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| Meeting | Gambling, Licensing & Regulatory Committee |
| Date | 23 February 2015 |
| Present | Councillors Aspden (Chair), Boyce, Hyman, Horton, Healey, King, Looker, McIlveen, Orrell, Richardson (Vice-Chair) and Watt |
| Apologies | Councillors Alexander, Crisp, Funnell and Wiseman |

PART A - ITEMS DEALT WITH UNDER DELEGATED POWERS.

21. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillors Healey and Richardson declared a personal and prejudicial interest in relation to agenda items 5 and 6 relating to the Sex Establishment Licence Renewal and Variation as they knew the applicant. They withdrew from the meeting and took no part in those items.

22. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of annex 7 of agenda item 6 on the grounds that it contained information relating to individuals.

23. Public Participation

It was reported there had been no registrations to speak under the council's public participation scheme.

24. City of York Community Governance Review

[See also under Part B minute]

Members considered a report which advised on the outcome of an initial consultation exercise as part of the community governance review approved by Staffing Matters and Urgency Committee. The report sought agreement to the requests from two parish councils in regard to electoral arrangements and recommended further steps to be taken in respect of other requests.

Officers gave details of the consultation and drew Members attention to the representations received from Parish Councils as attached at Annex A.

It was considered at this time that the majority of requests would require further work by Officers and further consultation, but the requests from Earswick Parish and Strensall and Towthorpe could be progressed to full council.

Resolved: That Members agreed that Officers should pursue the further work and consultation in respect of proposals affecting the Guildhall Ward, Haxby Town Council, Rawcliffe Parish Council, Osbaldwick Parish Council, Heslington Parish Council and Wheldrake Parish Council.

Reason: To allow better local representation for the electors of the parishes.

25. Renewal of a Sex Establishment Licence for Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ.

Members considered a report which asked them to determine an application for the renewal of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Mansion (Upstairs), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

1. The application form.
2. The Licensing Managers report and her comments made at the meeting, including that the application was for the renewal of a sex establishment licence in line with Section 27 of the Policing and Crime Act 2009 which allowed local authorities to regulate lap dancing clubs and similar venues. Members were advised that the establishment had been operating for a number of years without incident.
3. The observations received in writing and at the meeting from North Yorkshire Police in relation to the renewal. They raised concerns about an alleged breach of licence conditions witnessed during a compliance visit.
4. The comments made by the applicants solicitor at the meeting. Members were advised that the premises were currently undergoing an overhaul and that conditions on the licence needed to be revised to ensure the applicant could comply with them, given the limitations of the listed building and improvements were being made following the observations outlined by the Police.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members were presented with the following options:

- Option 1 Renew the Licence.
- Option 2 Renew the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3 Reject the renewal application.

Resolved: That Members agreed Option 2 to renew the Licence with the following modified/additional conditions:

The deletion of conditions 7.6(a) and 7.7 from the licence, which relate to the provision of doors. The purpose of the conditions is to prevent visibility of the interior of a sex establishment to passers-by. These conditions are standard conditions approved by the Licensing Authority. However, due to the specific circumstances at these premises in that the listed building status does not allow for such alterations, and also the need to comply with fire safety regulations, it is not possible to provide the doors as prescribed by the conditions. As the sexual entertainment takes place on the first floor only, it is considered to be reasonable that these conditions are deleted from the licence.

Condition 8.7 relates to the provision of CCTV within the premises, and in order to ensure that the individual booths where dancing takes place are monitored the condition is to be amended to provide clarity as follows:

CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with data protection guidelines and will cover all areas where dancing takes place, including each dance booth. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request. The new CCTV system must be in place by 1st June 2015.

Condition 8.10 relates to door supervisors. Having regard to the layout of the premises, and the need to ensure that patrons of the night-club do not mix with patrons of the sex establishment, the condition is amended to require at least two registered door supervisors to be present at all times that the sex establishment is in operation and that one

must be located on the first floor landing where the performance areas can be monitored:

At least two SIA (Security Industry Authority) door supervisors shall be present when the sexual entertainment premises are open to the public with one SIA door supervisor being positioned on the first floor landing throughout the performance (therefore being present in the area in which the performance takes place) and one at the main entrance to the premises on the ground floor.

