

Licensing & Regulatory Sub-Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing & Regulatory Sub-Committee** held on **Wednesday 14 November 2018** at **10.00 am** at the **Council Chamber, District Offices, College Heath Road, Mildenhall IP28 7EY**

Present: **Councillors**

Chairman Brian Harvey
Nigel Roman Simon Cole

61. **Apologies for Absence**

There were no apologies for absence.

62. **Substitutes**

There were no substitutes at the meeting.

63. **Election of Chairman**

It was unanimously

RESOLVED:

That Councillor Brian Harvey be elected as Chairman.

64. **Application for the Renewal of a Sex Establishment Licence (Sexual Entertainment Venue - Heaven Awaits Ltd) (Report No: LSC/FH/18/005)**

The Business Partner (Litigation/Licensing) welcomed all present to the Hearing, reported that no declarations of interest had been received and drew attention to the procedure for the conduct of Sex Establishment Licensing Hearings which was attached to the agenda.

The Chairman then invited introductions from all present.

The following parties were present at the Hearing:

(a) Applicant

- i. Mr Dean Adams, Director, Newmarket Entertainment Ltd, 109-111 High Street, Newmarket

- ii. Mr Gokul Swami, Director, Newmarket Entertainment Ltd,
109-111 High Street, Newmarket

(b) Interested Parties

- i. Mrs Sara Beckett, local resident
- ii. Mrs Roberta Bennett, Town Centre Manager, Newmarket
Town Council
- iii. Councillor Warwick Hirst, Newmarket Town Councillor and
local resident

The Licensing Officer presented the report which explained that an application had been received from Newmarket Entertainment Ltd for the renewal of a Sex Establishment Licence for the Sexual Entertainment Venue Heaven, 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/18/005.

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 the applicant had again 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."

This variation had been granted by the Sub-Committee in 2017 in order to reflect the new position of the changing room.

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, 2016 and 2017; and the applicant was again requesting this dispensation as part of the application before the Sub-Committee.

Following advertisement of the application three representations had been received from interested parties; two objecting to the application and one in support, these were attached at Appendices 3 to 5. Members were advised that the representation attached at Appendix 5 was received after the representation period for the application had expired. However, as a Hearing was required irrespective of the late representation, it was agreed for it to be included within the agenda papers.

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 taken ownership of Heaven Awaits in February 2017, prior to which it had been successfully operating since 2006. He was simply seeking a renewal of the licence together with the dispensation for the signage and the amendment to the condition to reflect the new changing rooms, both as granted previously.

Mrs Roberta Bennett, on behalf of Newmarket Town Council, then addressed the meeting in relation to the Town Council's representation set out at Appendix 5.

Mrs Bennett queried the distinction between the application being made under the name of Newmarket Entertainment Ltd and the premises being known as Heaven, and asked if the Licensing Authority had carried out the necessary due diligence. The Business Partner (Litigation/Licensing) responded on this matter and provided explanation.

Mrs Sara Beckett, a Newmarket resident, then addressed the Committee with reference to her representation which was attached as Appendix 3. Similarly to the submission made on behalf of Newmarket Town Council; Mrs Beckett also spoke upon the items (a) – (g) as set out in Paragraph 6.3 of the Council's Sex Establishment Licensing Policy and asserted that the application was in clear conflict with these.

She stressed that she objected to the location of the premises, on a historic High Street, and not the existence of the business and urged the Sub-Committee to refuse the application.

Councillor Warwick Hirst then spoke on his representation attached at Appendix 4. Contrary to the representation made by Newmarket Town Council, he explained that he personally supported the renewal application.

In his opinion, the venue was very discrete and did not cause a conflict with any premises in its vicinity. Furthermore, 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.

Mr Adams explained that during Heaven's opening hours the footfall within the town was generally quite limited and he again stressed how discrete the premises was.

In answer 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.

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.

In response to a comment made by the applicant, the Chairman explained that the third parties present were entitled to submit representations in respect of Sex Establishment renewal applications, on receipt of which the Licensing Authority would schedule a formal Hearing.

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, 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 verbally, 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 sensitive premises referred to suffered no adverse impact from the application premises due to the timings of the activities, the distances involved and the High Street setting.

The meeting concluded at 10.47am

Signed by:

Chairman
