

Sub-Committee Hearings

1. Baby Simple, 213 Cowley Road, Oxford, OX4 1XF (Variation)

17th September 2009

Application to vary premises licence 09/00826/PREM. The applicant sought to increase the hours and the number of occasions to hold licensable activities until the early hours of the morning, and to amend the application in relation to the conditions regarding doorstaff

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee took into account all submissions and evidence presented, both written and oral.

Having heard the evidence of Thames Valley Police and the Interested Parties and also considering the background evidence to the Special Saturation Policy for East Oxford, the Sub-Committee were satisfied that serious crime & disorder and nuisance problems exist in the vicinity of the premises. The Sub-Committee found that any variation which increased the time available for the consumption of alcohol was likely to result in an increase in crime & disorder and nuisance in the area and adversely affect cumulative impact. Therefore the Special Saturation Policy was engaged and there was a presumption against the granting of a variation to the licence.

The Sub-Committee found nothing in the Applicant's evidence to convince it that the variations sought could be made without aggravating cumulative impact. The Sub-Committee did not accept that the existence of later hours at other premises in the area in any way supported the Applicant's case, the hours operated at one premises were not a reason to apply the same hours to another, the situation at each premises had to be considered on its own merits.

In relation to door staff the Sub-Committee found, after hearing the Police evidence on 'Wednesday student nights', that it was necessary to retain condition 30 of the licence without variation.

The application, including the change to the provision of door staff, was therefore REFUSED.

2. Thirst Lodge, Pennyfarthing Place, Oxford, OX1 1QF (VARIATION)

10th December 2009

Application to vary premises licence 09/01005/PREM. To add various regulated entertainments to the current premises licence, in order to provide the necessary requirement to promote the premises as an establishment for erotic dancing. No increase in the current licensable hours were sought.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee took into account all submissions and evidence presented, both written and oral, and considered both the Council's Statement of Licensing Policy and relevant government guidance.

The Sub-Committee acknowledged that the powers granted under the Licensing Act 2003 could not be used to control adult entertainment where that entertainment was otherwise in accordance with the licensing objectives .

The Sub-Committee were satisfied that with the implementation of the measures proposed by the Applicant, together with the imposition of all the conditions agreed with Health & Safety and certain of those proposed by the Police, the variation sought would not have an adverse impact on the licensing objectives. The imposition of the conditions was necessary to promote the objectives. .

The application was therefore GRANTED subject to the following conditions:-

(1) Upon completion of a crime survey by Thames Valley Police, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

Reason: The prevention of crime and disorder

(2) No outside area shall be used for the consumption of alcohol or the provision of Regulated Entertainment unless the area is clearly marked or defined.

Reason; the prevention of public nuisance

(3) When all three floors of the premises are in operation, there shall be a minimum of 2 door supervisors situated at the main entrance to the premises and 3 inside the premises. Those door supervisors shall be registered with the SIA and shall be present at the premises from 20.00 hours until the premises is closed or patrons have departed from the immediate vicinity of the premises.

When one or more of the floors are not open, then the door supervisors shall operate at a ration to be agreed between Thames Valley Police and the Premises Licence Holder.

At least one door supervisor shall be female.

Reason: the prevention of crime and disorder / promotion of public safety

This condition replaces condition 3. of the existing licence.

(4) All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon. signed records of all training are to be kept by the premises.

Reason: Prevention of crime and disorder/public nuisance/ public safety

(5) No persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs.

Reason: The protection of children from harm

This condition replaces condition 7. of the existing licence.

(6) Persons shall be prevented from leaving the premises with alcohol supplied in open containers.

Reason: The prevention of public nuisance

(7) The premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.

Reason: The prevention of public nuisance

(8) The Licence Holder or Designated Premises Supervisor shall become a member of the Pubwatch scheme and a representative shall attend Pubwatch meetings.

Reason: The prevention of crime and disorder

(9) All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving license, or Proof of Age card carrying a “PASS” logo.

Reason: The protection of children from harm/ prevention of crime and disorder

This condition replaces condition 4. of the existing licence.

(10) The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Thames Valley Police.

Reason: The prevention of crime and disorder

(11) All Door Supervisors shall wear high visibility Nightsafe branded Fluorescent Yellow Armbands or tabards whilst within the premises and similar jackets whilst outdoors.