Condition 8.15 to be amended to provide clarity as follows:

Adult entertainment shall not take place before 9pm, except for Race Days as specified elsewhere in the licence.

Reason: The premise has operated as a lap dancing venue since September 2006 without any incidents reported to the Licensing Authority.

26. Variation of a Sex Establishment Licence for Upstairs (Mansion) 53-55 Micklegate, York, YO1 6LJ.

Members considered a report which asked them to determine an application for the variation of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Mansion (Upstairs), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

1. The application form.
2. The Licensing Managers report and her comments made at the meeting. She advised that the application was for the variation of a sex establishment licence which had

been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, and Control of Sex Establishments. The variation sought to:

- To amend the hours for the provision of sexual entertainment such that sexual entertainment is permitted until 05:00hrs Monday to Sunday inclusive.
 - To permit sexual entertainment on the ground floor bar area and front room on race days only.
3. The objection received in writing and at the meeting from North Yorkshire Police in relation to the variation. They raised concerns about how licence conditions would be adhered to if the variation be granted.
 4. The application form and the applicants Solicitors comments made at the meeting. The variation was being requested to bring the Sexual Entertainment Venue hours in line with the premises licence hours. The extension of the licensed area would enable the venue to maximise space and compete with other venues on race days. It is proposed a lobby would be constructed at the main entrance to help comply with licence conditions.
 5. The objections received in writing from local residents and the Ward Members. They raised concerns about noise and anti-social behaviour being exacerbated by an extension to the opening hours.

In respect of the proposed licence variation, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members were presented with the following options:

- Option 1** Vary the licence as applied for.
- Option 2** Vary the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3** Refuse the requested variations.

In coming to their decision Members chose **Option 3** and refused the variation.

Resolved: That in line with option 3 the licence variation was refused.

Reason: They considered the grant of the variation would be inappropriate having regard to Paragraph 12(d)(3) (i) and (ii) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, in that (i) the extension of hours would be inappropriate to the residential character of the locality and (ii) the present layout, character and condition of the premises are not suitable to enable adequate management of the dual use of the premises as a night-club and a sexual entertainment venue if the ground floor is to be used for sexual entertainment purposes. The premises are subject to strict limitations in respect of internal alteration due to its listed building status. The proposed physical works to the building which are considered necessary to manage the separation of night-club patrons and sexual entertainment venue patrons have not yet reached a stage of sufficient certainty in terms of the obtaining of legal consents to enable the variation to be granted.

PART B - MATTERS REFERRED TO COUNCIL

27. City of York Council Community Governance Review.

[See also under Part A minutes]

Members considered a report which advised on the outcome of an initial consultation exercise as part of the community governance review approved by Staffing Matters and Urgency Committee. The report sought agreement to the requests from two parish councils in regard to electoral arrangements and recommended further steps to be taken in respect of other requests.

Officers gave details of the consultation and drew Members attention to the representations received from Parish Councils as attached at Annex A.

It was considered at this time that the majority of requests would require further work by Officers and further consultation, but the requests from Earswick Parish and Strensall and Towthorpe could be progressed and it was:

- Recommended: (b) That Council approves the following two items and instruct Officers to complete the necessary formalities:
- An increase in the number of Parish Councillors for the Parish of Earswick from five to seven
 - The alteration of the cycle of elections for the Parish of Strensall with Towthorpe to be the same as all other parish councils, commencing with next full elections on Thursday 7 May 2015.
- (c) That Council confirm that no other changes to community governance arrangements are to be pursued at this time.

Reason: To allow better local representation for the electors of the parishes.

Councillor Aspden, Chair

[The meeting started at 4.00 pm and finished at 7.30 pm].