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**DACORUM BOROUGH COUNCIL**

**LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE**

**12 FEBRUARY 2013**

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Present-

**MEMBERS:**

Councillor Lawson (Chairman), G Chapman, Fantham, Mrs Green, Link, G Sutton and R Sutton

**OFFICERS:**

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
S Taylor	Senior Assistant Licensing Officer
T Coston	Member Support Officer (Minutes)

**Other Persons Present:**

Item 6 - Mr L Appiah	Applicant
Item 6 - Mr N Walton	Poppleston Allen Solicitors – Applicants Representative
Item 6 - V West	Hemel Gazette

The meeting began at 7.34 pm

**1. INTRODUCTIONS**

The Chairman introduced himself and welcomed everyone to the meeting.

**2. MINUTES**

There were no minutes to be signed at this meeting.

**3. APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor Conway. Councillor R Sutton substituted for Councillor Conway.

**4. DECLARATIONS OF INTEREST:**

There were no declarations of Interest.

**5. PUBLIC PARTICIPATION**

None

**6. APPLICATION FOR NEW SEX ESTABLISHMENT LICENCE:  
AFTER 8, 166-168A MARLOWES, HEMEL HEMPSTEAD**

The Chairman introduced himself, the members on the Sub-Committee and the officers present.

The Chairman asked if all legal requirements had been met, and was informed by R Hill that they had.

Mr Walton introduced himself and explained he would be making representations on behalf of the Applicant, Mr Appiah. He advised that the premises was not located on the ground floor and would operate on the first floor and lower ground floor of the building. He said the premises would not open until 8.00pm and the town shopping centre would be closed before that time. He advised that access in to the premises was via a small door, the windows would be blacked out to avoid visibility in to the premises and door supervisors would be present at all times to ensure individuals leave discreetly and not in crowds to reduce nuisance behaviour. He explained they had made contact with the Police to address the concerns they had raised, and invited them to another establishment in Luton owned by Mr Appiah for reassurance. Following extensive discussion with the Police, he advised they had come to a satisfactory agreement to reduce the opening hours so the premises would close at 03.00am Sunday – Thursday and 04.30am Friday and Saturday.

Mr Walton referred to Guidance issued by the Home Office in respect of Sexual Entertainment Venues, specifically Paragraph 3.23, which states as follows:

*“When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of Police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in Paragraph 12 (of the Local Government Miscellaneous Provisions Act as amended) for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in Paragraph 12.”*

He said although he appreciated and understood the concerns raised by three local residents and by the MP, Mike Penning, he did not believe these points would be an issue. He explained that this type of establishment attracted businessmen and older individuals wishing to be in a relaxed and discreet environment. He said the premises would rarely be full and would never experience queuing outside. He referred to the letter received from MP, Mike Penning, and couldn't find any viable information relating to the class of vulnerable people he referred to residing in and around Camden House. He then welcomed questions from the committee.

Councillor R Sutton asked how long the premises in Luton had been operating. Mr Appiah replied five years.

Councillor R Sutton queried how they would cope if large groups of individuals wanted to enter the premise. Mr Walton advised there would be door supervisors present at all times and nuisance individuals would not be accepted in to the establishment.

Councillor G Sutton asked if the premises would be open to the public or if it would be for private members only. Mr Walton explained it would be open to the public;

however any individuals that appeared to be below 25 years of age would require identification.

Councillor Mrs Green referred to the floor plan and asked if there was alternative access to the VIP area or if it was all via one entrance. Mr Appiah explained that the entrance to the premises was via the ground floor lobby, and that access to the VIP area was via a second staircase leading down from the main room on the first floor – all customers attending the VIP area would enter via the main entrance and staircase and then pass through the main room.

Councillor Mrs Green asked where the changing rooms for female staff members were located. Mr Appiah advised they were located on the lower ground floor. Councillor Mrs Green expressed concern that the female employees would need to cut through the main bar area to get to the changing rooms. Mr Walton replied there would be significant staff presence in the premises and CCTV would be in operation at all times. Councillor Mrs Green said that having a member of staff accompanying the employees to their vehicle or taxi was commendable.

Councillor Fantham noted that there was no disabled or wheelchair access in the premises. Mr Walton explained that they had contacted the Building Control department on the matter but had received no response to date. He said that the premises would require a lift or stair lift for disabled persons to enable them access to the first floor. He advised that the Fire Authorities would require a refuge for any disabled persons in event of a fire but there would be nowhere suitable on the first floor to comply with their requirements and therefore felt it was unlikely the premises would be suitable for disabled individuals.

Councillor Lawson asked if the terrace area would be supervised as there are residential flats surrounding the building. Mr Appiah replied the terrace would be used as a smoking area and would be supervised. He said they felt it was better to use the terrace as a smoking area as it would reduce the number of individuals using the street for smoking.

Councillor Mrs Green queried if drinks could be taken out to the terrace area. Mr Appiah advised it was a smoking area only and drinks were not permitted outside.

The Chairman asked if there was any information the officers wished to add. R Hill said all the necessary information and additional documentation had been provided, and then referred to paragraph 6 of the report detailing the options available to the Sub-Committee. He welcomed any questions.

Councillor Lawson said he had read all the documentation provided and listened to those present very carefully, and although he had some concerns, he felt it was difficult to refuse the application. He asked the Sub-Committee for their views on the matter.

Councillor G Sutton said he took an opposite view to Councillor Lawson. He felt that the Town Centre was already suffering with too many fast food and gambling establishments and didn't feel that he could support the application for a new sex establishment.

Councillor Mrs Green explained she wasn't satisfied with the location of the premises and felt that it was not an appropriate position to have a sex establishment due to all the future regeneration plans for the Town Centre.

It was proposed by Councillor Fantham and seconded by Councillor Link that the application be granted.

Voting:

*3 for and 4 against;*

whereupon the Chairman declared the proposal defeated.

It was then proposed by Councillor G Sutton and seconded by Councillor Mrs Green that the application be refused.

Voting:

*4 for and 3 against;*

whereupon it was:

Resolved:

That the Licensing and Health and Safety Enforcement Sub-Committee refused the application, as they felt it would be inappropriate to grant the application having regard to the character of the relevant locality, to the use of any premises in the vicinity, or to the layout, character or condition of the premises, as set out in paragraph 1.9(d) of the report.

## **7. EXCLUSION OF THE PUBLIC**

It was proposed by Councillor G Sutton and seconded by Councillor Mrs Green to move to Part II of the meeting and to exclude the public.

Voting:

*Unanimously agreed;*

Whereupon it was:

Resolved:

That, under Section 100A (4) of the Local Government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to individuals which is likely to reveal their identity (Minute 8).

## **8. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVERS LICENCE WITH MOTORING ENDORSEMENTS AND COMPLAINTS**

Full details are in the Part 2 minutes

The meeting ended at 8.09 pm