

## LICENSING POLICY COMMITTEE

MINUTES OF A MEETING of the Licensing Policy Committee held on Friday 24 February 2012 at 9:30am in the executive meeting room, 3<sup>rd</sup> floor of the Guildhall, Portsmouth.

### Present

Councillors Les Stevens (chair)  
Peter Eddis (vice chair)  
Margaret Adair  
Ken Ellcome  
Jason Fazackarley  
Margaret Foster  
Jacqui Hancock  
Malcolm Hey  
Lee Mason  
Eleanor Scott (standing deputy for Councillor Fuller)  
Lynne Stagg  
Luke Stubbs  
April Windebank

#### 1. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor David Fuller. His standing deputy Councillor Eleanor Scott was in attendance.

#### 2. Declaration of Members' Interests (AI 2)

No declarations were made.

#### 3. Minutes of the Licensing Policy Committee meeting held on 21 September 2011 (AI 3)

(TAKE IN MINUTES)

**RESOLVED** that the minutes of the Licensing Policy Committee meeting held 21 September 2011 be agreed and signed by the chair as a correct record.

#### 4. Minutes of the Licensing Sub Committee meetings held on 28 September, 12, 19 and 26 October, 9, 16, & 23 November, 2 & 7 December 2011 (AI 4)

(TAKE IN MINUTES)

**RESOLVED** that the minutes of the Licensing Sub Committee meetings held on 28 September, 12, 19 and 26 October, 9, 16, & 23 November, 2 & 7 December 2011 be agreed as a correct record and signed by the relevant chair of the meeting.

**5. Sex Establishment Licensing – Consideration of proposed draft policy for consultation. 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 that members today must consider the draft policy for public consultation prior to final determination and publication. She explained that counsel's opinion had been sought on the proposed draft policy and in particular counsel had been asked to advise on the preliminary conclusion that there is no place within the city of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment. Counsel had advised that he considered that the proposed draft policy was in good shape and only made slight amendments were made by Counsel in order to provide more separation between the three grounds of refusal of numbers, character and premises in the vicinity along with a few other tweaks to the document.

Members' questions

Members sought clarification on the consultation process, asked whether current premises had any grandfather rights, whether counsel had commented on the proposed questions and asked where the list in paragraph 7.15 of the draft policy had emanated from.

Members' comments

Members felt that the proposed questions were clear although they did have concerns about representations received if they did not give their name and address. One member pointed out that the numbering in the proposed policy from paragraph 7.0 was confusing.

In response the Licensing Manager explained that counsel had not been asked to comment on the proposed questions. She also agreed to ensure that the numbering of the consultation document would be correct prior to publication.

The legal advisor explained that people can make as many responses as they see fit. It would be very difficult for the Council to refuse to accept multiple submissions from one individual. However, officers would do their best to identify these and inform the committee. The process will be as clear and transparent as possible.

Deputations were heard from Ms Charlie Dacke, Caroline Storey, Ms Sarah Bland, Kirsty Mellor (on behalf of the White Ribbon Campaign Portsmouth), Zoe Jackson (Operations Manager, Aurora New Dawn Ltd), Rich Hutchings and Eleanor Morgan who all spoke in favour of the proposed draft policy and made the following points during their representations:

- Excellent draft policy;
- Proud to be a citizen of Portsmouth, particularly in relation to paragraph 7.1 of the proposed policy;
- Robust policy with robust list of conditions to assist women working in clubs;
- Would like to see CCTV in private booths in clubs as a condition;
- Would also like to see audit of material imported in clubs/shops as a condition;

- Equality of women, they should have a choice;
- Officers to be commended for the consultation document which shows the Council's commitment to end sexual harassment, abuse and exploitation of women.
- Proprietor of Wiggle Club allegedly launched an internet media campaign in order to bombard the committee with responses and therefore give a false impression of the public's opinion;
- Responses from people outside the area should be discounted.
- Opponents of sexual establishments had allegedly been insulted and harassed on the message forums;
- There is no appropriate location in the city for these types of establishments;
- Sexual Entertainment Venues damage our communities;
- Positive move in making the streets of Portsmouth safer for women;
- Portsmouth City Council received White Ribbon Status in 2010;
- Portsmouth is one of only 20 authorities to achieve this and the only one on the South Coast;
- This shows the council's commitment to ending violence against women;
- Referred to an article in The Guardian 2011 which mentioned allegations about drugs and alcohol abuse by dancers; rules are broken and the dancers were not safe in the clubs;
- Sexual Entertainment Venues are linked to trafficking, prostitution and violence against women;
- Sexual images are more commonplace generally which has led to a decrease in standards in society;
- These images and venues normalise the idea of paying for sex;
- Not acceptable in a city this size and population density;.
- The Guildhall Walk area where the pubs, clubs and sexual establishments are located is one of the most dangerous in Britain.

