

**MINUTES OF THE SPECIAL LICENSING COMMITTEE
THURSDAY, 10 SEPTEMBER 2009 AND RECONVENED ON FRIDAY, 25 SEPTEMBER
2009**

Councillors Patel (Chair), Beacham, Demirci, Dodds, Lister (Vice-Chair), Newton, Reid, Scott and Thompson

Apologies Councillor Edge

Also Present: Councillor Winskill

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO23.	APOLOGIES FOR ABSENCE Apologies for absence were received from Cllr Edge.	
LSCO24.	URGENT BUSINESS There were no items of urgent business.	
LSCO25.	DECLARATIONS OF INTEREST Cllr Reid declared a personal interest as a member and volunteer at a church in the vicinity of the site, and as a parent of a pupil at nearby Rokesley School. Cllr Thompson declared a personal interest as he had performed as a musician at the venue two or three years previously.	
LSCO26.	SUMMARY OF PROCEDURE NOTED	
LSCO27.	MUSIC PALACE, 159A TOTTENHAM LANE, LONDON N8 At the start of the hearing, the Chair requested a brief definition of the terms lap- and table-dancing. The applicant's representative provided a definition as the performance of dance at the side of a customer's table involving the removal of clothing, usually for a duration of around 3 minutes and in which the customer does not participate. The performance would involve the dancer collecting money or tokens. In response to a question from the Committee regarding the nature of the tokens, it was clarified that these were to remove the need for performers to hold money whilst in the club. Customers would buy tokens in advance and then spend them during the performance of dance; the performers would then exchange the tokens received for money. The Committee asked about the employment status of the performers, and it was reported that dancers were self-employed; clubs either	

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charged a fee for dancers to perform at the club, or charged commission on the money earned. In response to questions from the Committee regarding the management of risk in relation to the performers' safety, the applicant's representative responded that all dancers were briefed in safety arrangements and that security were in place at the venue to manage the conduct of customers, ensure performers and customers were kept separate, deal with any issues that arose and escort the performers to their transport home at the end of the evening. It was also reported that venues were equipped with CCTV.

The Committee asked for clarification of the difference between table-dancing, lap-dancing and private booth dancing. The applicant's representative reported that table dancing took place by the side of a customer's table, lap dancing involved the performer dancing towards the customer into their lap and private booth dancing was a performance taking place in a private area, not in view of other customers in the venue. It was confirmed that the application under consideration did not include any provision of private booths.

The Chair outlined the procedure to be followed at the hearing.

The Licensing Officer, Ms Dale Barrett, presented the report on the application for a variation of a premises licence to extend the hours for sale of alcohol, regulated entertainment and late night refreshment and to enable lap dancing to be provided on the premises. The Licensing Officer reported that the hours applied for the performance of dance had been amended from those set out in the report, to 1800 to 0200, Monday to Saturday. The Noise Team had submitted representation in respect of the application, and these had been agreed with the applicant. A large number of letters of representation had been received from local residents, expressing concerns relating to noise nuisance, the negative impact on public safety and the proximity to sensitive locations such as schools, youth groups, the YMCA and places of worship. Extracts from the Licensing Policy and Government guidance were also appended to the report for information.

The Committee asked about parking provision in the area, and it was reported that there was limited on-street parking in the vicinity, but no specific parking provision for the premises.

The Enforcement Response Service Manager, Eubert Malcolm, presented the representation of the Noise Team in relation to the application, which recommended that live music cease no later than 11pm, Monday to Saturday and that a sound limiting device be installed to the satisfaction of the Council for any recorded music played after this time. All conditions on the existing licence would be carried forward to the new licence if the variation were granted. In response to a question from objectors, Mr Malcolm reported that the enforcement service had received four complaints regarding the premises between May and the end of December 2008 and 5 since January 2009. Mr Malcolm outlined the procedure for responding to complaints, and reported that noise

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nuisance had not been established by officers responding to complaints made regarding the premises.

