



# LICENSING SUB COMMITTEE

**Beavers  
9 Market Street**

**Monday, 7th October, 2013**

**10.30 am**

**Town Hall, Watford**

**Please note the start time of this meeting**

Publication date: 27 September 2013

**CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss in Democracy and Governance on 01923 278376 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

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# COMMITTEE MEMBERSHIP

Councillors J Brown, M Meerabux and G Saffery

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE: BEAVERS, 9 MARKET STREET, WATFORD, WD18 0PA (13/00928/SEX) (Pages 1 - 34)**

The Sub-Committee is asked to consider the renewal of the Sexual Entertainment Venue licence at the above premises following a representation from Hertfordshire Constabulary.

Some of their evidence falls within the scope of schedule 12A to the Local Government Act 1972 (i.e. exempt information) in that it either relates to an individual, or allows an individual to be identified, and/or contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. For this reason copies have only been supplied to the applicant and the Sub-Committee, and will not be made publicly available. The Sub-Committee may therefore hear some of the evidence relating to this matter in private.

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## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 7 October 2013  
**Report of:** Head of Community and Customer Services  
**Title:** Application for renewal of a Sexual Entertainment Venue licence:  
**Beavers, 9 Market Street, Watford, WD18 0PA**  
13/00928/SEX

### 1.0 SUMMARY

1.1 An application has been made by Wizard Sleeve Bars Limited for renewal of its Sexual Entertainment Venue licence for Beavers in Market Street. A valid objection has been received from Hertfordshire Constabulary who are the only statutory consultee.

### 2.0 RECOMMENDATIONS

2.1 That the Licensing Sub-Committee determines whether to refuse the Sexual Entertainment Venue Licence for Beavers, 9 Market Street, Watford under paragraph 12(3)(a) and (b) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009).

#### **Contact Officer:**

For further information on this report please contact: Jeffrey Leib, Licensing Manager telephone 01923 278476: email: [jeffrey.leib@watford.gov.uk](mailto:jeffrey.leib@watford.gov.uk)

#### **Report approved by:**

**Alan Gough, Head of Community and Customer Services**

### 3.0 **APPLICATION**

3.1 Type of authorisation applied for  
Renewal of Sexual Entertainment Venue Licence (SEV)

3.2 Description of premises  
The premises are situated on a main road in the town centre. The premises consists of two floors with separate bars on both. Lap dancing/table dancing and strip shows are permitted on both floors.

3.3 A map of the location of the premises is attached at appendix 1.  
Plans of the ground and first floors of the premises are attached at appendix 2.

3.4 Licensable activities  
A SEV licence can allow “relevant entertainment” as defined in schedule 3 of the 1982 Act (as amended by section 27 of the Policing and Crime Act 2009):

“Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).”

Relevant entertainment is considered to be:

1. lap dancing
2. pole dancing
3. table dancing
4. strip shows
5. peep shows
6. live sex shows

The applicant has specifically mentioned lap dancing, table dancing and strip shows in the application.

### 3.5 Licensable hours

The currently permitted hours for licensable activities and premises opening are detailed in the table below. As this is a renewal application the applicant has not proposed any changes in those hours.

	Hours for lap dancing, table dancing & strip shows	Hours premises open to the public for activities permitted under SEV licence
Monday	21:00 – 02:00	21:00 – 02:00
Tuesday	21:00 – 02:00	21:00 – 02:00
Wednesday	21:00 – 02:00	21:00 – 02:00
Thursday	21:00 – 03:00	21:00 – 03:00
Friday	21:00 – 04:00	21:00 – 04:00
Saturday	21:00 – 04:00	21:00 – 04:00
Sunday	None requested	None requested

3.6 If granted, the renewed SEV licence will continue to authorise the activities set out in paragraph 3.4 above. Other licensable activities (the sale of alcohol, provision of music and late night refreshment) will continue to be regulated by the premises licence granted under the Licensing Act 2003.

## 4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

### 4.2 Applicant

Wizards Sleeve Bars Limited. The persons responsible for its management will be:

1. Zoe Turpin (director)
2. Sharon Weatherstone (director)
3. Deborah Caulfield (director)

It is understood that Zoe Turpin has resigned from the company.

