

Agenda Item 8

LICENSING AND REGISTRATION SUB COMMITTEE

Monday 24 September 2012

COUNCILLORS PRESENT: Councillors Cook, Coulter (Chair), Gotch and Royce.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Allan Hibberd and Daniel Smith (Law and Governance)

10. APOLOGIES FOR ABSENCE

None given

11. DECLARATIONS OF INTEREST

None given

12. PROCEDURE TO BE FOLLOWED

Resolved to note the procedure

13. SEXUAL ENTERTAINMENT VENUE LICENCE RENEWAL

In Attendance

The following people were present at the meeting:-

Gemma Cleaver (City Council Trainee Solicitor – present as an observer)

On behalf of the Applicant

Alistair Thompson (Owner of the premises)]
Robert Opher (Designated Premises Supervisor)
James Rankin (Counsel for the Applicant)

Interested Parties

Sue Tanner
Marguerite Robinson (speaking on behalf of Roberta Nicholls)
Jennifer Pegg
Paul Hernandez (East Oxford Conservatives)
Farida Anwar
Cynthia Harper (St Ebbes New Development Residents' Association – SENDRA)
Kate Clayton-Hathaway
Claire Cochran
Eileen Cameron
Andrea Berryman
Natalie Brooke

Louise Livesey.

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning an application to renew a Sexual entertainment Venue (SEV) licence for the premises known as The Lodge, Oxpens Road.

Allan Hibberd (Licensing Officer) introduced the report.

Louise Livesey sought to introduce additional material that she stated had been submitted as part of her representation but excluded from the agenda supporting papers.

Mr Rankin (on behalf of the Applicant) objected on the grounds that he had not been given sufficient time to consider what was very detailed information. In addition, the Council's own procedures for hearings stated that information should be supplied at least seven working days before the hearing, or with the consent of all other parties, after that time. On this occasion he could not consent to its submission.

Councillor Coulter, chairing the hearing, and having taken advice from Daniel Smith (Legal Advisor), ruled that the information therefore should not be taken into account and it was not circulated.

For the Applicant

Mr Rankin presented the Applicant's case.

Background to the application.

Mr Rankin outlined the history of the premises known as The Lodge. He explained that it had first been situated in Pennyfarthing Place and had subsequently moved to premises previously known as The Coven on Oxpens Road. The application for a SEV licence at this site had been heard and granted on 12th July 2011. The application before the Sub Committee was a renewal of the SEV licence.

Current licence

Mr Rankin submitted that all the previous objections to a SEV licence for the Lodge at Oxpens Road had been heard when its former licence was granted. There had been a detailed examination of the appropriateness of the area in July 2011, and since then there had been no change in circumstances. No new houses had been built, no new schools, places of worship or nursery schools had opened. The premises and area remain exactly the same, other than the old flooring shop had become a MOT centre.

The applicant understood the objectors' views, but these were not relevant considerations for the Council. The premises had been well run since the licence had been granted. The Police visited the site weekly and neither they nor Environmental Health had found anything untoward during their inspections, indeed neither had objected to the current application.

Objections to the application

Most objections that had been submitted were on moral grounds, with concerns expressed about the way in which women were displayed, but if placed to one side, and the issues of change in circumstances and the management of the premises were explored, there were in fact very few objections about the way in which these premises were run.

One objection had submitted a photograph in which it was alleged that dancers were mingling with clients outside the premises, but the women shown there were customers and not dancers. There was a condition controlling the number of smokers to be outside at any one time, but in any event, there was nothing to prohibit dancers and customers from mixing. Dancers had their own smoking area.

Door supervisors should always wear a high visibility jacket; and this would be enforced.

The capacity of the premises was 150, which was far fewer than when the premises had been The Coven. Problems associated with the former premises had been dealt with; the old large sound system had been removed and the place had been re-laid out in a stylish manner - which included 28 CCTV cameras. Four SIA registered door staff were on duty, and the manager, DPS and DJ were all SIA registered as well. SEV premises caused far fewer public order problems because they were not focussed on drinking. There was an admission fee and drinks were relatively expensive.

