

LICENSING SUB-COMMITTEE 4

Tuesday 13th March, 2012 at 10.20 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors A Finch and Mrs Roberts.

Officers: -

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

18 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

19 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 7th February, 2012, be approved as a correct record and signed.

20 **APPLICATION FOR REVIEW OF SEXUAL ENTERTAINMENT VENUE LICENCE CONDITIONS, BANDIT QUEEN GENTLEMEN'S CLUB, 93 KING STREET, DUDLEY**

A report of the Director of Corporate Resources was submitted on an application for the review of sexual entertainment venue licence conditions in respect of the premises, Bandit Queen Gentlemen's Club, 93 King Street, Dudley.

Mr Dhillon, the Proprietor and Building Manager, together with his legal adviser, Mr Bytheway of Quality Solicitors Silks, was in attendance at the meeting.

Following introductions, the Licensing Officer presented the report on behalf of the Council.

Mr Bytheway presented his case on behalf of the applicant, and in doing so stated that since the premises was granted a licence in 2006, Mr Dhillon had been operating his business in accordance to the conditions outlined in the Licensing Act 2003.

He stated that the business had been established for six years with no complaints, and that the applicant had a good relationship with West Midlands Police and Enforcement Officers.

Mr Bytheway referred to the application submitted for the variation of the conditions of licence that had been circulated to Members prior to the meeting, in particular the four conditions on which the applicant wished to ask the Sub-Committee to either reconsider or amend.

Reference was made to the condition whereby the Local Authority is required to be notified within 14 days of any staff changes, Mr Bytheway explained that it would be difficult for Mr Dhillon to notify changes in respect of the dancers as they were self-employed and work at other establishments on a regular basis. Mr Dhillon was however in agreement to notify changes in respect of contracted employees.

Following a brief discussion, the Sub-Committee agreed that the condition be amended to state that the Local Authority to be notified within 14 days of any contracted staff changes.

Reference was made to condition numbered six under 'special conditions of licence' where relevant entertainment shall not occur in private rooms, cubicles, or other enclosed areas. Any opening that could be temporarily or permanently closed by a door, drapes, curtains, or other materials, for these purposes a room, cubicle, or other area was private unless it was completely open on one side so that activities within may be supervised from the exterior.

Mr Bytheway stated that Mr Dhillon had installed a high-tech CCTV system with individual cameras in each private room, which was continually monitored in a separate room by a member of staff, and asked the Sub-Committee to consider adding the supervision to be carried out through the CCTV on to the conditions of licence.

Mr Dhillon further stated that he had recently installed panic alarms in each private room and one in reception and this could be pressed if security deemed any behaviour unsuitable.

It was confirmed that there were three SIA approved security staff at the premises.

Mr Bytheway made reference to a booklet, produced by Mr Dhillon, that contained a contract between the applicant and dancers, and a code of conduct for dancers, employees and members of the public to adhere to.

Reference was made to conditions numbered 22 and 24 where the licensee shall not allow the use of vehicles including limousines for the promotion or the relevant entertainment, and the licensee or its agents, servants, employees, contractors or performer shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.

The Licensing Officer confirmed that there should not be any explicit pictures on the vehicles advertising the premises.

Mr Bytheway stated that Mr Dhillon did advertise the premises using a vehicle, however there were no pictures on the vehicle. He stated that on occasion Mr Dhillon attached a trailer to his vehicle that carried an advertisement board showing a girl who was fully clothed.

Mr Bytheway provided evidence from other establishments that advertised their premises more explicitly than Bandit Queen Gentleman's Club, and asked that the Sub-Committee consider that Mr Dhillon submit any information in relation to advertising for consideration by the Local Authority.

At this juncture, a copy of the code of conduct, pictures of the applicant's vehicle and advertising cards for the premises were circulated to Members of the Sub-Committee.

Concerns were raised by Members of the Sub-Committee in regard to girl's inviting potential customers and advertising the premises outside late at night.

Mr Dhillon confirmed that the girls were chaperoned by a member of security, and that anybody who was intoxicated would not be allowed in the premises.

Reference was made to condition numbered 27 whereby authorised officers of the Council, Police, and other authorised agencies who were furnished with authorities which they would produce on request shall be admitted immediately at all responsible times and at any time the premises were open for business to all parts of the premises.

Mr Bytheway sought clarification on the term 'authorised officers / agencies', and it was confirmed that this included officers with reasonable authority such as customs, immigration, tax, VAT and fire officers.

In responding to a question by a Member, Mr Dhillon confirmed that the passes handed out by the girls outside the premises did not entitle the customer to any free drinks, and that there was an entrance fee to the premises.

It was noted that in the six years the business had operated there had been no complaints in regard to the advertising of the premises or the way in which it had been carried out.

Mr Dhillon further stated that the girls did not tout for business outside the premises but would attend other late night venues in the area, following agreement with the manager, to circulate flyers.

It was noted that Mr Bytheway on behalf of the applicant be requested to submit wording in consultation with the Licensing Officer and Legal Advisor in regard to the four conditions outlined in the application submitted to the Members.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chairman then outlined the decision.

RESOLVED

That the application for the review of sexual entertainment venue licence conditions be approved, and that Mr Bytheway on behalf of the applicant be requested to submit wording, in consultation with the Licensing Officer and Legal Advisor, with regard to the four conditions outlined in the application submitted to the Members.

REVIEW OF STREET TRADING CONSENT / PROHIBITED SITES

A report of the Director of Corporate Resources was submitted on an application received on behalf of the Principal Bereavement Services Officer for the revision of the consent / prohibited streets in Dudley Borough to include Chase Road, Gornal Wood, Dudley and South Road, Stourbridge as consent streets in respect of Street Trading.

Mr S Connelly, Bereavement Services Manager was in attendance at the meeting.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council, and informed Members that a complaint had been received following a notice published in the Express and Star on 20th January, 2012 setting out the proposed resolution.

It was noted that the complainant had been invited to attend, but was not in attendance at the meeting.

Mr Connelly stated that there had been trade at the site for over 11 years, and in that period there had been no complaints received, and that it was sited in a prime location.

Following a brief discussion it was

RESOLVED

That the application received on behalf of the Principal Bereavement Services Officer, for the revision of the consent / prohibited streets in Dudley Borough to include Chase Road, Gornal Wood, Dudley and South Road, Stourbridge as consent streets in respect of Street Trading, be approved to progress to the next stage.

22 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –
CANCER RESEARCH AND GENETICS UK

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of Cancer Research and Genetics UK.

It was noted that the applicant was not in attendance at the meeting, and that he was informed that should he fail to attend the Sub-Committee the application would be heard in his absence

Having decided to hear the matter in the applicant's absence, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Following a brief discussion it was,

RESOLVED

That, in view of the applicant's non-attendance at the meeting and that further account information contained in Section 2 (f) of the House to House Collections Act, 1939, had still not been provided, as requested, the application for the grant of a House to House Collections Licence in respect of Cancer Research and Genetics UK be refused.

23 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –
CHILDREN'S HEARTS

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of Children's Hearts.

It was noted that the applicant was not in attendance at the meeting, and that he was informed that should he fail to attend the Sub-Committee the application would be heard in his absence.

Having decided to hear the matter in the applicant's absence, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Following a brief discussion it was,

RESOLVED

That, in view of the applicant's non-attendance at the meeting and that further account information contained in Section 2 (f) of the House to House Collections Act, 1939, had still not been provided, as requested, the application for the grant of a House to House Collections Licence in respect of Children's Hearts be refused.

The meeting ended at 11.20 am

CHAIRMAN