### 4.3 Current licences held

The premises have been licensed for the sale of alcohol for a large number of years. The Council granted a waiver to its then public entertainment licence in June 2003 to initially allow pole-dancing and it is understood similar entertainment has been provided since that date. Wizard Sleeve Bars Limited has operated at the premises since June 2010.

In August 2011 the Sexual Entertainment Venue licence (11/00040/SEX) was granted following a Licensing Sub-Committee hearing to decide the application. This was renewed on 13 August 2012 (12/00778/SEX). This licence is attached at appendix 3.

The premises also has the benefit of a premises licence under the Licensing Act 2003 (12/01673/LAPRMV), held by Punch Taverns plc. At the time the

SEV application was made, the designated premises supervisor was Zoe Turpin. On 18 September 2013 an application was made to vary the premises licence to name Michael Short as the premises supervisor.

4.4 Punch Taverns, the Licensing Act 2003 premises licence holder has indicated that they may attend the hearing as they have a commercial interest in the sub-committee's determination. The sub-committee is advised there is no rule to prevent them from them giving evidence on the applicant's behalf should it feel it is relevant. However Punch Taverns may not at this stage make any separate representation as they have not made representations within the statutory consultation period.

4.5 Closing date for representations  
6 September 2013

4.6 Public notice published in newspaper  
16 August 2013

4.7 Visits and Enforcement action  
The premises undergoes routine yearly inspections by Licensing Enforcement Officers with the last inspection on 17 August 2010 when the premises were found to be complying with the premises licence. There is no history of service requests (complaints) regarding this premises since it started operating as a lap/table dancing venue.

## 5.0 **OBSERVATIONS OR OBJECTIONS FROM THE POLICE**

5.1 An objection has been received from the Police regarding this application. Some of their evidence falls within the scope of schedule 12A to the Local Government Act 1972 (i.e. exempt information) in that it either relates to an individual, or allows an individual to be identified, and/or contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. For this reason copies have only been supplied to the applicant and the sub-Committee, and will not be made publicly available. The sub-committee may therefore hear some of the evidence relating to this matter in private.

## 6.0 **DETAILS OF OBJECTIONS**

6.1 Hertfordshire Constabulary are requesting that the renewal application be refused under paragraph 12(3)(a) and (b) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). This allows for applications to be refused where the applicant is unsuitable to hold a licence following conviction for a relevant offence or for any other reason. It also allows for the refusal of a licence if the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would themselves be refused a licence if they had made the application.



6.2 The objections received from the police against the renewal application have been made due to their concerns regarding the way in which the premises are being operated and the sexual activity that is being offered.

6.3 Hertfordshire Constabulary alleges that the following conditions of the licence have been breached since the licence was last renewed:

“17. The licensee must ensure that during the performance of a table dance:

- (3) for the purpose of restraint only, performers may only touch a customer above the customer’s chest with their hands only;
- (4) performers must not sit or straddle the customer;
- (5) performers must not place their feet on the seats.

18 The Licensee must ensure that during performances to which this licence relates:

- (1) performers may not perform any act that clearly simulates any sexual act;
- (2) performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
- (3) performers may not use inappropriate, suggestive or sexually graphic language at any time;
- (4) performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
- (5) performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.

6.4 These breaches were witnessed during a police operation at the premises on 28 August 2013. Further detailed statements from those officers have been provided separately to the applicant and the Sub-Committee. The applicant has been given the opportunity of viewing the covert recording made at the time. The officers at the premises at the time will be made available to give evidence to the Sub-Committee.

6.5 The objection details other concerns relating to the management of the premises. The police detail a current investigation in to an allegation of conspiracy to pervert the course of justice. This relates to an interview regarding unauthorised licensable activity (sale of alcohol beyond the hours of the premises licence) which came to light after a fight between customers at the premises.

6.6 There are also references to an individual whom the police believe is actually in control of the premises but is not named on the application. Details of a fight that took place at Beavers are given at which this individual was allegedly present. It is claimed that he later denied all knowledge of the

event.

