

CENTRAL BEDFORDSHIRE COUNCIL

Record of Licensing Sub Committee hearing convened under The Local Government (Miscellaneous Provisions) Act 1982 on Monday, 30 July 2012

Licensing Sub Committee Composition

Cllrs D Bowater (Chairman) R D Berry
Mrs M Mustoe

Members' Interests

There were none.

Name of Applicant

Lord John Shayler

Premises Address

4 Church Street
Amphill
Bedfordshire
MK45 2EH

Name of Parties (including the Applicant, Observers and Persons who have made relevant representations together with any persons who have made relevant representations together with any person representing each party)

Cllr D Bowater	-	Central Bedfordshire Councillor
Cllr D Berry	-	Central Bedfordshire Councillor
Cllr Mrs M Mustoe	-	Central Bedfordshire Councillor
Mr M Woolsey	-	Managing Solicitor
Miss H Bell	-	Committee Services Officer
Mr D McBain	-	Licensing Enforcement Officer
Mrs J Borthwick	-	Service Manager
PC C Carey	-	Licensing Officer, Bedfordshire Police
Mr F Fender	-	Representing the Applicant
Cllr P Duckett	-	Central Bedfordshire Councillor
Cllr M Smith	-	Central Bedfordshire Councillor
Cllr M Blair	-	Central Bedfordshire Councillor

140 relevant representations were made by members of the public.

Mr P Ayee	-	Objector
Mrs L Douglas	-	Objector
Mrs L Illingworth	-	Objector
Mr B Prickett	-	Objector
Mrs M Hudson	-	Objector

Names of Parties submitting representations and indications of their representations

PC Carey – Requesting conditions to licence
Mr F Fender – Representing Applicant
Cllr P Duckett – Objecting to application
Cllr M Smith – Objecting to application
Mr P Ayee – Objecting to application
Mrs L Douglas – Objecting to application
Mrs L Gillingworth – Objecting to application
Mr B Prickett – Objecting to application

Procedures for the Hearing of applications - Sex Establishment Licensing under the Local Government (Miscellaneous Provisions) Act 1982 as amended by S27 of the Policing and Crime Act 2009.

The Procedures for the hearing of applications- Sex Establishment Licensing, The Local Government (Miscellaneous provisions) Act 1982 as amended by S27 of the Policing and Crime Act 2009 was noted.

Amendment of Application (if any) requested by the Applicant

There were no amendments to the application by the applicant.

The Application

The Application was for the granting of a Sex Entertainment licence to carry out the business of a Sexual Entertainment Venue (SEV) at 4 Church Street, Ampthill, Bedfordshire, MK45 2EH.

Local Government (Miscellaneous Provisions) Act 1982 - A hearing called to determine an application for a Sex Entertainment Licence, Shaylers, 4 Church Street, Ampthill

The Committee received and considered a report from the Head of Service, Public Protection which advised that an application had been submitted for a Sex Entertainment Licence to carry out the business of a Sexual Entertainment Venue (SEV) at 4 Church Street, Ampthill.

The Applicant's representative and objectors attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing Enforcement Officer to present the report to the Sub Committee. The Sub Committee were advised that the Applicant Lord John Shayler had submitted an application for a Sex Entertainment Venue Licence. The application sought the following:

Sex Entertainment Venue, to trade on the following times;

Monday	1900 – 03.30
Tuesday	19.00 – 00.30
Wednesday	19.00 – 00.30
Thursday	19.00 – 01.30
Friday	19.00 – 01.30
Saturday	19.00 – 01.30
Sunday -	Closed.

The Sub Committee noted that the premise is located in a small shopping parade with some residential property in the nearby surroundings. A location map was attached to the report at Appendix B.

The Licensing Enforcement Officer advised that Mid Beds District Council granted a premises licence for the property in March 2008 for the provision of facilities for live music & recorded music, provision of facilities for making music, dancing, late night refreshment and supply of alcohol.

In presenting the report the Licensing Enforcement Officer drew attention to the number of representations received from the Responsible Authority – Police and Interested Parties, 40 of which had been rejected as not being relevant.

The Chairman invited the Sub Committee to ask questions of the Licensing Officer.

The Chairman invited the Applicant's representative to present the case to the Sub Committee.