Cllr Winskill, Ward Councillor for Crouch End, introduced the objections on behalf of local residents and reported that the premises was in a residential area and was located close to bus stops, the YMCA, an organisation for vulnerable young people, a chapel, a girls' school and an infants and junior school. It was reported that there was strong opposition to the application from local residents, the freeholder of the premises itself and local businesses and organisations on a number of grounds. Local residents reported that they would present objections on the basis of each of the licensing objections and on how the application contradicted the Council's own policies.

Objectors reported that the application went against Council policies such as the Sustainable Communities Strategy, which aimed to improve local services and quality of life. It was reported that the opening of a lap-dancing club would have a negative impact on the perceived and actual safety of local residents and their quality of life and would affect local prosperity, as businesses and customers would be deterred from the area. It was further reported that the application went against the Safer for All, Anti-Social Behaviour and Safer Communities strategies on account of the impact on safety and levels of crime and anti social behaviour in the area, as well as the Better Haringey strategy, as customers of the premises had previously shown disregard for the cleanliness of the local vicinity, and the Children and Young People's Plan because of the effect of the proximity of such a venue to schools and youth groups. It was reported that children would be forced to pass very close to the premises, and that parents should not be put in the position of having to field questions from their children regarding what lap dancing was. It was further reported that the application would go against the Council's duty to promote gender equality. The Lilith report on lap dancing in Camden was presented as evidence of the link between lap dancing establishments and an increase in crimes against women, and it was reported that the Council had a duty to have due regard for the impact of its decisions.

The applicant's representative asked whether there was evidence that the increase in crime, as presented in the Lilith report, was as a direct result of the lap dancing establishments, in response to which objectors reported that the first-hand account of a London prostitute, presented in their evidence bundle, supported this link. In response to a statement by the applicant's representative that crime figures in Camden had in fact decreased since the publication of the Lilith report, while lap dancing clubs remained in operation in the area, objectors noted that the data referred to was not available for examination, and had not been submitted for consideration by the Committee.

In respect of the licensing objectives, a local resident spoke of concerns in relation to crime and disorder. It was reported that the introduction of lap dancing would change the nature of the area. Those customers who

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were refused admittance to the premises would lead to an increase in disorder and aggressive behaviour in the vicinity of the premises. It was also reported that there was a clear link between lap dancing and criminality such as prostitution. Objectors questioned the effectiveness of CCTV as a deterrent for crime and stated that the presence of CCTV would not help to promote the prevention of crime and disorder in the area. It was felt that the presence of such a premises would exacerbate levels of crime in the area and would undermine rather than promote the licensing objective in respect of crime and disorder.

A local resident addressed the Committee with regard to the licensing objective on public safety, and reported that the premises was situated in the heart of a residential area that had always felt safe for residents. It was reported that, if customers were turned away or ejected from the premises for being excessively drunk and/or disorderly, this would have an impact on the safety of passers-by and local residents would feel the area was less safe. Those leaving the premises would have consumed alcohol, which would increase their propensity for violent behaviour, and would also be sexually frustrated; the intimidating behaviour of these patrons would make the area less safe. It was also reported that the premises would attract prostitution. If the application were granted, it would have a significant impact of local residents' feeling of safety and a local resident reported that she would not wish her 17-year old daughter to walk home from the bus stop due to concerns for her safety. In response to a question from the Committee, it was confirmed that there were existing incidents of disorder in relation to the premises, including violence, anti social behaviour, foul language and excessive noise.

The Committee was addressed by a local resident in relation to the licensing objective relating to public nuisance. It was reported that the application would lead to increased public nuisance in the streets surrounding the premises, as the premises would attract large groups of male customers, many of whom would have consumed alcohol. While security would be in place at the entrance to the premises, it was noted that this would not benefit the local area in general. It was noted that the application stated that the target clientele of the premises would be businessmen, but it was the behaviour of the customers that was of concern to local residents, and not who they were. It was reported that the application would undermine, rather than promote the licensing objective in relation to public nuisance.

A local resident addressed the Committee to express concerns regarding the location of the entrance of the premises directly opposite a school and the influence the premises would have on the character of the local area. If the application were granted, it was reported that this would undermine the licensing objective relating to the protection of children from harm, have a negative impact on safety in the area and send out a message that the nature of the business was acceptable. It was felt that granting such an application would have a negative impact on the reputation of the borough.