- 6.7 Details are given of an agreement by the venue to introduce a computerised “membership scheme” by June 2013. This police evidence is that that this was not in operation when the police visited on 28 August 2013. This particular issue does not constitute an offence but has been detailed by the police to demonstrate the attitude of the premises management.
- 6.8 The police have submitted additional evidence specifically relating to the ID Scanner or computerised membership scheme. This information consists of a number of documents which are listed below:

- (1) Minutes of a meeting held at Watford Police Station on 22 February 2013 in which an ID scanner was discussed. This document confirms that on this date the management of Beavers agreed to look into this possibility.
- (2) Minutes of a meeting held at Watford Police Station on 7 March 2013 in which the ID scanner was discussed. At point 12, “A”, the legal representative for Beavers, describes a system to be operated instead of the Scannet proposed by the Police. “B” on behalf of the company explained how this would work. It was agreed that this would be part of the SEV renewal but would be implemented sooner. “A” confirmed that the implementation of the membership scheme would take approximately 8-12 weeks.
- (3) Email sent to “A” and Zoe Turpin on 8 March 2013 including the minutes. This demonstrates that both the legal representative and one of the Directors of the applicant company were given the opportunity to read the minutes of the meeting and dispute them if they wish.
- (4) Email to Zoe Turpin on 21 May 2013 asking for an update on the progress of the ID scanner request.
- (5) Email reply from Zoe Turpin on 23 May 2013 stating that she hoped the new ID scanner system would be in place by 31 May 2013.
- (6) Email from Zoe Turpin on 22 August 2013 confirming that the membership scheme is in operation and had been for some time.

The police state that this evidence indicates that the agreed procedure for the membership scheme was being ignored despite claims to the contrary.

- 6.9 In summary the police state that they believe if the renewal were granted that the premises would continue to operate outside the terms of SEV licence.

## 7.0 LEGAL CONSIDERATIONS

7.1 The following provisions of schedule 3 apply to this application (see appendix 5):

(1) paragraph 10 (*Grant, renewal and transfer of licences for sex establishments*):

paragraph 10 details the process which the applicant must have followed for the application to be considered valid.

(2) paragraph 12 (*Refusal of licences*):

paragraph 12 describes the grounds under which an application shall not be granted, the relevant ones for this application being:

(a) the applicant is unsuitable to hold the licence due to having been convicted of an offence or for any other reason

(b) that if the licence were to be granted, renewed or transferred the business to which it related would be carried on for the benefit of a person other than the applicant who would have themselves been refused the application

7.2 Appeals against the refusal to renew an SEV under paragraph 12(3)(a) may be made by the applicant to the magistrates' court within 21 days of being notified of the decision. The sub-committee's decision does not come into effect until the end of the 21-day appeal period. If an appeal is lodged during that time the SEV remains in force until the appeal is either determined or withdrawn. A further right of appeal against the magistrates' decision lies to the crown court.

## 8.0 POLICY CONSIDERATIONS

8.1 Watford Borough Council Sex Establishment Licensing Policy  
(see appendix 6):

Paragraphs 3.1-3.7 of the policy deals with who can comment on licence applications and how this should be done.

Paragraph 3.6 states that objections will be considered by a Licensing Sub-Committee of three Councillors. Both applicants and objectors are given an equal opportunity to state their case in accordance with our protocol.

8.2 Paragraph 7.11 details that where it is reasonable and necessary to do so, the Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

8.3 The Sub-Committee is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and

the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

- 8.4 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
- 8.5 The Sub-Committee will be aware that its determination is only in relation to the SEV, and that it has no power to make a determination in relation to the premises licence under the Licensing Act 2003.

#### 9.0 **RELEVANT TRADE OR OTHER GUIDANCE**

The Association of Lap Dancing Club Operators, whose code of conduct was reproduced as special conditions on the Sexual Entertainment Venue licence following the previous hearing, was dissolved on 22 August 2013. Officers are not aware of any other relevant trade body or guidance.

#### 10.0 **CONDITIONS**

- 10.1 The applicant has requested as part of the renewal that the following conditions be included on any renewed SEV licence issued as a result of this application:

1. An ID system will be installed and operated to ensure that every customer's ID is known. Details of customers ID are recorded and made available to the Police upon request subject to the Data Protection Act 1998. Data from the ID system to be retained for a minimum period of 31 days. In the event of a system malfunction, or for any other reason the system is not operating, the duty manager of the premises shall inform the police immediately upon being made aware of the fault and the system shall be repaired and operating within 7 days thereafter.
2. Any disturbance, assault, theft, ejection from the premises or refusal of alcohol that takes place at the premises is to be recorded in a logbook to be kept for that purpose. The log must take the form of a paginated book and must be retained for a period of one year and made available immediately upon request to a member of Hertfordshire Constabulary or Watford Licensing Authority.