The application for a Sex Entertainment venue Licence was set out at Appendix A to the report. Mr Fender explained that Lord Shayler was unable to attend the meeting and therefore he was now here to present the case. Mr Fender advised that Lord Shayler owns and manages two other similar clubs and that no reported Crime and Disorder issues associated with the venues had been reported. Lord Shayler had owned the premises at Ampthill for a number of years.

Mr Fender advised that if the licence be granted the premises would open in October 2012. Visually the premise would not alter and no advertising signage would be displayed. It would not be possible to see inside the premises from outside and nudity would not take place on the ground floor, this would be limited to the basement. Access to the premises would be at the rear via 'The Oxlip' and not directly onto the Market Square, therefore doors at the front would not be in use and would only be used as a means of fire escape.

Door Supervisors would be employed along with 50 dancers and 6 bar staff.

Mr Fender spoke in detail about the percentage of objectors and locality of the premises in relation to local schools, churches and Ampthill Park. In response to concerns raised, clarification was provided that many community events that take place on the market Square such as the Christmas Light switch on would not take place at a time when the premises were open.

The Chairman invited the Sub Committee to ask any questions of Mr Fender. The Chairman asked Mr Fender to clarify the locality of one of Lord Shaylers similar premises in relation to residential amenity and shops.

The Chairman invited PC Carey to present his case. PC Carey noted the standard conditions contained within the Central Bedfordshire Council Statement of Licensing Policy with regard to sex Establishments and reiterated that should the Committee be minded to grant the application consideration should be given to adding five conditions as set out in the Agenda at Page 57.

In response to a question from Mr Fender, PC Carey clarified that there were three Sex Entertainment venues in Bedfordshire and that he was not aware of any reported attributable crime from the establishments.

The Chairman invited Cllr P Duckett and Cllr M Smith, Ward Representatives for Ampthill to make representations. Cllr Duckett spoke on behalf of businesses in the locality of the premises and Ampthill residents.

Cllr Duckett spoke in detail about the issue of locality of the premises. He advised that the Market Square is a Conservation Area and both a retail and residential area. He emphasised in particular the significance of the market Square as both a gateway to Ampthill and for the hosting of community events such as the Christmas Light Switch on and being a meeting point for residents. Therefore making the proposal entirely unsuitable in respect of locality.

Cllr Smith reiterated comments made by Cllr Duckett in relation to the unsuitability of the location of the premises. He expressed that despite there being no planned advertising signage it would not detract from the fact that people would still be aware of what entertainment would be taking place. He expressed concerns about the rear of the property currently being unlit at night and not within the CCTV area. Cllr Smith concluded by urging refusal of the licence.

The Chairman invited questions.

The Chairman invited objectors to make representations.

Mr Ayee spoke about the unsuitability of the premises in terms of its locality, feeling of intimidation for local residents, dispersal of crowds exiting from the premises and emphasised that despite no advertising signage people would still be aware of the entertainment.

Mrs Douglas had submitted representations that had been rejected by the Licensing Authority on the grounds as being irrelevant, however on the grounds of fairness the Chairman permitted Mrs Douglas to speak. Mrs Douglas commented that advertising for dancers of different sexual orientations was already a form of publicity. Mrs Douglas commented on problems arising from having no signage. Mrs Douglas urged that the licence be refused on behalf of all of the residents of Ampthill.

Mrs Illingworth expressed concerns regarding the control of persons exiting the premises late at night and the safety for residents.

With the permission of the Chairman, Mr Prickett was allowed to speak (Mr Prickett had not submitted representations) Mr Prickett spoke in detail about the unsuitability of the locality in Ampthill.

Mrs M Hudson expressed concerns about the proposed licence in terms of its locality, potential disorder and feeling of intimidation for residents of all ages. In response to Mr Fenders comments about the percentage of respondents, Mrs Hudson commented that many hadn't replied due to a belief that this was not a serious application.

Mrs Redmond commented on a similar club that had been located in Ampthill many years ago and the associated problems in relation to Crime and Disorder. Mrs Redmond also commented on policing issues in Ampthill.

The Chairman invited the Applicant, PC Carey and Ward Representatives to sum up their case.

The Sub Committee adjourned to deliberate upon the application. The Managing Solicitor for Central Bedfordshire Joined the panel to provide clarification on questions.