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The Headteacher of Hornsey School for Girls addressed the Committee in relation to the application on behalf of the whole school community. It was felt that the application did not promote the protection of children from harm, and specific concerns were expressed in relation to the safety of pupils at the school and their female family members. A survey had been carried out at the school and it was reported that only 2% of pupils and staff surveyed felt unsafe in the area at present, but that 82% would feel unsafe if the application for lap dancing were granted. It was reported that granting the licence would tarnish the reputation of the school and make it more difficult to recruit staff. The school taught about respect, and it was reported that the opening of such a premises would send the opposite message to its pupils. It was noted that the school's after-school club was still in operation at the proposed 6pm start time for the performance of dance, and that the school held a number of evening events at which pupils were present. The Committee was urged to refuse the application on the grounds that it would be harmful to local schoolchildren.

Lynne Featherstone, MP for Hornsey and Wood Green, concluded the presentation by local residents objecting to the application and added that there would be a change in the legislation such that in future lap dancing clubs would be classified as sex encounter establishments and would require a licence of a different nature to that of pubs and nightclubs. The Committee was reminded of a previous decision to reject an application for a lap dancing establishment, and was urged to refuse the current application on the basis of its location in close proximity to a number of sensitive sites. The Committee was also asked to consider the Council's own policies and their intended aim of making the borough a safer place to live and work. It was concluded that the arguments put forward by objectors were comprehensive and forceful, and the Committee was urged to agree with the arguments put forward by objectors and refuse the application.

In accordance with the Procedure Rules in relation to the duration of meetings, as set out in the Council's Constitution, the meeting was adjourned at 21:35hrs.

The meeting was reconvened at 19:30hrs on Friday 25 September 2009. The legal officer advised the meeting that, further to representations made by the applicant's representative, Cllrs Dodds and Thompson had agreed that, despite assurances that they had no predetermined views in relation to the application, they would withdraw from the hearing in order to avoid any appearance of bias. It was further noted that substitutes for objectors at the former part of the hearing had been permitted in order to enable them to ask questions of the applicant, and it was confirmed that summing up on the part of the objectors would be by an objector who had attended both parts of the hearing.

The applicant's representative addressed the Committee. It was confirmed that there was no intention to operate during daytime hours and that the applicant would be happy to offer a condition that adult

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entertainment could not be supplied until a certain time in the evening. There was also no intention to advertise or promote the nature of the entertainment on offer in the premises externally, and the applicant would be happy for this to be added as a condition on the licence. The applicant's representative highlighted key areas of the operating guidelines drawn up in consultation with the police, which set out that marketing would be aimed at the business community, with no extensive local marketing or advertising on the exterior of the premises, that there would be a minimum of three door supervisors at any time, that performers would be required to sign in on arrival, that there would be CCTV, the footage of which would be kept for 30 days. All performances would be performed in view of the main floor and the CCTV, there would be no private booths and the VIP area would not be curtained off in any way. It had been agreed with the police that covert visits would be carried out to ensure that business was being conducted in compliance with the law and with the licence conditions. All performers would be interviewed and required to present legal documentation to prove that they were over 18 and were entitled to work in the UK legally. References would also be required for performances, and it would be essential for performers to sign a disclaimer and disclose any previous convictions. Breach of rules or the code of conduct by performers would lead to disciplinary action.

The operating guidelines dealt with the rules for admission to the premises, and it was reported that these were standard procedures. No persons under 18 would be permitted on the premises. A code of behaviour would be made clear to all customers on entry and when inside the premises, and any breach would lead to the ejection of customers from the premises. The dancers' code of conduct covered issues such as appropriate dress, arrival and signing in at the premises, that personal details could not be shared with customers, that intoxication was not permitted while working, that nude dancing could only be performed in the designated stage or VIP area, that there must be no physical contact with customers, that there was zero tolerance for drugs and prostitution and that performers must be escorted to their vehicles home by security. It was confirmed that the operating guidelines document agreed with the police would form part of the conditions of the licence, and that the document could only be amended following consultation with the police and the local authority. It was highlighted that the police had raised no objection to the application.