#### Appendices

Appendix 1 – map of the premises' location

Appendix 2 – plan of the premises

Appendix 3 – Sexual Entertainment Venue Licence (12/00778/SEX)

Appendix 4 – objections from Hertfordshire Constabulary [NB: Part of objection published separately for the sub-committee and applicant only]

Appendix 5 – extracts from the Local Government (Miscellaneous Provisions) Act 1982 (as amended)  
Appendix 6 – extracts from Watford Borough Council’s Sex Establishment Policy

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

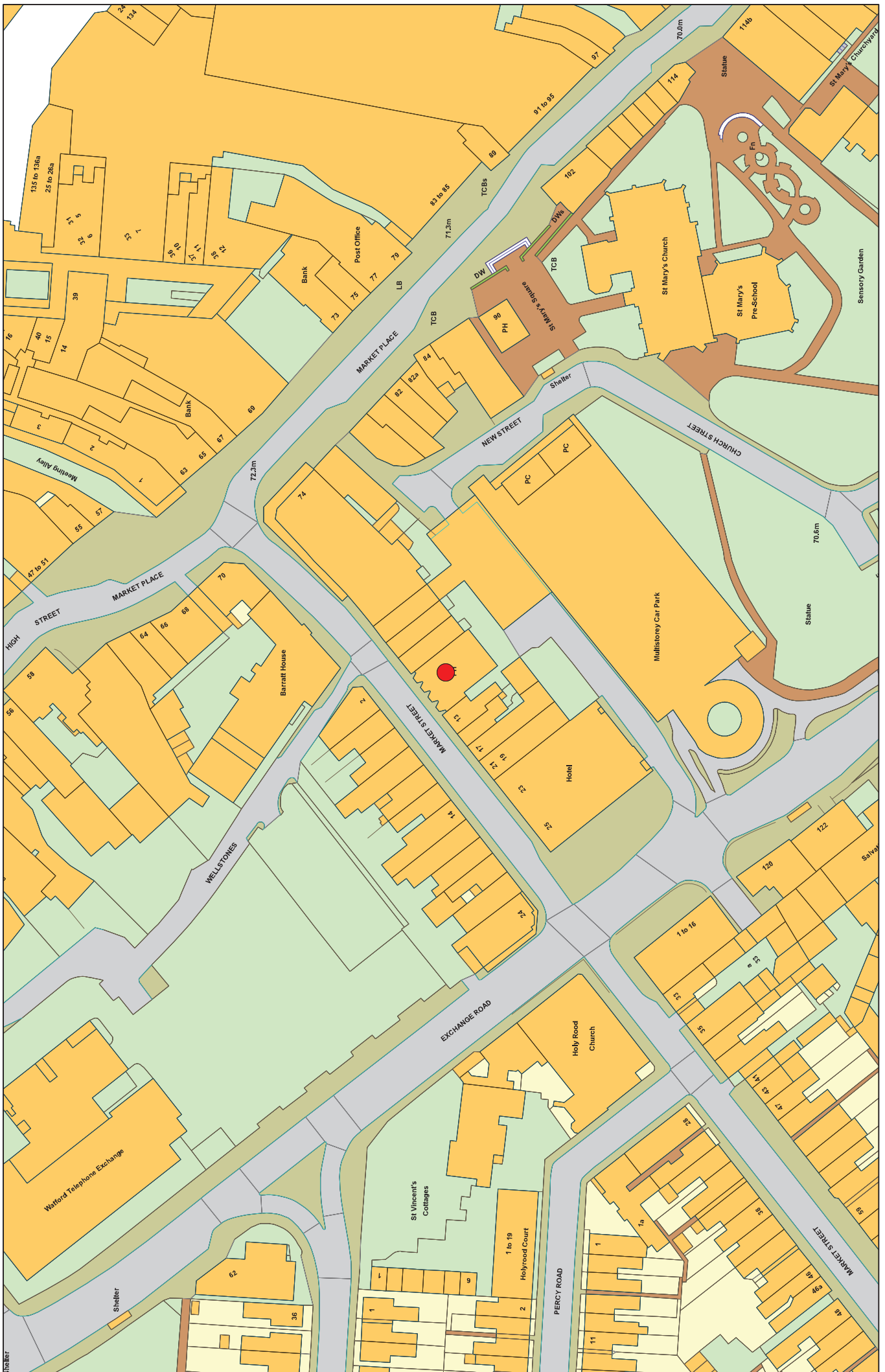
Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009)

