

# Licensing and Regulatory Sub-Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on  
**Wednesday 15 November 2017** at **10.00 am** at the **Council Chamber,**  
**District Offices,** College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Brian Harvey  
Carol Lynch Nigel Roman

39. **Apologies for Absence**

There were no apologies for absence.

40. **Substitutes**

There were no substitutes at the meeting.

41. **Election of Chairman**

It was unanimously

**RESOLVED:**

That Councillor Brian Harvey be elected as Chairman.

42. **Application for the Renewal of a Sex Establishment Licence (Sexual Entertainment Venue - Heaven Awaits Ltd) (Report No: LSC/FH/17/003)**

The Chairman welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The Chairman also drew attention to the procedure for the conduct of Sex Establishment Licensing Hearings which was attached to the agenda.

The following parties were present at the Hearing:

(a) Applicant

Mr Dean Adams, Director, Heaven Awaits Ltd, 109-111 High Street,  
Newmarket

(b) Interested Parties

- i. Mr Warwick Hirst, local resident
- ii. Councillor Rachel Hood, Newmarket Town Council
- iii. Councillor Justin Wadham, Newmarket Town Council

The Licensing Officer presented the report which explained that an application had been received for the renewal of a Sex Establishment Licence for the Sexual Entertainment Venue Heaven Awaits Ltd, 109-111 High Street, Newmarket. The premises had been trading since April 2006 and had held a Sexual Entertainment Venue licence since 1 October 2012. A copy of the application was attached at Appendix 1 of Report No LIC/FH/17/003.

The application was to licence the premises for use as a sexual entertainment venue during the following hours (as per the current premises licence and with no proposed changes):-

Monday to Wednesday: 10.00am to 02.00am  
Thursday to Saturday: 10.00am to 03.20am  
Sunday: 12.00pm to 03.00pm

In addition to the renewal, a plan had been submitted which showed the new position of the changing room. Accordingly, the applicant had requested a variation to Part V Condition 13 to read:

*"At all times, performers will have access to a new secure changing room situated on the ground floor 20 feet from the stage and away from public view."*

The application had been served on Suffolk Constabulary as the only statutory consultee; their representation was attached at Appendix 4 and contained no objection to the renewal of the licence.

Following advertisement of the application two representations had been received from interested parties; one objecting to the application and one in support, these were attached at Appendices 5 and 6.

The Officer explained that in addition to the consideration of the renewal application and amended condition, the Sub-Committee was also requested to again consider the premises signage. The current and main external sign did not comply with the Council's standard conditions for sex establishments; in that the sign was larger than permitted. A dispensation had been granted by the Council as part of the licence's renewal in both 2015 and 2016, and the applicant was again requesting this dispensation as part of the application before the Sub-Committee.

The Sub-Committee then heard the individual submissions from each of the parties present.

Mr Dean Adams (Applicant) advised the Sub-Committee that he and his fellow Director had successfully operated Sex Establishments in Essex and Hertfordshire for a number of years and had considerable experience in running venues of this type.

Since taking ownership of Heaven Awaits in February 2017 they had upgraded the CCTV system and amended the location of the changing rooms. He was simply seeking a renewal of the licence with the dispensation for the signage, as granted previously, alongside the amendment to the condition to reflect the new changing rooms.

Councillor Justin Wadham, on behalf of Newmarket Town Council, then addressed the meeting in relation to the Town Council's representation set out at Appendix 5. Councillor Wadham stressed that the Town Council did not object to the existence of the business, just to the location of the premises which was on an historic High Street at the 'gateway to Newmarket'.

Councillor Wadham asserted that the application opposed the District Council's own Sex Establishment Licensing Policy with regard to the venue's location being within the vicinity of all identified premises listed in Paragraph 6.3 (a) – (g) of the Policy.

In response to questions from the Sub-Committee concerning the timings of youth activities at the Memorial Hall and Gardens, Councillor Wadham stressed that the Council's Policy did not make reference to timings, it simply concerned the location of such premises being within the vicinity of the venue seeking a licence.

Mr Warwick Hirst then spoke on his representation attached at Appendix 6. He supported the renewal application and explained that since De Niro's nightclub had ceased operating in Newmarket, anti-social behaviour on the High Street had all but disappeared. He did not believe that Heaven's patrons caused any disturbance in the town.

Mr Hirst explained that, in his opinion, the venue was very discrete and did not cause a conflict with premises in its vicinity. Furthermore, he added that the national perception of pole-dancing was changing, with it having recently been identified as an official international sport.

Lastly, he stressed that Heaven Awaits provided employment for local people. And, in short, there had been no material considerations evidenced to prevent the licence from being renewed.

The applicant was then invited to sum up and have right of reply to the objections raised.

Whilst Mr Adams appreciated that the location of the premises was not entirely ideal in some respects, he explained that it was in fact a perfect location to ensure that the premises was managed by the police when open.

He stressed that the venue was incredibly discrete, to such a degree that when he and his Business Partner were looking to purchase the premises they had some concerns about patrons finding it.

In response to questions raised with regard to door staff, Mr Adams explained that all door staff were registered and employed via an agency. On busier evenings, such as race nights in Newmarket, additional staff were utilised.

The door staff also managed the dispersal of patrons and escorted all dancers to their vehicles.

Mr Adams concluded by reiterating that he was simply seeking a renewal of the licence, with the dispensation for signage and amendment to the condition to reflect the new changing rooms in operation.

After hearing the submissions and asking questions of the parties present, the Committee then retired to another room to give further consideration to the application.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The application for the renewal of the Sex Establishment Licence for the Sexual Entertainment Venue Heaven Awaits Ltd, 109-111 High Street, Newmarket be **APPROVED** incorporating the Standard Conditions and **WITH AN AMENDMENT TO PART V CONDITION 13** to read:  
*"At all times, performers will have access to a new secure changing room situated on the ground floor 20 feet from the stage and away from public view."*
2. The **CURRENT SIGNAGE BE ALLOWED TO REMAIN** in accordance with Condition 20(iii).

The Committee considered all representations received both in writing and orally. Together with the Council's Sex Establishment Licensing Policy and the Standard Conditions annexed to the Policy.

Particular consideration was given to Policy 6.3 of the Sex Establishment Licensing Policy which states that a licence would not normally be granted if other premises as listed in Paragraphs a) to g) of that Policy were in the vicinity of the premises.

The Sub-Committee were satisfied that the buildings referred to in Paragraph 6.3 suffered no adverse impact from the application premises due to the distance, inter-visibility and the general nature of the surrounding area i.e. a busy commercial High Street environment.

The meeting concluded at 10.40 am

**Signed by:**

**Chairman**