

Licensing Sub Committee (Miscellaneous)

Tuesday 2 August 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Rennie, Vice Chair.
Councillor Wright.

Also in attendance: Sharon Day (Lawyer), Rachael Harris (Senior Environmental Health Officer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.15 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

13. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Browne is appointed as Chair and Councillor Rennie appointed as Vice Chair for this meeting.

14. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

15. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

16. **GRANT OF PREMISES LICENCE - CLEOPATRAS, 8 KEYHAM ROAD, DEVONPORT, PLYMOUTH, PL2 1QX**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard representations from Environmental Health and Devon and Cornwall Police as detailed below under the relevant licensing objectives;
- (c) heard from the applicant that:
 - (i) there were 10-15 public houses within a ten minute walk from the premises;
 - (ii) they only wanted the opportunity to sell alcohol to members who were waiting for a massage and there would be no alcohol allowed in

the massage rooms;

- (iii) in the last 11 years they had only had to call the police once because of two drunk and abusive men who the applicant refused to allow into the premises;
 - (iv) they do not see the difference between them selling alcohol and any other venue selling alcohol;
 - (v) they offered an alternative naturist massage and they had a strict age verification policy. Entry to the premises was through a secure door entry system;
 - (vi) local residents had not objected to the application and in the time they had been running the business there had not been any problems with people worried about their children, crime and disorder as they keep their clients under control and didn't have any disturbances;
 - (vii) clients normally came in one to four at a time. They did not allow large groups to come in at the same time which stopped crime and disorder. If it was noisy outside then they waited until it was quiet before they let their client out;
 - (viii) they generally used AA taxis to collect their clients;
 - (ix) they had accepted all of the conditions put forward by the Police and Environmental Health;
 - (x) they would like to adjust the sale of alcohol times on a Sunday to 6pm until midnight and had removed the application for regulated entertainment;
 - (xi) they employed a SIA doorman and were looking to join a local pubwatch scheme;
- (d) considered representations under the licensing objectives as follows:
- (1) **Prevention of Public Nuisance –**
 - Environmental Health had initially raised concerns for public nuisance but the applicant had amended her operating schedule and removed the application for regulated entertainment and therefore Environmental Health had no representation under this objective.
 - (2) **Prevention of Crime and Disorder –**
 - the police raised concerns that that the massage of patrons took place in rooms contained in the area to be licensed. There was no CCTV covering the rooms or any panic buttons or means to alert

staff or security. The massage being advertised included 'alternative massage'. Massage was physical touching and alcohol being served at the premises may result in an increase in crime and disorder if following consumption a massage was requested when the effects of consumption were still taking place;

- this was considered to be relevant. The committee considered that the conditions agreed and put forward by Environmental Health (and supported by the police) would address these concerns subject to the amendments detailed below.

(3) Public Safety –

- Environmental Health raised concerns that if a person was under the influence of alcohol and then went in for a massage the masseur may be at risk of attack. Therefore in order to address this they considered that the following conditions would address their concerns:
 1. a digital CCTV system must be present in all areas, including the individual massage rooms;
 2. the CCTV images recorded will comply with the Home Office guidance (as recommended by Devon and Cornwall Police) regarding the quality of images and will be retained for 28 days
 3. the CCTV system will be capable of being downloaded into a recognised viewable format;
 4. at all times the premises are open for trade there will be a member of staff present who will immediately show images and download them in the viewable format upon request of any member of a responsible authority;
 5. a notice will be displayed at the entrance to the premise advising that CCTV is in operation;
 6. the Licensing Department will be informed if the CCTV system is not working properly;
 7. an emergency panic button must be present in each massage room so that staff can alert security;
 8. there must be security staff present outside the massage rooms at all times when treatments are taking place;
 9. a register will be maintained recording the details of door supervisors working. It will include the date, name, SIA

registration number, expiry date of licence, the time duty commenced and time duty ceased;

- the representation was considered to be relevant. The committee considered that in general the conditions put forward by Environmental Health did address the concerns put forward. However, members were concerned about having CCTV in the individual rooms and wanted it to be clear to the masseur and the client that CCTV was monitoring them and therefore condition 5 would be amended as follows:

5. a notice will be displayed at the entrance to the premises and in each treatment room advising that CCTV is in operation;

- also they considered that condition 6 was not prescriptive enough in saying the time limit within which problems with CCTV should be reported. Therefore condition 6 would be amended as follows:

6. the Licensing Department will be informed if the CCTV system is not working properly within 48 hours;

- the committee also considered that condition 8 should be amended as it was felt that as there were panic buttons within the treatment rooms it was not necessary for security staff to be outside each room and therefore condition 8 would be amended as follows:

8. there must be SIA security staff present within the licensed premises at all times when treatments are taking place and when alcohol is being supplied;

- additionally members considered that as there were conditions dealing with CCTV and the nature of the activities carried out it was necessary under this licensing objective to have additional conditions to address this as follows:

Special condition 1. CCTV will positioned so that it cannot be viewed in public areas;

Special condition 2. there will be a secure office where CCTV images can be viewed by the responsible authorities;

(4) **Protection of Children from Harm**

- the Police raised concerns of the possibility of children entering the premises. This was considered to be relevant and members considered that it was necessary to add a condition to ensure that no children were admitted to the premises as follows:

Special condition 3. that entry and membership to the premises would be refused if the person was not able to produce identification bearing their photograph, date of birth and a holographic mark.

Agreed that having taken into account all of the above representations the application be granted subject to mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicants operating schedule, those agreed with Environmental Health as amended above and special conditions 1-3.

17. **EXEMPT BUSINESS**

There were no items of exempt business.