening remarks and explained that:

- Players Gentleman's Club had been involved in the striptease business for ten years. Kent Police had confirmed in a letter at appendix C of the report that no crime reports had been received during the previous year. The statement by the Police also confirmed that the reported burglary in July and arson in October 2015 were not connected to the operation of the daily business.
- Visits by council licensing officers and the Police had confirmed that the venue had been compliant with the conditions of the licence. No issues had been reported to the licensing team.

- The number of objections received was small. Two objections had been received from alleged former members of staff, but their identities could not be confirmed. Staff members were obligated to report any incidents involving drugs, but no reports had been made.
- The Police had confirmed that there were no reports of crime that would correlate with the use of drugs at the premises. Full CCTV coverage of the venue, trained door staff and floor walking staff acted to deter and detect drug use. The venue's customer house rules at appendix A to the report were prominently displayed and gave notice that management reserved the right to search persons on the premises. Dancers were also subject to bag checks. The cleaners had identified no signs of drug use during the course of their work.

Ms Sexton and Ms Anscombe adopted Mr Thomas' evidence as their own evidence to the hearing.

The Chairman invited the committee to ask any questions of the applicant. In response to questions it was stated that:

- Prior to legislation regarding legal highs adopted in July 2016 it had been hard to enforce a restriction on those substances. However identified use of such substances had been rare.
- Annual visits by the Licensing team took place on a random date between 22.00 - 1.00 hours. Additional visits could be arranged with the manager. The assistant manager of Players kept a record of all visits.
- There were 21 CCTV cameras in operation and the live footage was constantly monitored by a specifically assigned member of staff. Footage was kept for 31 days as per guidance from the Information Commissioner's Office.
- Players Gentlemen's club was part of the Maidsafe scheme.

Mr Thomas was invited to provide closing remarks to the hearing. Mr Thomas restated that neither of the two objectors to the application had attended to explain the allegations and little weight should be afforded to the objections.

25. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

**Head of Schedule
12A and Brief
Description**

Item 10. Exempt Information in respect of the report of the Head of Housing and Community Services – Local Government (Miscellaneous Provisions) Act 1982, schedule 3 – Application for the renewal of a sex establishment licence for Players Gentlemen’s Club, 57 High Street, Maidstone, Kent ME14 1SY

Para 3 – financial or business affairs

26. EXEMPT INFORMATION IN RESPECT OF THE REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SCHEDULE 3 – APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE – FOR PLAYERS, GENTLEMENS’ CLUB, 57 HIGH STREET, MAIDSTONE, KENT, ME14 1SY

The Head of Housing and Community Services presented the exempt information which included a letter of objection and a response from the applicant to the objections.

Mr Thomas, representing the applicant, provided remarks on the exempt information.

The Chairman invited the committee to ask questions of the applicant.

When there were no further questions, Mr Thomas provided closing remarks.

The hearing was adjourned at 11.15 a.m. to allow the committee to deliberate in private, and reconvened in public at 11.57 a.m.

RESOLVED:

Decision on Application for Renewal of a Sexual Entertainment Venue Licence – Players, 57, High Street, Maidstone. (Local Government (Miscellaneous Provisions) Act 1982, Schedule 3.

The Committee decided that the application made by Ms. Emma Louise Sexton, on 06, April 2016, for renewal of a sexual entertainment venue licence for premises at 57, High Street, Maidstone, under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, would be granted on the existing terms and conditions.

The Committee considered; the report and oral presentation of the Head of Housing and Community Services, the application and all accompanying documents provided by the applicant, the submissions by Mr. Thomas solicitor for the applicant and the evidence of his witnesses; (Ms. Sexton and Ms. Anscorb and by letter from Mr. Stevenson), the objections of unnamed parties at

pages 50 and 51, Appendix D of the public agenda and the letter of objection and supporting documents dated 15, April 2016 at appendix i to the Part II report together with the response from the applicant and submissions from her solicitor at the hearing. Members found that the nature and content of the relevant entertainment proposed was, lap dancing, performances of dance in a dance area and striptease. The hours applied for were Monday to Sunday 20:30 to 02:00 the following day and New Years Eve 20:30– 03:00.

In considering their decision Members considered the statutory grounds for refusal of such applications and all other relevant considerations:-

MANDATORY GROUNDS

There was found to be no evidence that any of the mandatory grounds under Schedule 3, paragraph (1) were engaged and none were raised by the Police or objectors.

DISCRETIONARY GROUNDS

No evidence was found to be relevant to engagement of discretionary grounds for refusal in Schedule 3, paragraph 12(3) (b), (c), (d) (i) and (ii) and they were not raised by the objectors.