Decision

That having received representations from Mr Fender, representative for the applicant; PC Carey on behalf of the Police; Cllrs Duckett and Smith; P Ayee; L Douglas; Lillingworth; B Prickett, M Hudson and R Redmond and the following findings of facts:

- the clear evidence from Bedfordshire Police regarding the particularly low levels of crime both at the location of the premises and in the wider area of Ampthill,
- that the entrance to the premises will be via 'The Oxslip', and not onto the market square in Ampthill,
- the Applicant has indicated a willingness to comply with all conditions proposed by Bedfordshire Police,
- the Applicant has indicated a willingness to comply with all conditions set out in the Central Bedfordshire Council Statement of Licensing Policy for Sex Establishments,

- The existing premises licence in place for the venue, which allows for the provision of music, alcohol and late night refreshment,
- The licensing of Sex Establishments is a legitimate operation permitted by legislation.

The licence for a Sex Entertainment Venue be granted to Lord J Shayler, 4 Church Street, Ampthill, Bedfordshire, MK45 2EH subject to the following conditions:

- (1) Access to the premises to the rear only via 'The Oxlip';
- (2) No signage referring to the sexual nature of the entertainment provided by the establishment to be displayed outside of the premises;
- (3) No advertising to be displayed on or the rear of the premises;
- (4) All of the police conditions as specified at Page 57 of the report;
- (5) All of the conditions and special conditions specified at Appendix E of the Central Bedfordshire Council Statement of Licensing Policy for Sex Establishments.

(Note: The meeting commenced at 2.30 p.m. and concluded at 4.52 p.m.)



CENTRAL BEDFORDSHIRE COUNCIL

DECISION NOTICE

IN RESPECT OF A SEX ESTABLISHMENT LICENCE

**PURSUANT TO
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

DECISION OF THE LICENSING SUB – COMMITTEE

Date of Hearing	30 July 2012
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Applicant's Name:	Lord John Shayler
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Premises Address:	Shaylers 4 Church Street Amphill Bedford MK45 2EH
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Application for:	An application for a Sex Establishment Licence to operate a Sexual Entertainment Venue at Shaylers, 4 Church Street, Amphill, Bedford MK45 2EH, pursuant to the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
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Reasons for Hearing:	Following the submission of representations from a Relevant Authority (namely Bedfordshire Police) and the receipt of numerous objections from Interested Parties.
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Members of the Licensing Sub-Committee:	Cllr D Bowater (Chair) Cllr R Berry Cllr Mrs M Mustoe
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***DECISION NOTICE FOLLOWING A DECISION
MADE PURSUANT TO THE LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982***

Applicant:	Lord John Shayler (Not in Attendance)
Person(s) Appearing on Behalf of the Applicant:	Mr F Fender (Licensing Representative) of FJF Licensing Solutions, Regent House, 5-7 Melbourne Street Bedford, MK42 9AX

Objector(s)	Mr S Hocking; Mr & Mrs T Hudson; Ms C Laursen; Mr A Pelling; Mr & Mrs A Atherton; Mr J Gooch; Dr CJ Nixon; Ms C Murphy; Mr & Mrs R Armstrong; Mrs R Galley; Mr & Mrs D Blakey; Mr & Mrs M Fearon; Mr & Mrs J Owen; Mr S Mulchinock; Mr & Mrs P Hoare; Mr K Gribbin; Ms V Ng-Millar; Ms C Kelly; Ms E Sauve; Mr J Bond; Mr P Webster; Mrs H Caldwell; Mrs L Webster; Ms N Ellis; Mr R Marriott; Ms P Gooch; Mr & Mrs D Murray; The Smith Family; Mr I Styles; Mrs B Blakely; Mr R Smith & Ms E Feeney; Mr & Mrs G Coleman; Luan Hall; Mr P Bettley; Mrs T Rodger-Brown; Mr B Rodger-Brown; Mr P Laws; Mrs J F McGuinness; Mrs J Laban-Mitchell; Mr S Fisher; Mr A Peacock; Mr A & Ms F Challacombe; Mrs C Rance; Ms D Searle; Mr M Dear; Mr & Mrs D Illingworth; Mr P Ayee; Mr & Mrs P Charleton; Mrs L Lake; Mrs A Paisley; Ms S McEvoy; Ms H Armitage; Ms C Chappell; Mr A Paterson; Ms C Woodruff; Ms B Woodward; Ms J Wood; Mr & Mrs Kettle; Mrs A Gallagher; Michael J Trodden (Rector); Mr & Mrs Redman; Mr C Notton; Miss A Mather; Mr & Mrs B Sear; Ms S Hamon Watt; Ms R James; Ampthill & District Preservation Society; Ms J Hutley; Mrs E Hooper; Ms A Booth & Mr P Crane; Mr L Woodhead; Ms T Bates; Grace & Mr J Bozzino; Mr & Mrs D Patterson; Mr & Mrs R Cawkwell; Mr P Ablin; Ms K McIntosh; Ampthill Community Safety Group; Ms A Caulfield; Ms J Liberty; Ms C Hooper; Mr & Mrs Downing; Mrs L Palmer; Mr A Campbell; Mrs C Chappell; Mrs K Taylor; Mr & Mrs Shepherd; Mr & Mrs S Johnson; Mrs C Russ; Mr & Mrs Horton; Mr T Wood & Ms M Froud; Mrs E Hayward; Mr & Mrs King; Mr & Mrs Benson; Mrs R Haves; Mrs A Blaxill; Mrs K S Tyrrel; Mrs J Bergmanis; Mr F Bergmanis; Mrs A Tiana; Mrs A Crook.
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DECISION NOTICE FOLLOWING A DECISION MADE PURSUANT TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Person(s) Appearing on Behalf of the Objector(s):	Cllr Paul Duckett Cllr Mark Smith Mr P Ayee Ms L Douglas Ms L Illingworth Mr B Prickett Ms M Hudson Ms R Redmond
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Responsible Authority:	Bedfordshire Police
Person(s) Appearing on Behalf of the Responsible Authority:	PC 715 Carey