Paul Ojla, owner and manager of 'Elegance' spoke against the proposed draft policy and included the following points:

- Have been running clubs for 5years and have helped to support the local economy;
- Operate 'Elegance' and there have been no problems;
- Never had cause of concern from the Police or residents;
- Run a tight ship at my club;
- Bad behaviour is not tolerated in the clubs;
- Opposed to the nil cap proposed in the consultation document;
- More than 100 people would be out of work if this club were to close;
- Feel existing clubs should continue but there are no more allowed.

The Committee were reminded that 83 written deputations had also been submitted which had been circulated prior to the meeting.

#### Members' comments

Members expressed concern about the potential negative impact that internet campaigns could have on the public consultation and sought reassurance that the responses from people outside the area would be identified. Members felt that representations should have some connection to the city, whether it be work, a regular visitor or live in the city.

The only complaints that a ward councillor had received regarding an SEV in his ward were about litter and parking.

Members' views were mixed in that some members felt that SEVs de-valued women and that there should be a nil cap in the city. Although they did feel that it was better to licence SEVs and for the LA to have some control rather than driving these type of activities 'underground'. Locality and vicinity were also a concern. Other members felt that the conditions were too prohibitive and that the council should not impose such restrictions and that people should have a choice. Some members felt that the list in paragraph 7.15 was too restrictive and that SEVs should be judged on a similar basis to night clubs because neither were open during the day. They felt that SEVs are popular with a % of our population, both men and women.

The Licensing Manager and Legal Advisor explained that people responding to a consultation do not have to provide their addresses. The weighting to be given to them, will be decided by the Committee when reviewing the consultation. General information e.g. distance from the premises would be disclosed. Objections made on moral grounds would be discounted.

Two dancers from an SEV were invited to give their views on the consultation document and they included the following points during their representations:

- They explained that there was no drug or alcohol abuse;
- They felt very secure whilst working;
- They felt it is honest employment that they are not coerced into doing. It is their choice;
- They did not feel that it devalued women.

**RESOLVED that**

- a) The Licensing Committee approved the draft sex establishment policy as the consultation document for the purposes of the Local Government (Miscellaneous Provisions) Act 1982; and**
- b) Approved the proposed questions as set out in paragraph 6.4 of the report as part of the consultation process.**

**6. Exclusion of the Press and Public (AI 6)**

**RESOLVED to adopt the following motion:**

**“that, under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972”.**

**The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.**

<b>Item</b>	<b>Paragraph Nos</b>
<b>7 Local Government (Miscellaneous Provisions) Act 1976</b>	<b>1, 2 &amp; 3</b>

**and Town Police Clauses Act 1847 – Consideration of  
Driver’s Licence – Mr R**

(Paragraph 1 relates to information of an individual, paragraph 2 relates to the identity of an individual and paragraph 3 relates to the financial or business affairs of any particular person.)

**7. Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 – Consideration of Driver’s Licence – Mr R (AI 7)**

(TAKE IN EXEMPT REPORT BY THE LICENSING MANAGER)

Mr R had been advised not to attend the hearing as the Licensing Manager was not contesting the recommendation to authorise the extension of his hackney carriage driver licence until 30 April 2012. The Licensing Manager reported that a spot check drugs test had been conducted since the committee report had been written, which had had negative result.

**RESOLVED that the report be noted and that the Head of Legal, Licensing and Registrars be authorised to extend the licensing period in respect of hackney carriage driver licence issued to Mr R until 30 April 2012.**

The meeting concluded at 11:00am.

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Signed by the chair of the committee  
Councillor Les Stevens.