

LICENSING COMMITTEE

THURSDAY 20 SEPTEMBER 2012
7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest and Whipping Declarations**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the meeting held on 19 July 2012**

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4. **Sexual Entertainment Venue Licence Application - Angels**

5 - 12

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: P Thacker (Chairman), J Peach (Vice Chairman), P Hiller, L Serluca, S Allen, G Nawaz, M Jamil, B Saltmarsh, A Miners and Davidson

Substitutes: Councillors: P Kreling, Johnson and D Harrington

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 19 JULY 2012**

Members Present: Councillors Thacker (Chairman), Peach (Vice Chairman), Serluca, Allen, Nawaz, Jamil, Saltmarsh, Miners and Davidson

Officers Present: Ian Robinson, Regulatory Officer
Gemma George, Senior Governance Officer

Also Present: Cheryl Thompson, Teacher - Peterborough Regional College

1. Apologies for Absence

Apologies for absence were received from Councillor Hiller.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 19 April 2012

The minutes of the meeting held on 19 April 2012 were approved as a true and accurate record.

4. Taxi General Competence Course

The Committee received a report following a referral from the Licensing Department (Taxi).

The report requested Members to determine whether to amend the requirement of fitness to include the requirement for new applicants to undertake a general competence course, which would include an updated English reading and writing test.

As part of the application process the authority were required to establish that persons wishing to be licensed drivers were "fit and proper." Whilst there was no approved test to establish if an applicant was "fit and proper," factors such as the ability to communicate effectively in English, and to understand the relevant licensing legislation and conditions were taken into consideration.

At the current time, all new applicants were required to undertake an English reading and writing test. This test had been criticised by the licensed trade for being "too easy." It had been highlighted that some new drivers entering the trade struggled to communicate effectively with their customers and on occasion this had caused simple misunderstandings to escalate into more heated situations. In addition, Officers had also encountered communication problems despite applicants having passed the test.

The current test was facilitated by the Licensing Team's Regulatory Officers and on average; applicants took four attempts before successfully passing, which placed a considerable drain on the team's resources. As it stood there was no additional fee to re-sit the test and it was a common occurrence for applicants to attend multiple re-tests, without any preparatory work between each test, or any improvement shown.

If an applicant failed the current test, there was no resource or specialist help available to assist the applicant to reach the required standard to obtain a licence.

The new proposed "Taxi – General Competence Course" would involve applicants undertaking a day long training course, facilitated by the Regional College. The course would culminate in a new English reading and writing test. When conducting the current test, the Officer led the applicant through the process, step by step, often having to repeatedly explain what was required. The new test would require the applicant to read instructions and questions, thereby increasing the level of English required. The test would cover the topics taught during the day. The course would also include an initial assessment. If the applicant was identified as falling below the necessary standard, they could be diverted to various English and Numeracy courses, some of which would be free of charge, allowing the applicant to gain further transferable skills and reach the required level to undertake the course. The new applicant would be required to undertake and pass the course before they were eligible to submit an application to become a licensed driver.

It was anticipated that the cost of the course would be met by the new applicant and paid directly to the college. It would cost approximately £95.00 and those applicants who were unsuccessful in the first instance would be offered the opportunity of re-sitting the test at a cost of £25. There would also be an opportunity to complete a half-day refresher course at a cost of £60, if more help was needed.

Members were invited to discuss the recommendations and comments and responses to questions included:

- On average it took between four and five attempts for an applicant to pass the test;
- A consultation response received from the Peterborough Private Hire Driver Association had indicated that the cost of the course should be raised from £95 to £500. This would ensure a good quality of driver with good communication skills. It was advised that Officers would not wish the fees to be set so high;
- The proposed syllabus would include an input into the Equality Act 2010, and would include an overview of wheelchair users, people using guide dogs and equality law;
- There was no specification at the current time for drivers to be able to speak any language other than English;
- There was no further funding available for NVQ qualifications and the cost to undertake these qualifications privately was in the region of £1,500;
- There was no legal obligation for drivers currently working in the trade to undertake the training course. Existing drivers would be eligible to attend, however it would be entirely on a voluntary basis;