Location of premises

The premises were situated in a lightly populated area. The location had been sought with appropriateness in mind. Customers generally arrived and departed by car or taxi.

It should not be overlooked that a large number of letters of support had been submitted as well as letters of objection.

Answers to questions

The following information was provided in answer to questions from Councillors and Interested Parties.

- (1) Dancers worked on a self employed basis;
- (2) There were 12 direct employees at The Lodge;
- (3) The majority of customers arrived by car or taxi;
- (4) No survey of the home addresses of customers had been taken, but it was known that many were from Oxford and the immediate neighbourhood;
- (5) The club had an arrangement with a local taxi firm to provide taxis when customers wished to leave. 99% left through vehicular means;
- (6) The club had not sought to actively engage with the local community. No-one from the local community had come to the club with any concerns;
- (7) The Lodge caused far fewer problems than The Coven;
- (8) Dancers paid £20 house fee to dance. Each dance cost the customer £20, of which the club received £7 commission. There were regular

- sessions when dances were “commission free”. There were no fines for dancers who dressed incorrectly or who did not attract enough customers;
- (9) The club provided a safe, clean environment for the dancers, including door staff who escorted them to a taxi or their car at the end of the night. It was a condition of the licence that dancers were escorted to a safe place at the end of their shift;
 - (10) No adverts were placed to attract dancers – it was all done by “word of mouth”. There was an application form on the club’s website, but women were not actively canvassed to be dancers;
 - (11) The Lodge may be listed on other websites that exist to group SEV venues together as a source of information, but this could happen without the knowledge of the club’s owners.

Interested Parties objecting to the Application.

The following people spoke in objection to the application:-

Marguerite Robinson

People’s attitude towards the club had changed, in that people now found it inappropriate for a place like Oxford. Oxford was a seat of learning, and young people came to it from all over the world. Parents would have grave misgivings about sending their children to Oxford knowing that a venue such as The Lodge existed here. It is not an appropriate business for the centre of Oxford and many visitors are surprised to see it operating here. Now that it is operating, there has been a change of attitude towards it.

The presence of the club makes women afraid to walk the streets alone, and it does not help improve the general attitude towards women. The location of The Lodge has not changed, but people use the ice rink late at night, and coaches come and go at various hours. The premises are in an unsuitable location. In addition, the advertising hoarding near the railway station is offensive.

Paul Hernandez

The venue does not fit in with the local neighbourhood and it increases the chances of violence against women.

Sue Tanner

Evidence from women living near to the club shows that people going to and from the club cause alarm and distress to them.

Louise Livesey

Louise Livesey made the following points:-

Submissions on the application.

Ms Livesey submitted that the Council’s website, upon which comments could be made on the application, did not work for much of the consultation period; and she felt that this had an effect upon submissions.

Of the letters in support, 60% were from people associated with The Lodge, either through employment or as contractors and therefore they had a vested interest in it. There was no evidence that the rest of the submissions were from local people.

Location of premises

This club does not exist in a vacuum.

The nearest residential area is 300m from the club with car parks, the ice rink and a college very close by (within 100m). The area has changed by the very opening of the club. It is a club run by men for men. Many women in Oxford now felt uncomfortable because of its very existence.

The Council's economic policy for the area put it within the West End Redevelopment Area and promoted a stronger economic role. The club does not fit with this. Social inclusion is also put at risk by the presence of this club in this area. There could be new housing in Oxpens, and this club (as a site of gendered sexual abuse) could threaten redevelopment plans. As the applicants state that most customers arrive by taxi or car, it would be easy to situate this club elsewhere outside the City.

There is a question about the benefit of this club to the local economy. It only provides a small number of jobs and many dancers travel from much further afield to work here.

Licensing Objectives.

The four licensing objectives that the Council must promote were the prevention of public nuisance, the prevention of crime and disorder, the promotion of public safety and the protection of children from harm. However, this club violated the first three, in that people had been solicited for sex in the area, and had suffered damage to cars and houses by clients leaving the club. Sexually explicit phrases were also shouted in the area. The applicants had not engaged with the local residents concerning the running of this venue.

Safety.