The Council's policy on adult entertainment was discussed, and the applicant's representative reported that there was no evidence that table dancing would lead to an increase in crime and disorder in the vicinity of the premises. The reports presented by the objectors, the crime statistics for other London boroughs such as Camden and Westminster, other academic studies in this area and evidence provided by a senior police officer at a DCMS Select Committee were considered, and it was asserted that no causal link between lap dancing clubs and crime could be established from the evidence. The applicant's representative responded to the concerns raised by objectors relating to disorder

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associated with the premises in the past, and it was highlighted that the issues were from when the premises was under previous management. It was reported that there had been a table dancing establishment operating illegally in Haringey for some time and that this premises would have come to the attention of the police and local authority at an earlier stage, had the nature of the entertainment led to an increase in crime and disorder.

The applicant's representative addressed the issue of noise from the premises, and it was reported that the applicant had accepted the condition recommended by the environmental health officer that live music would cease at 11pm and that all recorded music would be controlled by a sound limiter. The issue of the location of the premises and how this was addressed in the Council's licensing policy was raised, and the applicant's representative reported that the important issue was that the application was able to ensure that the premises had no adverse impact on nearby sites, in respect of the licensing objectives. It was reported that the proposed conditions and detailed operating guidelines would be sufficient to ensure that there was no adverse impact on nearby sensitive sites such as schools. It was confirmed that the operating guidelines met all the expectations set out in the Council's policy.

In response to a question from the objectors regarding crime statistics, the applicant's representative reported that she was unaware that the number of reported sexual crimes was low and did not accept that this was responsible for a reduction in the statistics for sexual crimes. The applicant's representative confirmed, in response to a question, that they were aware of the presence of a children's charity in the vicinity, and reported that the conditions offered were intended to ensure that the premises had no impact on any child, particularly under the licensing objective of the protection of children from harm. Objectors asked how the premises would deal with potential issues relating to prostitution by performers, and the applicant's representative reported that this was not something that would be tolerated or offered at the premises and that they did not accept that prostitutes would be attracted to the premises. In response to a question from objectors regarding the various statistics available and the need for common sense in addressing the likelihood of an increase in crime and disorder in relation to lap dancing establishments, the applicant's representative reported that there was no evidence to support the concerns raised by objectors.

Objectors asked why persons who were intoxicated would not be permitted to enter the premises. It was confirmed that this was standard practice for all licensed premises, as it is an offence to serve alcohol to any person who was already intoxicated and any licensee who permitted this to occur would be at risk of losing their licence. In response to a question regarding the business community that would be targeted by the premises, it was clarified that this would be primarily businesses outside the local area, and that there would be no promotion or leafleting to the local community. In response to concerns regarding customers

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travelling from outside the area, it was reported that current customers to the premises also travelled from outside the area.

In response to a question from the objectors regarding the effectiveness of CCTV, the applicant's representative confirmed that they were aware that a police representative had recently commented on the limited effectiveness of CCTV but that further clarification of these comments would be necessary for any conclusions to be drawn. It was noted that most police officers would stipulate the installation of high-quality CCTV in licensed premises as part of the conditions on the licence. Objectors asked how the premises would manage the behaviour of customers who were turned away for being drunk and disorderly, in response to which it was reported that there was no evidence to suggest that this would lead to an increase in crime and disorder in the area, and that the refusal to admit any persons whose behaviour was not acceptable was no different from the policy adopted by any other licensed premises. Objectors asked why the operating guidelines indicated that the location was in a primarily business area, when in fact the area was primarily residential. The applicant's representative reported that they were aware that there were residents within the area, and that there was no intention to deceive or play down the residential nature of the area. The objectors asked why, having read the licensing policy, particularly relating to location, and being aware of the close proximity of the premises to a local school the applicant had not accepted that the location was completely inappropriate for an application of this nature. The legal officer clarified that the applicant's representative had made representations on this point.