Other Persons Present:	Mr D McBain	Licensing Enforcement Officer
	Mrs J Borthwick	Service Manager
	Ms H Bell	Committee Services Officer
	Mr M Woolsey	Managing Solicitor
	Cllr M Blair	Ward Member

<p><u>FINDINGS OF FACT</u></p> <p>On the basis of the written and verbal representations, the Licensing Sub-Committee made the following findings of fact:</p> <ul style="list-style-type: none"> • The clear evidence from Bedfordshire Police regarding the particularly low levels of crime both at the location of the premises and in the wider area of Ampthill. • That the entrance to the premises will be via 'The Oxslip', and not onto the market square in Ampthill. • The Applicant has indicated a willingness to comply with all conditions proposed Bedfordshire Police • The Applicant has indicated a willingness to comply with all conditions as set out in the Central Bedfordshire Council Statement of Licensing Policy for Sex Establishments. • The licensing of Sex Establishments is a legitimate operation permitted by legislation. • There is an existing premises licence in place for the venue, which allows for the provision of music, alcohol and late night refreshment



DECISION

The Sub-Committee has decided that the application by Lord John Shayler for a Sex Establishment Licence is:

Granted

Refused

Granted, subject to the following conditions:

General

- 1) Access to the premises shall be to the rear only, via 'The Oxslip';
- 2) No signage referring to the sexual nature of the entertainment provided by the establishment to be displayed outside of the premises;
- 3) No advertising to be displayed on or near to the premises;

Access to premises

- 4) Access must be afforded at all reasonable times to authorized officers of the council and the police and fire services.

Hours of Opening

- 5) If granted the hours that premises may open to the public will be as stated on the licence.
- 6) The premises shall not open on Christmas Day or Good Friday.

Management and Staffing of the Licensed Premises

- 7) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 8) The name of the person who has been approved by the council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
- 9) Every person employed on the premises in a capacity where he / she has or will have contact with members of the public in the course of carrying on any activity authorised by the licence, must have first been approved by the council.
- 10) An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of: -

- a) a criminal conviction certificate issued under section 112 or a criminal record certificate issued under section 113A of the Police Act 1997 or the results of a subject access search under the data Protection Act 1998 of the Police National Computer by the National Identification Service that has been issued no earlier than one calendar month before submitting it to the council;
 - b) a passport sized photograph in colour.
- 11) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises.
 - 12) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
 - 13) Every person employed on the premises in the furtherance of the business shall wear a form of visible identification of a type approved by the council indicating his/her name and position.
 - 14) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
 - 15) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
 - 16) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
 - 17) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

External Appearance

- 18) Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the council.
- 19) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 13 and 14.
- 20) The council shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.
- 21) As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the council's approval)

22) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.

23) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

“WARNING

Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”

Maintenance and Repair

24) The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition

25) The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.

26) The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

General

27) No part of the premises shall be let

28) Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.

