
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 24 OCTOBER 2013

Present:

Members of the Council

Councillors Cunio (Chair), Mrs Blatchford and Vassiliou

Apologies

Councillors Parnell and Lewzey

10. **EXCLUSION OF THE PRESS AND PUBLIC**

- (i) **RESOLVED** that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules, the press and public be excluded from the meeting in respect of the viewing of CCTV evidence disclosed by the Police in relation to Item 11 based on Categories 1 and 2 of paragraph 10.4 of the said Rules.
- (ii) **RESOLVED** that the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and public, unless otherwise excluded by paragraph 10.4 of the Council's Access to Information Procedure Rules, will be invited to return immediately following that private session at which time the matter will be determined and the decisions of the Sub-Committee will be announced.

11. **APPLICATION FOR GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - ISIS, 188 ABOVE BAR STREET, SOUTHAMPTON**

The Sub-Committee considered the application for a Sexual Entertainment Venue licence in respect of Isis, Above Bar Street. (Copy of the report circulated with the agenda and appended to the signed minutes). The application being a matter adjourned by the same Sub-Committee, at a previous hearing dated 17 October 2013.

The Sub-Committee moved into confidential session to view the full extent of the CCTV evidence disclosed by the Police in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

RESOLVED that the application for a Sexual Entertainment Venue licence be refused.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision with reasons:-

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for a sexual entertainment venue licence in respect of Isis, 188 Above Bar Street. It has given due

regard to the Local Government (Miscellaneous Provisions) Act 1982, statutory guidance, Crime and Disorder Act 1998 and Human Rights legislation.

The Sub Committee considered representations, both written and given orally on 17 October 2013, as well as additional CCTV evidence disclosed by the Police to the applicant and the Council in advance of the hearing.

The Sub-Committee has considered very carefully all of the evidence and the application and has determined to refuse the licence. The licence is refused on the following grounds:

- (i) on the basis that the applicant is unsuitable to hold the licence for “any other reason”;
- (ii) a grant of the licence would be inappropriate having regard to the layout, character or condition of the premises.

REASONS

The Sub-Committee carefully considered the representations of both the Police and the applicant. It was noted that the applicant stressed the following points:

- the applicant reported the incident to the Police and has been proactive in addressing this rare occurrence;
- the dancer did not notice immediately, the camera angle did not show the true extent of the touching between the dancer and the client;
- the applicant stressed the paramount importance being the safety of dancers;
- the applicant is now being punished for reporting this isolated incident;
- touching between dancers and clients categorically refuted other than accidental brushing;
- that the club was doing its best to comply with conditions already in force;
- that there were no objections initially but only in relation to one incident;
- that the dancer concerned admitted mistakes on this one incident due to personal circumstances specific to that dancer;
- steps have been taken to prevent future risk by implementing lines on the floor / moving lamps.

The Sub-Committee adjourned in order to view the full extent of the CCTV evidence following dispute between the parties at the hearing on 17 October in relation to what that evidence showed. Having viewed the evidence in full, and in higher resolution on a smaller screen, the Sub-Committee finds as a matter of fact that during the periods covered by the CCTV footage the dancers were breaching the Code of Conduct and conditions, which the applicant stressed during the hearing were in place and being adhered to. Accordingly the Sub-Committee finds that the incident which led to the client exposing himself and the Police being called was not an isolated incident but in fact part of accepted practice by all dancers. The CCTV showed at least 19 dances taking place all of which were a cause for concern and showing dancers repeatedly touching clients. Mr D Gill and Mrs L Gill were clearly at the premises and at no time challenge any of the dancers or interrupt or intervene in any way. As a result, the Sub-Committee can only assume that this practice was accepted on a widespread basis and not simply on the night to which the CCTV evidence relates. In any event, the Sub-Committee is very clearly satisfied that the repeated and continuous breaches on this one evening alone are sufficient to warrant a refusal on the basis that the applicant is

not suitable to hold a licence in accordance with paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The Sub-Committee held very real concerns with regards to the suitability of Mrs Gill, due to her clear involvement with running the premises and her being clearly visible at the premises on the CCTV and failing likewise, to take any action. The Sub-Committee accepted legal advice that its determination relates to the suitability of the applicant only in this instance.

The Sub-Committee, also have concerns in relation to the layout of the premises, the sofas used, the position of clients and dancers, the lighting, quality of internal CCTV and the number of SIA approved security staff on the premises (and in particular on the floor on which the incident occurred) on the evening in question.

All of this clearly shows that management of the premises was severely lacking at a time when the Sub-Committee has heard that the same conditions, Code of Conduct and regulation of the premises was in place as it would be; should a licence be granted. The Sub-Committee considered very carefully whether additional conditions could be imposed to offer reassurance that the premises would be properly run in future, however, the Sub-Committee was not satisfied that any condition would be sufficient.

The applicant asserted that he was being punished for reporting the incident. This is not the case, the incident occurring in its own right would not have led to a refusal, however, the reason for the refusal relates to quality of management at, and layout and character of the premises, and the clear failures that led to the incident occurring.

There is a right of appeal to the Magistrates' Court. Formal notification of the decision will set out that right in full.