

LICENSING SUB-COMMITTEE
22nd October, 2018

Present:- Councillor Beaumont (in the Chair); Councillors Clark and Fenwick-Green.

4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE - RENOIRS LOUNGE BAR / ROUGE, 14 THE CROFTS, ROTHERHAM

Consideration was given to an application for the review of the Premises Licence, under the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Renoir's Lounge Bar/Rouge, The Crofts, Rotherham.

The Licensing Authority received representations made by the Local Authority's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn, and the Sub-Committee considered those representations.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer and the applicant for the premises licence review) and from Mr. P. Whur (Solicitor), Mrs. J. Etches (Premises Licence Holder), and Mr. M. Etches (Designated Premises Supervisor).

Members were informed of the details of the specific concerns in respect of the management of these premises following a visit to the premises on Saturday, 4th August, 2018:-

(i) The Premises Licence Summary on display was out of date and did not reflect the details of the current Designated Premises Supervisor.

(ii) The Duty Manager was unable to explain why the correct Premises Licence Summary was not on display nor was he able to produce the Premises Licence.

(iii) Images from the CCTV camera within the premises displayed conduct in excess of what was permitted under the provisions set out within the Premises Licence (Conditions 5-12).

(iv) When requested, the Duty Manager was unable to provide information/records requested with regard to the people working that night.

(v) Whilst a number of checks were being made with the Duty Manager, 3 of the dancers had left the premises.

(vi) There had been no signs on any of the tables or at the entrances of the bars advising guests of the permitted conduct of customers and dancers in contravention of Condition 11 (a), (b) and (c) at Annex 2 of the Premises Licence.

(vii) Wine was not offered for sale served in smaller 125 measures.

(viii) A follow-up visit was made on 7th August, 2018, where the Door Supervisor had produced inadequate door supervisor sheets.

During the hearing, CCTV footage dated 28th April, 12th May and 5th August, 2018, (pixelated to disguise faces and no audible sound) was viewed by everyone present showing activity within the building supporting the above concerns.

The Designated Premises Supervisor's legal representative expressed his client's concern regarding the incidents given his significant track record of being a quality operator in Rotherham and it being brought into question.

Attention was also drawn to Section 10 of the Statutory Guidance which referred to where authorised persons and responsible authorities had concerns about problems identified at the premises. It was good practice for the premises licence holder to be informed of the concerns and the need of improvement and where possible should advise the license or certificate holders of the steps required to address those concerns. Co-operation at a local level in promoting the licensing objectives should be encouraged and Reviews should not be used to undermine that co-operation. It was very unusual for a revocation of a licence to be sought when the Police were not party to the proceedings.

The first interaction with Mr. and Mrs. Etches was at the meeting on 13th August when they had been asked to sign an action plan stating that they would not continue to offer adult entertainment at the premises until a Police investigation had been carried out. In fact the adult entertainment had ceased on 7th August.

It was accepted by Mr. and Mrs. Etches that there had been breaches of the license. Mr. Etches had a long history in Rotherham of operating 4 licensed premises in Rotherham employing 60 local people and 20 door staff.

The premises consisted of 2 floors covered by one premises licence; should the premises licence be revoked it would remove the authorisation of both floors of licensed activity. The ground floor was known as the Renoirs lounge bar and opened in 2008, downstairs was the Rouge operation with the 2 floors being distinctly separate. When applying to operate Rouge as an adult entertainment activity, the then Licensing Officer had invited Mr. Etches to offer conditions and, through research with other establishments/licensing authorities, conditions had been drawn up and agreed. At the time there had been 2 other such establishments in the town that had operated without such conditions.

There had been no issues raised during the 9 years Rouge had been trading nor any crime and disorder associated with the premises. There had been a significant number of inspections at the premises and CCTV footage viewed over that period which had never revealed any concerns.

Due to internal problems, the premises now traded under a different company name, Westgate Rotherham Ltd. At the time of the visit on 4th August, 2018, Mr. and Mrs. Etches had been on holiday and it was apparent that the person who they had put in charge did not have the sufficient management experience to deal with the situation he was faced with on that day. That situation had since changed and Mr. Etches was now the Designated Premises Supervisor.

The CCTV system operating in Renoirs had a hard drive storage capacity of 4 months; condition No. 24 of the Premises Licence stated 28 days.

From the 3 clips shown, 2 of the dancers had been dismissed some months ago following a routine review of the CCTV coverage and the said dancers in contravention of the conditions. The third dancer (5th August) would also be dismissed.

With regard to contravention of condition No. 7, it was acknowledged that it had been a significant error but it had never been enforced over the 9 years. No other authority was known to impose a condition that precluded nudity in an adult entertainment venue.

As a result of the Review, the Licensing Authority had posted a notice inviting representations to the Review. None had been received other than positive representations. Accordingly there was no inference that the community needed to be protected as result of Renoirs and no arguments submitted that there had been any crime and disorder at the premises.

The legal representative submitted 4 additional conditions to enable the premises to promote the licensing objectives which similar adult entertainment premises operated to. The Designated Premises Supervisor and Premises Licence holder and their representative asked the Sub-Committee to make a decision in favour of the premises licence continuing with the additional conditions submitted.

After hearing all representations and all persons making those representations had departed, the Sub-Committee deliberated the information presented to them.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder
- Public safety

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Resolved:- (1) That, after due consideration of the application for review and to the representations submitted:-

(a) That there be no amendment to condition No. 7 “the performers at all times shall wear a non-transparent g-string or similar piece of clothing on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus”.

(b) That condition No. 11 be amended and read “Notices must be clearly displayed on each table, each bar and at the entrance to the premises. All staff (including self-employed) should be given a verbal explanation of the rules as set out within the Notice in order to ensure their understanding and should sign to confirm that they understand. The Notice should state:

- a. There is to be no physical contact between customers and performers.
- b. A minimum distance of 300 millimetres must be maintained between performers and customers.
- c. Customers must be seated during the performance.

(c) That condition No. 17 be extended to read “the licensee or some other responsible person over the age of 21 years, nominated by the licensee in writing, shall be in charge and be present on the licensed premises during the whole time that this type of entertainment is taking place and that person must be trained to an appropriate standard, including in respect of all licensing conditions”.

(d) That condition No. 24 be amended to read “that CCTV equipment shall be maintained and in good working order and recording kept in date order, numbered consecutively and retained in a secure place for a period of four months”.

(2) That the Premises Licence shall also be subject to the following additional conditions:-

(a) All staff must be trained to an appropriate standard, that training must be reviewed on a regular basis with records being kept of all training provided and received and retained for a minimum of 12 months.

(b) That full records must be kept in respect of all staff at the premises [including self-employed]. The records should include details of any warnings and dismissals issued to staff [including self-employed] and retained for a minimum of 12 months.

(c) That full records must be kept in respect of any complaints made and retained for a minimum of 12 months.

(3) That the following additional conditions suggested by the Licence Holders be also added to the Premises Licence with slight amendment to

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the wording as follows:-

(a) That all booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.

(b) That all booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

(c) That a screen showing the CCTV of all of the private booths will be monitored by a member of staff at all times.

(d) That any person who breaches the venue's code of conduct be immediately removed from the premises and refused entry/access.