Reason: Public safety/the prevention of crime and disorder

(12) The premises will implement a written queuing policy. This will be subject to the approval of Thames Valley Police

Reason: Public safety/the prevention of crime and disorder

(13) The premises will implement a written dispersal policy. This will be subject to the approval of Thames Valley Police

Reason: Public safety/the prevention of crime and disorder

(14) The approved activities shall take place only in the areas designated by the Licensing Authority and TVP and the approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place and

Reason: The prevention of crime and disorder

(15) Striptease, lap dancing pole-dancing or table-side dancing shall be permitted at the premises Monday to Saturday 21.00-03.00

Reason: The prevention of public nuisance/prevention of crime and disorder/protection of children from harm

(16) No displays of any description shall be permitted outside or in the vicinity of the premises including photographs or other images that indicate that striptease, lap dancing, pole-dancing or table-side dancing takes place on the premises. Discrete signs showing the name of the premises alone and signs showing any required information concerning restrictions on entry are permitted.

Reason: The prevention of public nuisance/prevention of crime and disorder

(17) No audience participation shall be permitted

Reason: The prevention of crime and disorder

(18) Whilst striptease, lap dancing, pole-dancing or table-side dancing takes place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

Reason: The protection of children from harm

(19) Arrangements shall be put in place to restrict access to the dressing room at all times when the [striptease, lap dancing, pole-dancing and/or table-side dancing] is taking place, and until such time as all performers have vacated it.

Reason; The prevention of crime and disorder/public safety

(20) There shall be no physical contact between dancers whilst performing.

Reason: The prevention of crime and disorder / public safety

(21) There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of dancers at the beginning or conclusion of a performance

Reason: The prevention of crime and disorder

(22) At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Thames Valley Police

A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises is open till the premises is clear of customers, cleared of staff and closed.

The premises will provided any footage upon request by Thames Valley Police within 24 hrs of the request

The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours.

Reason: The prevention of crime and disorder

(23) A CCTV system shall be installed to cover all areas where [striptease, lap dancing, pole-dancing and/or table-side dancing] All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 28 days with date and time stamping.

Recordings shall be made available to an Authorised Person of the Licensing Authority or Thames Valley Police together with facilities for viewing.

This system must be installed and fully operational before the premises opens for the licensable activity applied for.

Reason: The prevention of crime and disorder

(24) The performance of striptease, lap dancing, pole-dancing and/or table-side dancing within the premises shall not be visible from the street outside at any time.

Reason: The prevention of public nuisance

(25) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.

Reason: The prevention of crime and disorder/public nuisance

(26) The layout within areas used by customers shall not under go substantial change without the prior written consent of both Thames Valley Police and the Licensing Authority;

Reason: The prevention of crime and disorder/public safety

(27) A Management operation manual detailing all aspects of procedure when the premises is operating striptease, lap dancing, pole-dancing or table-side dancing or other such entertainment shall be produced and approved by Thames Valley Police. This document shall be on going and under constant review.

Reason: the prevention of crime and disorder

(28) Signs displaying the rules on the performance of striptease, lap dancing, pole-dancing or table-side dancing will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.

All dancers, staff and door supervisors shall read a copy of the rules relating to operating striptease, lap dancing, pole-dancing or table-side dancing or other such entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Reason: The prevention of crime and disorder/public safety

(29) All dance booths are to be equipped with a panic alarm for safety

Reason: the promotion of public safety – prevention of crime and disorder

(30) A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record:

- **The name of the person responsible for the premise on each given day;**
- **All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.**
- **The name, SIA number, Security Company that employs them, starts and finish times of all door staff on duty that day.**
- **The names, start and finish times of individual performers involved in striptease, lap dancing, pole-dancing and/or table-side dancing**
- **Any refusals of entrance or service on grounds of age and/or intoxication. (details to include, date, time member of staff involved, reason and brief physical description or name of member)**
- **Any use of force by staff/door supervisors (details to include, date, time member of staff involved, reason and brief physical description or name of member)**
- **All calls made to the police or other emergency services**

The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved

Reason: the prevention of crime and disorder/public safety

(31) No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.

Reason: The prevention of crime and disorder/prevention of public nuisance

(32) In the event of private striptease, lap dancing, pole-dancing or table-side dancing or other such entertainment the patron shall be informed of the duration and price of the entertainment, and the details shall be specified in a clearly visible notice in each area designated for private dance.

Reason; The prevention of crime and disorder

(33) Performers shall be aged no less than 18.

Reason: the protection of children from harm

(34) On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

Reason: The prevention of crime and disorder/promotion of public safety

The Sub-Committee found that the evidence did not demonstrate that the conditions proposed by the police in relation to a capacity limit (other than that for fire and rescue purposes), high visibility jackets within the premises and compulsory membership were necessary to prevent crime and disorder and these conditions were not imposed.

The Sub-Committee encouraged the applicant not to advertise the premises as a "Gentleman's Club" as this could be misleading in the context of Oxford City centre.

The Sub-Committee noted that unless replaced or altered by this decision the existing conditions on the Premises Licence would continue to apply.