- Going forward, a full disability training course would be of benefit to the drivers;
- The current driver licences were valid for a period of one year;
- CRB checks were undertaken on all new drivers, with the cost being chargeable to the applicant;
- The course had been structured carefully so as not to include too much information for one day. Going forward, if the course was deemed inadequate in any way, it could be amended;
- A suitability screener could be introduced for the candidates applying for the course;
- The number of drivers applying each year could ultimately influence the number of times the course would run, however the likelihood of there not being an adequate number of regular courses to make it viable was slim;
- Huntingdon was its own Authority and therefore its drivers could not be requested to undertake the course in Peterborough;
- All driver id badges had a photograph of the driver's picture on it.

Following questions and comments, Members stated that the proposal to introduce the further requirement of fitness to the grant of a licence was an extremely good idea and was an excellent way of moving the service forward.

RESOLVED:

The Committee approved the introduction of a further requirement of fitness to be attached to the grant of a licence to include the wording "all new applicants, prior to applying for a Hackney Carriage or Private Hire Driver's Licence, must undertake the PCC Taxi General Competence Course, provided by Peterborough Regional College".

7.00pm – 7.50pm
Chairman

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LICENSING COMMITTEE	AGENDA ITEM No. 4
20 SEPTEMBER 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Housing, Neighbourhoods and Planning
Contact Officer(s): Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel : 454437 Tel : 453561

SEXUAL ENTERTAINMENT VENUE LICENCE APPLICATION

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following an application from Angels 2004 Ltd for a sexual entertainment venue licence for Angels, Earham House, Brook Street, Peterborough, PE1 1FQ.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to request that members determine the application based on the information contained upon the application and in this report.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.4 “To consider and determine all applications in relation to the functions in Schedule 2.2.4 where, (a) they are not delegated to Officers”.

3. BACKGROUND

- 3.1 The Council passed a resolution in 1983 to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to its area and has laid down criteria for consideration before such a licence would be issued for a premises.
- 3.2 On 16 June 1983 the Environmental Health Services Committee determined that applications would be considered by the Licensing Panel and that the following criteria be considered in the determination of an application for a licence for a sex establishment:-
- (a) Sex Establishments should not occupy frontages in Upper Bridge Street, Cathedral Square, Church Street, Long Causeway, Westgate from its junction with Lincoln Road eastwards and Queensgate (including the Westgate Arcade), being streets within the centre of the city.
- (b) Sex establishments should not be in the vicinity of schools, youth clubs, libraries, playgroups or similar places regularly visited by children.
- (c) That in considering applications for sex establishment licences, due regard should be given to the character of the relevant location.
- (d) Sex Establishments should not be in residential areas, including local shopping areas.

- 3.3 From April 2010 a change in the law was introduced by the Policing and Crime Act 2009. This change gave local communities a stronger say over the establishment and location of lap dancing clubs and similar establishments in their area. It also gives Local Authorities more power to reject applications for lap dancing clubs or impose conditions on the licenses. It brought the licensing of lap dancing clubs in line with other sex establishments such as sex shops and sex cinemas. This change in legislation is aimed at recognising that local people do have legitimate concerns about where lap dancing clubs are located.
- 3.4 Lap dancing premises were previously regulated under the Licensing Act 2003 (“the 2003 Act”) and required a Premises Licence under Section 1 of the 2003 Act. There were no special provisions made within the 2003 Act for lap dancing clubs and so applications are submitted in the same way as a pub or restaurant. If an application were submitted to the Licensing Authority for a Premises Licence the only mandatory conditions that applied related to the sale of alcohol.
- 3.5 The Council formally adopted the amended provisions on 08 February 2011.