There was a question about whether clubs of this nature contributed to an atmosphere that was conducive to the sexual abuse and rape of women.

In answer to a question from Ms Livesey, Natalie Brooke (Oxford Sexual Abuse and Rape Crisis Centre) stated that there had been an 18% increase in people contacting the centre since the club opened in November 2011. In addition, women contacting the centre stated that they felt threatened by its presence.

Mr Rankin (on behalf of the Applicant) at this point stated that much of the evidence being related was based on hearsay, that some of it related to police forces in Cornwall and Bath and North East Somerset, and so was irrelevant to Oxford.

Questions to the Interested Parties

The following information was provided in answer to questions from Councillors:-

- 1 The presence of lap dancing clubs was felt to be conducive towards sexual violence;
- 2 A survey of local residents had been carried out in Oxford, and 108 responses received.

At this point Mr Rankin suggested again that less weight should be attached to this as evidence for it was based on hearsay

No questions from the Applicant to the Interested Parties.

Closing Submissions

Interested Parties

The Interested Parties objecting to the Application re-iterated the following points:-

- The club was not in harmony with Council strategy and future plans;
- It had an impact on local residents;
- There were questions about its location and its contribution to the area. It may work well internally, but once in the locality it has a material detrimental effect externally.

Applicant

Mr Rankin, on behalf of the Applicant, made the following points:-

- What was the motivation behind objectors' representations? Were they local residents expressing their concerns or groups putting forward their views? There was no hard evidence from local people that this club caused any detriment to them.
- Most people would not know that the club even existed in its current location. It was completely innocuous;
- The advertisement hoarding by the railways station showed only a women's face and could not be said to be offensive, even more so when the hoarding next to it (for skin cream) showed a naked woman;
- No-one from Thames Valley Police had made any representation against the application or concerning a negative effect from the club upon the local area – had this happened, it might give more weight to arguments about a change of circumstances;
- There was no evidence of a correlation between the opening of the club and an 18% rise in references to the sexual violence support group – this could have been caused by a host of other factors;
- No-one has complained that the club is badly run;
- The Council decided a year ago that the area was appropriate – to say otherwise now would be perverse.

Daniel Smith – Legal Advisor to the Hearing.

At this point, Mr Smith asked the Applicants to confirm that they sought to renew their existing licence with all existing conditions. The Applicants confirmed this.

Mr Smith pointed out, in relation to some points made in some of the representations seeking additional conditions to control advertising, that it was a condition of the existing licence that the premises could not place advertisements on their building or any indication of the nature of the operation taking place. The Sub Committee had no power to control advertisements elsewhere, and did not have the power to prevent them from advertising completely. The Sub Committee noted this.

Mr Smith also gave advice that some reports relied on by the objectors were anonymous and hearsay. Such evidence could be taken into accounts but only limited weight should be given to it. The Sub Committee also had to consider whether it was fair to the Applicant to rely on such evidence when those making the report were not available to be questioned.

At this point, the Sub Committee withdrew to deliberate and make its decision in private, accompanied by its Legal Advisor and the Committee Clerk.

The Sub Committee then returned and Councillor Coulter announced that the sub Committee was not yet in a position to announce its decision but would do so in writing within five working days, in accordance with paragraph 26 of the Sub Committee hearing procedures.

The decision, subsequently released on 26th September 2012, was as follows:-

Having considered all representations, both written and oral, the Sub Committee RESOLVED to REFUSE the application as applied for, for reasons set out in the Decision Notice appended to these minutes.

(Councillor Gotch asked that his minority view, disagreeing with this decision, be recorded)

14. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 30th July 2012, with the following amendments (in bold type):-

Minute 22 – final paragraph to read:-

“Councillor Royce asked that her concerns about the food generally served from **these types of street trading pitches (including the use of condemned meat, kitchens in garages and untrained staff)**, and that she felt unable to support any of the applicants on this occasion, be minuted.”

Minutes 23 (2) to read:-

“Delegate to officers the power to suspend the licence **immediately** should Mr Elouath fail to pay at the required time in future”

15. MATTERS EXEMPT FROM PUBLICATION

None

The meeting started at 5.00 pm and ended at 7.37 pm