In response to a question from objectors regarding the number of windows at the premises, the applicant's representative reported that there were two windows at street level but that these were boarded up, and that there were glass panels in the door which the applicant would be happy to cover over. The applicant's representative was asked how the levels of noise and disorder would change as a result of the new use applied for, and it was confirmed that it was not possible to predict how things would change, and that case law stated that it was necessary to consider the evidence as it stood, namely the evidence from the premises at present, the evidence from other venues of a similar nature and the evidence presented by the police at the DCMS Select Committee regarding premises of this nature. The legal officer clarified that the application was for a variation of the existing licence, and was not for a completely new use.

In response to a question from the Committee, the applicant's representative agreed that there were residents in close proximity to the premises, and that these were across the road, down the road and to the rear of the premises, although not immediately adjacent. In response to a question regarding the number of schools in the vicinity of the premises, the applicant's representative referred to the map submitted by the objectors, which showed 8 schools. In response to a question from the Committee regarding the statistics previously considered, the

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applicant's representative clarified that she had stated that the evidence presented had not demonstrated a causal link between the presence of lap dancing establishments and an increase in crime. The Committee asked the applicant whether they accepted that the statement that the premises was situated on a main business road with very few residences nearby was inaccurate, and it was reported that there had been no intention to mislead and that the applicant would be happy to change this wording if the Committee wished. It was clarified that the intention of the document had been to address the issues raised in the council's licensing policy. In response to a question from the legal officer, the applicant's representative defined the immediate vicinity as those plots directly adjacent to the site.

The Committee asked how the applicant intended to monitor incidences of gross misconduct in relation to prostitution as set out in the code of conduct for performers. It was reported that the open plan nature of the premises, the presence of staff, the introduction of mystery shoppers, the operating guidance that performers could not leave the premises during their shift and that at the end of the shift performers must be escorted to their transport home by security were all measures in place to address this issue. It was clarified that it was standard industry practice for performers to be escorted to their transport home and that this prevented any concerns that the premises was not monitoring the activities of the performers or offering adequate security. In response to further questions from the Committee, it was confirmed that the current premises did have female staff, who were escorted to their transport home at the end of their shifts.

It was clarified that the nature of the advertising would be primarily by visiting businesses in person and via trade papers, and would be the same for all events at the premises. In response to a question regarding how customers would arrive at the premises, it was envisaged that this would be much the same as at present with most customers arriving by taxi, although as there was a smaller capacity in the table dancing club, it was possible that the amount of traffic relating to the premises would decrease. In response to a question from the Committee regarding the facilities for male and female performers, it was clarified that there was no intention to have performers of different genders on the same night and that it was intended that, were the application granted, part of the kitchen area would be converted to provide a separate changing area for performers. The Committee asked about the charges for customers, and it was reported that there would be a £5 entrance fee, and that performers would not receive any commission for inducing customers to purchase drinks. The applicant's representative confirmed that there was air conditioning at the premises.

In summing up, the objectors emphasised that the application would have a negative impact on all four licensing objectives, and would be in contravention of the Council's licensing policy and wider Council policies on creating a safe borough. The objectors highlighted the extent of local opposition to the application. It was reported that the location of the

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premises meant that it was impossible for the application to uphold the licensing objectives and that the application would lead to an increase in crime both within the club and in the residential area in which the club was situated. It was contended by the objectors that the operating guidelines offered were inadequate to address the associated problems of a lap dancing establishment, such as sexual crime and prostitution and that it should not be permitted for such an application to bring such problems into a residential community and create a 'no go' area. It was also reported that the venue had a history of noise nuisance. It was reported that the presence of such a venue near schools, where mutual respect and gender equality were promoted, would harm the development of children by sending contradictory messages and that school pupils would be forced to walk past the premises thus putting themselves at risk. The Committee was urged to reject the application on the grounds that it was profoundly contrary to the licensing policy, that it would lead to an increase in crime and disorder, that the location would put children at risk of harm and that it would prevent residents and visitors to Crouch End from peaceful enjoyment of the area.