4. DETAILS OF THE APPLICATION

- 4.1 An application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982, was received on 18th June 2012 from Angels 2004 Limited in respect of Angels, Earlham House, Brook Street, Peterborough, PE1 1FQ. Angels have held a premises licence issued under the Licensing Act 2003 since August 2005. The premises has had the authority under the premises licence for ‘table side’ dancing since the grant of the premises licence. There were specific conditions placed on the premises licence to ensure adherence to the licensing objectives. These are also offered up by the applicant as conditions to be placed on the sexual entertainment venue licence, if granted. These conditions can be found on the application form attached at **Appendix A on page 9**.
- 4.2 The persons responsible for the management of the establishment are given as Balbinder Singh, Christopher Webb, Rinaldo Fasulo and David Keetley. The application requests trading 24 hours a day between Monday to Sunday.
- 4.3 An advertisement was placed in the Peterborough Evening Telegraph on 21st June 2012 by the applicant containing details of the application, and that representations should be made to the Council within 21 days. A similar notice was displayed on the premise for a period of 21 days.

5. CONSULTATION

- 5.1 Cambridgeshire Constabulary were consulted with and made no representations against the granting of the renewal licence.

6. IMPLICATIONS

- 6.1 The procedures specified in paragraph 10(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 have been followed in relation to the making of the application.
- 6.2 The Council can only refuse the application on the grounds specified in paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Those which may apply to this application are:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

- (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

NB Nil may be the appropriate number for the purposes of sub-paragraph (c) above. "The relevant locality" means – in relation to the premises, the locality where they are situated.

- 6.3 Where an authority refuses to grant a licence they shall, if required by the applicant, give a statement in writing of the reasons for their decision within 7 days of the request.
- 6.4 The applicant has paid a fee of £2,080 to make the application. The fee is not refundable upon refusal but is payable upon annual renewal.

7. BACKGROUND DOCUMENTS

- 7.1 Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Local Government (Miscellaneous Provisions) Act 1982

The Licensing Act 2003

Policing and Crime Act 2009

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£2,260

064500

APPENDIX A

PETERBOROUGH CITY COUNCIL

Application for Grant/Renewal/Transfer/Variation of Licence for a Sex Establishment

If application is made on behalf of an individual please state:

1. Full Name ANGELS 2004 LTD
Permanent Residential Address GLOBAL HOUSE, SAVILLE ROAD, WESTWOOD, PETERBOROUGH, PE3 7PR
Contact Telephone Number(s): 01733 344977/01733 343035
Age Date of Birth Place of Birth
Address of Registered or Principle Office AS ABOVE

2. Give full names and private addresses of all directors or other persons responsible for management of the establishment:

Name BALBINDER SINGH
Age Date of Birth 6/04/1971 Place of Birth LEICESTER

Address

Name CHRISTOPHER WEBB
Age Date of Birth 2/11/1971 Place of Birth ANDOVER

Address

Name RINALDO FASULO
Age Date of Birth 8/11/53 Place of Birth ITALY

Address

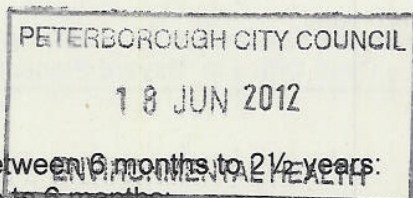
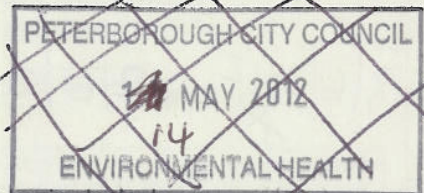
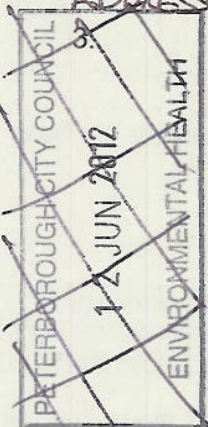
Name DAVID KEETLEY
Age Date of Birth 24/02/1958 Place of Birth STAPLEFOLD, NOTTINGHAM

Address

Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state

(if renewal, since you last applied for a licence)

- (a) All convictions must be disclosed
(b) Spent convictions, as defined below, should not be included



Sentence:

Becomes Spent after:

Imprisonment of between 6 months to 2 1/2 years:
Imprisonment of up to 6 months:
Borstal Training:

10 Years
7 Years
7 Years

A fine or other sentence not otherwise covered in the table:

Absolute Discharge:

Probation order, conditions discharge or bind over:

Detention Centre Order:

Remand home, attendance centre or approved school over:

Hospital Order under the Mental Health Act:

Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces:

Dismissal from Armed Forces:

Detention:

5 years

6 months

1 year (or until order expires, whichever is the longer)

3 Years

The period of the order and a further year after the order expires

The period of the order and a further 2 years after it expires

10 years

7 years

5 Years

NOTE:

(i) A sentence of more than 2½ years' imprisonment can never become spent.

(ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right-hand column.

4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?

Yes/No

5. If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom?

Yes/No

6. Full name and address of premises desired to be used as a sex establishment

ANGELS, EARLHAM HOUSE, BROOK ST., PETERBOROUGH PE1 1FO

If this application related to a vehicle/vessel/stall give description and state where it is to be used as a sex establishment

7. During which hours do you wish to trade

24 HOURS

8. On which days do you wish to trade?

MONDAY TO SUNDAY

9. Are the premises to be used as a sex shop?

Yes/No

Are the premises to be used as a sex cinema

Yes/No

Are the premises to be used as sexual entertainment establishment?

Yes/No

10. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment?

Yes/No

Have you ever been refused a licence for a sex establishment

Yes/No

If yes please give details

11 I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

18/6/2012

Date 18/6/2012 18/6/2012

Signature

Peterborough City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. Further information relating to your rights under the Data Protection Act can be sent to you on request.

Payment may be made by cheque and posted with the application to Licensing, P.C.C. 4th Floor, Bayard Place, Broadway, Peterborough PE1 1HZ or at the Cash Office in Bayard Place, Broadway, Peterborough.

SPECIAL CONDITIONS FOR THE OPERATION OF
ANGELS
EARLHAM HOUSE, NORTHMINSTER ROAD, PETERBOROUGH

1. The external aspect of the premises will not enable the adult activities carried on within the premises to be seen from outside. In order to achieve this, all windows will be screened and an internal lobby provided.
2. The licensee must not display outside the premises or in any other area, photographs or other images including flyposting or other promotional leaflets which indicate and/or suggest that striptease or similar dancing takes place on the premises.
3. A CCTV system must be installed and maintained to the satisfaction of the Cambridgeshire Constabulary and the Peterborough City Council licensing team. All recordings must be retained for a minimum period of 31 days and made available for inspection by the police or authorised officers of the City Council on request.
4. A suitable number of registered door supervisors, as specified by Peterborough City Council, will be provided at this venue.
5. All entrances/exits/toilets shall be continually monitored during licensed hours by patrolling SIA registered door supervisors.
6. No person under 18 years of age shall be permitted within the premises at any time and a notice shall be clearly displayed at the entrance to the premises stating 'No persons under 18 will be admitted' in a prominent position so that it can be easily read by persons entering the premises.
7. No performer / entertainer shall be less than 18 years old.
8. There shall be a notice displayed at the entrance to the premises in a prominent position explaining conditions of entry.
9. On entry to the premises the customer will be made aware of the rules of the club concerning their conduct on the premises. Failure to adhere to these rules will result in their being removed from the premises.
10. There shall be no physical contact between the entertainers/dancers and the audience, except for the receipt of payment in the hand or garter.
11. Dancers / entertainers shall only perform topless dancing at the tables or in the booths, not in the open bar area. Performances of full striptease dancing shall only be performed in booths.
12. Dancers / entertainers shall re-clothe immediately at the end of the performance. Dancers / entertainers who are not performing shall not appear in any public area wearing less than a G string for males, and a G string / bikini bottom and top for females.
13. At all times the licensee / employees shall adhere to the operational guidelines supplied with the Public Entertainment Licence application. No

alterations shall be made to the operational guidelines without the written consent of the Peterborough City Council.