

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 5 DECEMBER 2017

Present: Councillor D Edwards (in the Chair);

Councillors Dennis and Grashoff (substitute for Councillor Skeats).

Apologies: Councillor Woodward (Chair), Livingston, McDonald and Skeats.

20. APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - KOALA, 108 FRIAR STREET, READING

The Director of Environment and Neighbourhood Services submitted a report on an application for the grant of a Sexual Entertainment Venue Licence made by Treehouse Bar Limited for the premises located at 108 Friar Street, Reading, RG1 1EP.

The report noted that the Council had adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which came into effect on 1 April 1983 and the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which came into force on the 1 September 2010. A copy of the resolution passed at Council on 29 June 2010 (Minute 18 refers) was attached to the report at Appendix CM-1. The report also noted that on 27 October 2010, the Licensing Applications Committee had approved the policy, terms, fees and conditions regarding Sexual Entertainment Venues (Minute 3 refers). A copy of the Sexual Entertainment Venue (SEV) Policy was attached to the report at Appendix CM-2, and a copy of the application form and management plan was attached at Appendix CM-3. A copy of the current premises licence pursuant to the Licensing Act 2003 was attached to the report at Appendix CM-4.

The report stated that the hours applied for with regard to the licensable activity were Monday to Sunday 2100 hours until 0300 hours.

The report explained that a consultation had been carried out regarding the application and two representations had been received. Representations had been received from Thames Valley Police, which was attached to the report at Appendix CM-5, and a resident of Reading, which was attached to the report at Appendix CM-6.

A copy of Reading Borough Council's standard terms and conditions for Sexual Entertainment Venues was attached to the report at Appendix CM-7.

An observations report by Mark Halton, of MJH Licensing Consultants Ltd, had been submitted on behalf of the applicant and circulated with the agenda papers. An additional observations report by Mark Halton had been circulated to the Sub-Committee prior to the day of the hearing.

Sarah Clover, barrister representing the premises, was present at the meeting and addressed the Sub-Committee. Also present at the meeting were Simon Bayfield, Designated Premises Supervisor (DPS) and Manager of the premises, Qi He, owner of the premises, Imogen Moss, solicitor for the premises, and Mark Halton, MJH Licensing Consultants Ltd.

PC Simon Wheeler, Thames Valley Police, was present at the meeting and addressed the Sub-Committee.

Resolved -

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- (1) That the application for the grant of a sexual entertainment venue licence in respect of Kinky Koala (to trade as Black Diamond), 108 Friar Street, be granted because a grant would not be incompatible with the character of the relevant locality or the use to which any premises in the vicinity is put.
- (2) That the following conditions be attached to the licence:
 - 1) Total nudity (the exposing of genitalia) shall only be permitted in the booth area and at no other place in the premises;
 - 2) No sex act shall take place;
 - 3) The booth area proposed for strip tease (involving complete nudity) shall:
 - i) Be in a position where the performance cannot be seen from the street;
 - ii) Be in a designated area of the premises with segregation from the audience;
 - iii) Be in a position where performers will have direct access to the dressing room without passing through or in close proximity to the audience;
 - 4) Performers shall be aged not less than 18 years;
 - 5) No dancer shall perform if they are intoxicated;
 - 6) There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate;
 - 7) No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982);
 - 8) The area proposed for dancing (involving partial nudity), shall be in a position where the performance cannot be seen from the street;
 - 9) Entertainers providing topless dancing to customers seated at tables shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body and at no time will reveal any part of their genitalia or anus;
 - 10) All dancers must immediately dress at the conclusion of each performance;
 - 11) Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. That 50cm is to be measured from the front legs of the chair/sofa that the customer sits upon. A line should be marked on the floor, 50cm away, and the dancer must remain the other side of the line so that the distance is clearly defined.

Notices to this effect shall clearly be displayed at each table and at the entrance to the premises;
 - 12) The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money;

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- 13) There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance;
- 14) Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor. No obstacle such as seating shall be placed in such a way as to prevent unimpeded exit from the booth for the dancer;
- 15) The Licensee shall record details and deal with any report of contact, misconduct or provocation by a customer or dancer. A record of the actions taken shall be kept in an incident book;
- 16) No telephone number, address or information leading to any further meeting shall be passed from customer to dancer or vice versa;
- 17) No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated;
- 18) All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar;
- 19) The premises must 'risk assess' the need for door staff, all door staff working on the premises shall be registered with the Security Industry Authority (SIA);
- 20)
 - (i) Wide-angle digital CCTV shall be installed to fully cover all areas including the booth area and corridor where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 30 days with time and date stamping;
 - (ii) Recordings shall be made available to an authorised officer of the Council or a Police Officer;
 - (iii) Facilities for viewing recording shall be available on site to an authorised officer of the council or police;
 - (iv) No person shall take any recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed at each table;
- 21) A door supervisor or member of the management team shall be present in the corridor at all times when the booths are in use for licensable activities;
- 22) Only curtains shall be permitted to segregate the booths from the corridor;
- 23) Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed on to that part of the premises;
- 24) A national recognised proof of age scheme shall be in force at all times the premises are open to the public. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:-

"No person under 18 years shall be admitted".

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(The meeting started at 3.00pm and closed at 4.38pm)