The applicant's representative summed up, and reported that the objections raised were largely on the grounds of morality. It was emphasised that lap dancing was not illegal and that the applicant had a right to make a legal application. The Committee was reminded that it should have regard to the location of the premises, and that any decision then had to be based on the licensing objectives. It was contended that there was no proven link between lap dancing establishments and an increase in sexual crime or harassment of local residents, and that the illegal operation of a lap dancing club in Haringey had not resulted in a rise in crime. It was noted that no objections had been raised by the police to the application. The Committee was asked to consider whether the conditions proposed by the applicant were sufficient to address the issues raised relating to the licensing objectives, particularly in respect of the location of the site and whether further conditions would enable these concerns to be addressed. The Committee was reminded of the conditions offered by the applicant to address the issues raised by the objectors, and the applicant believed that these conditions would be adequate to address any concerns in relation to location and the promotion of the licensing objectives. The Committee was advised that the Thwaites case had established that it was necessary to look at the evidence and base the decision on the evidence supplied, and not the fear of what might happen in the future. The Committee was asked to grant the licence, and to consider the conditions proposed to satisfy the concerns raised in respect of the location of the premises.

RESOLVED

The Committee fully considered the application, the objectors' representations, the representations of the applicant and the responsible authorities and took into account the Haringey licensing policy and the section 182 guidance and gave what it considered to be relevant due weight to the evidence and reports tabled.

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The Committee granted the extension of hours for the sale of alcohol and regulated entertainment, namely:

Live music:	Monday – Saturday	11:00 – 23:00
	Sunday	11:00 – 23:00

In line with the applicant's acceptance of the condition imposed by the Noise Team in relation to live music, that no live music be played after 23:00.

Films:	Monday – Sunday	11:00 – 02:00
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Provision of Late Night Refreshment:	Monday – Saturday	23:00 – 02:00
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Recorded music, facilities for dancing, facilities for making music, entertainment facilities:	Monday – Saturday:	11:00 – 02:00
	Sunday:	11:00 – 23:00

Supply of alcohol:	Monday – Saturday:	11:00 – 02:00
	Sunday:	11:00 – 23:00

Opening hours:	Monday – Saturday:	11:00 – 02:30
	Sunday:	11:00 – 23:30

The Committee did not grant the performance of dance, namely table-and lap-dancing, for reasons which are given below. For the avoidance of doubt, the performance of dance is prohibited under this licence and this is specifically in relation to Part G, on page 18 of the documentation tabled at the hearing. The Committee imposed the following conditions on the licence and noted the agreement of the applicant in doing so, for which the Committee was grateful:

- i) The conditions in the current licence will be carried over to the new licence.
- ii) The agreed conditions as outlined by the Noise Team are to be imposed, namely no live music after 23:00 and all music to go through the premises sound limiter as outlined on page 67 of the documentation.
- iii) The Committee imposed the condition proposed by the police, as detailed on page 65, that the premises management actively participate in the local pub watch scheme.
- iv) Further more, the conditions as proposed in the operating schedule are to be imposed.

Turning to the reasons for not granting that part of the application dealing with performance of dance, namely lap dancing and table

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	<p>dancing, the Committee was mindful that the applicant had proposed conditions in an attempt to address the concerns under the licensing objectives, however the Committee did not feel that these conditions went far enough and did not feel they could condition further to alleviate the concerns of the Committee. The Committee was concerned that the location of the premises is in close proximity to, at the very least, a primary and secondary school as well as a place of worship and YMCA and was mindful that the Council's licensing policy at paragraph 13.7 states that the licensing authority shall have regard to whether the premises are in close proximity to schools, places of worship, residential accommodation, community centres and the like. The Committee had not closed its mind to the offering of conditions by the applicant to address the concerns noted by the objectors, however the Committee was compelled by the weight of the evidence provided, which it felt satisfied it that the licensing objectives, namely the prevention of crime and disorder and the protection of children from harm would not be met by the applicant if performance of dance were granted.</p> <p>The meeting closed at 23:10hrs.</p>	
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COUNCILLOR JAYANTI PATEL
Chair