

LICENSING POLICY COMMITTEE

MINUTES OF A MEETING of the Licensing Policy Committee held on Friday 12 October 2012 at 9:30am in the executive meeting room, 3rd floor of the Guildhall, Portsmouth.

Present

Councillors Les Stevens (chair)
Peter Eddis (vice chair)
Margaret Adair
Ken Ellcome
Jason Fazackarley (arrived at 10:45)
Ken Ferrett
Jacqui Hancock
Lee Mason
Robert New
Eleanor Scott
Phil Smith
Sandra Stockdale
April Windebank

8. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Margaret Foster.

9. Declaration of Members' Interests (AI 2)

No declarations were made.

10. Minutes of the Licensing Policy Committee meeting held on 24 February 2012 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing Policy Committee meeting held 24 February 2012 be agreed and signed by the chair as a correct record.

11. Minutes of the Licensing Sub Committee meetings held on 14 December 2011, 18 January, 25 January, 24 March, 11 April, 1 June, 6 June, 22 June, 29 August, 5 September and 11 September 2012 (AI 4).

(TAKE IN MINUTES)

~~**RESOLVED** that the minutes of the Licensing Sub Committee meetings held on 14 December 2011, 18 January, 25 January, 24 March, 11 April, 1 June, 6 June, 22 June, 29 August, 5 September and 11 September 2012 be agreed as a correct record and signed by the relevant chair of the meeting.~~

12. Sex Establishment Licensing – Consideration of responses to public consultation and determination of final policy in respect of sex establishments. Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 (AI 5)

(TAKE IN REPORT BY THE LICENSING MANAGER)

The Licensing Manager introduced the report and explained the following points:

- The committee is not limited to the options as suggested in the report.
- The first bullet point of option 2 in the recommendations, should read the renewal, *transfer* or variation of an existing sex establishment licence;
- A preliminary Equalities Impact Assessment has been undertaken in respect of the proposed policy and whilst not forming part of the report, copies are available for the Committee and public on request.
- Two responses were omitted from the report and were distributed for consideration at this meeting.

The Chair informed everyone that the meeting would be recorded and that a written deputation had been circulated for consideration.

The committee agreed to waive standing order 24 to allow two minutes for each deputation.

Charlie Dacke, Shonagh Dillon, Dr Chris Dacke, Paul Nelson, Sarah Bland and Caroline Storey included the following points in their deputations:

- Permitting Sexual Entertainment Venues (SEVs) in the city goes against the council's vision for the city and its duty to gender equality particularly as it is a White Ribbon City.
- Allegations have been made that the Council had received backhanders.
- A smear campaign had been carried out against people opposing these venues.
- The dignity of women is more important than the loss of employment that would occur following the closure of these venues. It should not be acceptable to treat women like pieces of meat.
- One SEV licensee had received a warning from Gosport Borough Council.
- One person's facebook page had been copied and pasted into a letter submitted to this committee without the owner's consent.
- There are no appropriate locations for SEVs in the city.
- Prohibiting SEVs would bring the city long term economic benefits.
- The performances at these venues are lewd.
- It is not appropriate to place SEVs in residential areas. Residents feel harassed and fearful of the anti social behaviour that is carried out around these SEVs.
- Studies conducted in the USA showed salivary testosterone levels in men leaving SEVs had risen by up to 72% and in women it had risen by up to 80%. A high level of testosterone in animals leads to increased sexual aggression in both sexes. It is therefore likely that a small percentage of men would attack female passers-by after visiting these venues.
- Some clients and staff take drugs and are intoxicated.
- Iceland has banned SEVs on moral grounds.
- The people in favour of SEVs have vested interests in retaining them.

Sam Khatkar, Councillor Luke Stubbs, Jason Nelson, Jaspal Ojla, Angela Squires and John Fernandez included the following points in their deputations:

- The protection of minority rights is essential and the individual is the smallest minority. People should be free to do what they want provided it does not cause a nuisance to others.
- It is disappointing that the committee is three members short today.
- SEVs should be concentrated in the city centre to reduce disturbance in residential areas.
- If existing premises are allowed to remain but no new ones permitted, a monopoly would be created.
- These venues do not attract crime and disorder.
- The loss of people's livelihoods should be the most important consideration for this committee.
- A significant majority of respondents supported the SEVs.
- These venues are legal, licensed and regulated.
- There have been no major complaints about Elegance. Wiggle has been open for just over a year and the number of violent incidents has reduced from 25 a month to one.
- Safety has improved in the locality near the two SEVs thanks to the professionalism of the doormen.
- The staff and the owners are very polite.
- The screen prints submitted in one written response were from a public forum.
- Representatives from the White Ribbon Organisation had said that they would visit the club but did not do so.
- Concerns were raised about the application fees and possible conditions that could be applied to applications.

The Legal Advisor advised the committee that the purpose of this hearing is to debate the overall policy. Subject to the decision on the policy, the conditions could be discussed at a future meeting.

The Licensing Manager clarified that the initial fee for granting a SEV licence is £12,000 and the renewal fee is £4,000.

The following staff from Portsmouth SEVs Dana Ward, Daisy Donald, Tania Boniwell, Jessica Mills and Mayura Rokade included these comments in their deputations:

- The SEVs are safe, supportive and enjoyable places to work.
- It is unfair to assume clients take drugs.
- If clients are too intoxicated, they are removed from the premises.
- The staff should have the choice as to where they work. They have never met any girls who were forced to do so.
- The majority of the respondents are in favour of SEVs.
- One dancer financed her masters degree by working there.
- Dancers are stereotyped unfairly for working at SEVs.
- The dancers are walked to their cars after work.

The Legal Advisor explained that as Councillor Fazackarley had not heard all the deputations he would not take part in the vote.

At the request of the committee, PC Brian Swallow, Licensing Officer explained that there have been very few incidents of anti social behaviour, crime and disorder around the SEVs. Overall, violent crime in the night time economy of Portsmouth had dropped significantly this year. He was not in a position to say whether the SEVs had had any affect on this. In the two years that he has been in this role, he is not aware of any incidents involving SEV staff.

The Committee thanked everyone for their deputations and the police for the reassurance that there is no evidence of any link between SEVs and crime. During their discussion, the following points were included:

- A cartel could be created if no new SEVs were permitted to operate in the city.
- To prohibit these venues would be to display false Victorian values and would drive them underground.
- The responses to the consultation clearly show the majority of the public is supportive of SEVs.
- It is important to protect livelihoods.
- A plea was made for any harassment regarding this issue to cease.
- Members had not had any complaints from constituents about SEVs.

In response to a question from the Committee, the Local Democracy Manager confirmed that the options set out in the officer's report were stand alone.

The Licensing Manager explained that the current policy to consider applications on individual merit has been in place since 1982 and would covers licences for shops, cinema and SEVs.

The Chair noted that contrary to a claim by one of the deputies, only one member was missing today and that was due to illness.

Option 3 was proposed by Councillor Lee Mason and seconded by Councillor Peter Eddis. Upon being put to the vote this proposition was lost.

Option 2 was proposed by Councillor Ken Ellcome and seconded by Councillor Jacqui Hancock. Upon being put to the vote this proposition was carried.

DECISION

Option 2 – The policy be amended to include an additional paragraph, numbered 7.10a, as follows:

Notwithstanding the provisions of paragraph 7.10 (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- The renewal, transfer or variation of an existing sex establishment licence; or
- The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.

The meeting concluded at 11:45am.

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Signed by the chair of the committee
Councillor Les Stevens.