Special Conditions for Sexual Entertainment Venues

29) The Licensee shall in all things conduct the premises in a decent sober and orderly manner and take whatever steps are necessary to ensure that there is no profanity or obscene, immoral, licentious or indecent behaviour likely to cause a breach of the peace. No persons aged under 18 years by way of staff, visitors, customers, entertainers or any others are to be present whilst the premise is operating.

30) When striptease/table dancing is being provided there shall be no physical contact between dancers and customers other than initial introductions (handshake) or when placing a tip in a dancers hand/garter.

31) Dancers shall re-dress at the conclusion of the performance and are to remain fully clothed (minimum bikini top and bottom) at all times except when giving a performance.

32) No persons other than dancers shall be in the licensed area in a state of undress.

- 33) Access to the dressing rooms shall be restricted and monitored at all times.
- 34) External advertising shall not show photographs or any visual representation of women and shall be in accordance with the advertising code.
- 35) A nominated person should supervise the dancers' cloakroom.
- 36) Management rules of conduct apply to all dancers.
- 37) There should be a minimum charge per table dancing.
- 38) Last time of entry to the premises to be one hour before closure.
- 39) Dancers must not be propositioned in any manner.
- 40) Other than arrival, departure, visiting the cloakroom or tipping as mentioned, customers are required to remain seated at all times in the table side of the dancing area.
- 41) A member of staff shall escort dancers arriving and exiting the club.
- 42) No dancer shall arrange to meet with, whether it is inside or outside of the premises, or have any correspondence (notes or business cards) with customers.
- 43) Employees, entertainers or dancers may not sit with customers unless all persons are fully clothed.
- 44) Dancers/entertainers may not leave the premises until the end of the agreed shift or performance, and must not be re-admitted that day or night unless as a part of a written contract.
- 45) Any person who can be observed from outside the premises must be properly and decently dressed, scantily clad persons must not exhibit in the entrance way or in the area surrounding the premises.
- 46) Persons performing table side striptease/dancing shall wear a G-string or bikini bottoms which shall at all times be worn covering the genitalia and should be made of opaque material. With exception to performances conducted in the designated private dance areas where full nudity is permitted.
- 47) There shall be no tableside performances to customers seated at a bar or standing.
- 48) When tableside striptease is taking place no performer shall dance with or towards any other performer and shall make no physical contact with another performer.
- 49) Tableside striptease performers are to remain standing during a performance of striptease.

Conditions Required by Bedfordshire Police

- 50) A minimum of 4 SIA registered door staff of whom one will be female will be on duty at the premises during operating hours and for a further 30 minutes after the terminal hour.



- 51) A suitable CCTV system to be installed to the satisfaction of Bedfordshire Police. The system to be operational at all times when licensed activities are being carried out. The system is to cover all public areas including booths and corridors but not staff changing rooms or any toilets on the premises. The system is to be adequately maintained and be capable of downloading material onto removable media.
- 52) The siting of the CCTV system will be agreed with Bedfordshire Police prior to installation and will comply with that agreement at all times. Changes to the siting and standard of the CCTV system may only be made with the consent of Bedfordshire Police.
- 53) CCTV footage will be made secure and retained for a minimum of 31 days. CCTV footage to be supplied to the police and authorised officers of Central Bedfordshire Council on request.
- 54) At all times when the premises are open to the public there will be a member of staff on duty who is conversant with the operation of the CCTV system and who is able to download immediately any footage as requested by the police or an officer from the licensing authority.

The Sub Committee considers the additional conditions necessary for the proper regulation of the Sexual Entertainment Venue.

- In coming to its decision, the Sub-Committee has taken into account:
 - Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
 - The Central Bedfordshire Council Statement of Licensing Policy for Sex Establishments; and
 - The merits of the application and the representations (including supporting information) presented by all parties.

REASONS FOR DECISION

On the basis of the findings of fact, as set out above, the Sub-Committee considered that there was no appropriate reason for refusal of the licence. Furthermore, the activities can be controlled appropriately by condition. Therefore, the licence is granted in accordance with the strict and specific conditions set out above.

Effect of Failing to Comply with Conditions

The Applicant is to be aware that a failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000.



Right of Appeal

The following persons:

- a. an applicant for the grant, renewal or transfer of a licence whose application was refused;
- b. an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
- c. a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- d. a holder of any such licence whose licence is revoked,

may at any time before the expiration of the period of 21 days beginning with the date on which the individual is notified of this decision appeal to a magistrates' court.

Signed:



Chair of Licensing Sub-Committee

Date: 2 August 2012

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