SUITABILITY OF APPLICANT ETC. AND LAYOUT ETC. OF PREMISES.

In relation to 12 (3)(a) the objections engaged consideration of suitability of the applicant for any other reason but not on the basis of conviction for any offence. In relation to ground (d) (iii) the objections engaged character of the premises but not layout or condition.

Members considered all the objections made but gave very little weight to them for the following reasons: all objections were made by persons who were not identified, despite two attempts to contact email addresses for verifying information no response was received in relation to the objection emails dated 18 and 25, April 2016, none of the objectors attended the hearing and could not be questioned in relation to the substance of their objections. The email dated 25, April 2016 was shown to be false as house rules are clearly publically available and are with the application documents. Kent Police have indicated, (page 49 appendix C) that they have no relevant recorded crime reports in the last year related to the premises. There were no other observations from Police save that they have no problem contacting the applicant when necessary. Random visits by the Police and Licensing Officers have not revealed any non-compliance with conditions or drugs activity at the premises. There was no evidence to support the allegations relating to lack of management or drugs at the premises.

The allegations made that the applicant was unsuitable to run such a premises do not relate to any criminal offence and the matters raised are historic, irrelevant to the current operation of the premises and have no known connection to the premises.

THE RELEVANT LOCALITY

Although Members noted their previous decisions in respect of this premises they nonetheless considered that each application is to be decided on its own merits and at the time it was being heard. Accordingly Members took the view that it was necessary to consider the relevant locality afresh but found no reason to change their previous view that the relevant locality is the High Street area between Mill Street and the bridge area, (Bishops Way/Fairmeadow). This being characterised by being predominantly commercial mixed uses, retail during the day and other commercial, including various licensed uses at the time this premises is open none of which are particularly sensitive in nature. At this time there have been no significant changes of character since their last decision and they note that phase II of the High Street regeneration project has been completed since October 2013.

CHARACTER OF THE RELEVANT LOCALITY

Members considered the character of the relevant locality to have experienced no significant change since their last consideration of this premises, and no objectors raised matters engaging this. The relevant locality is characterised by being predominantly commercial mixed uses, retail during the day and other commercial uses, including various licensed uses at the time this premises is open, none of which are particularly sensitive in nature. They note that phase II of the High Street regeneration project was completed almost 3 years ago. It is a thoroughfare during the day but at night in this locality it is mainly a thoroughfare for bars and nightclubs and other entertainment for adults, not frequented by children.

An SEV of the type applied for, with an entrance on the highway, would not be inappropriate in this locality out of the heart of the town and of this character. Impact in this particular location, for this operation, together with a commencement hour of 20:30 and little signage would be minimal and not such as to render renewal of the licence inappropriate and no objectors raised matters engaging this ground.

USE OF PREMISES IN THE VICINITY

Consideration was then given to the vicinity of the premises and it was found that there was no reason to alter the previous decisions of the Committee that this was a smaller area than relevant locality, being the more immediate area around the premises at

the far end of the lower High Street, (Mill Street to the bridge area). The SEV was not considered to be inappropriate to the vicinity at this time. It was noted that phase II of the High Street had been completed in this locality some time ago.

Members also considered information in the report about the proximity of, places of worship, schools and other recreational spaces including Jubilee Square but these did not fall within what members considered to be the vicinity of the proposed SEV, being some distance away and unlikely to be directly affected, particularly during the times the premises would be open. None of the objections raised matters engaging this ground.

NUMBER OF SEVs APPROPRIATE TO THE RELEVANT LOCALITY

Members, having found again that the relevant locality is the High Street area between Mill Street and the bridge area, (Bishops Way/Fairmeadow) then went on to consider what is the number, if any, of appropriate sex establishments in the relevant locality. Members considered specifically whether a sex establishment of the type applied for is appropriate to the relevant locality. The number of SEVs considered appropriate for this locality is one as they saw no reason to change the view of the matter since the last consideration of this premises licence. Members were of the view that one SEV for this locality would be appropriate, at this time, as it was not in the heart of the town centre and there have been no significant changes to the character of the area. No more than one such premise would be appropriate as the locality should not be an area with a concentration of such premises which could have an impact collectively that one would not have alone. They did feel that the current premises had minimal impact on the locality and its current character, as evidenced by their own knowledge and evidence from the applicant.

CONCLUSION

FOR ALL THESE REASONS THE APPLICATION WAS GRANTED ON THE EXISTING TERMS AND CONDITIONS AS APPLIED FOR.

27. **DURATION OF MEETING**

10.00 a.m. to 11.58 a.m.