Watford Borough Council Sex Establishment Policy October 2010

File Reference

Beavers renewal 2013

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Date: 21 February 2011  
SLA: Not Set  
Scale: 1:1250

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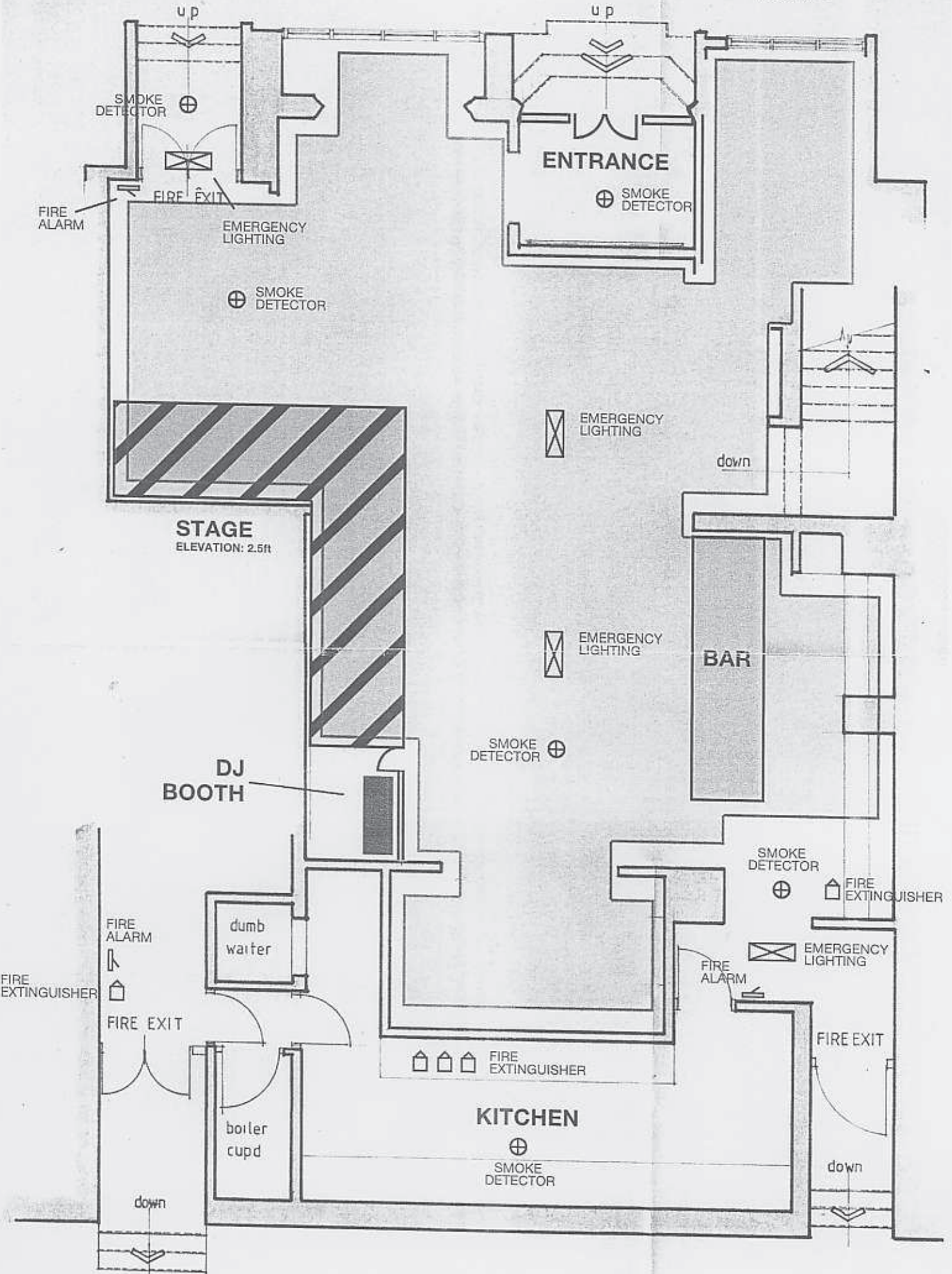
Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

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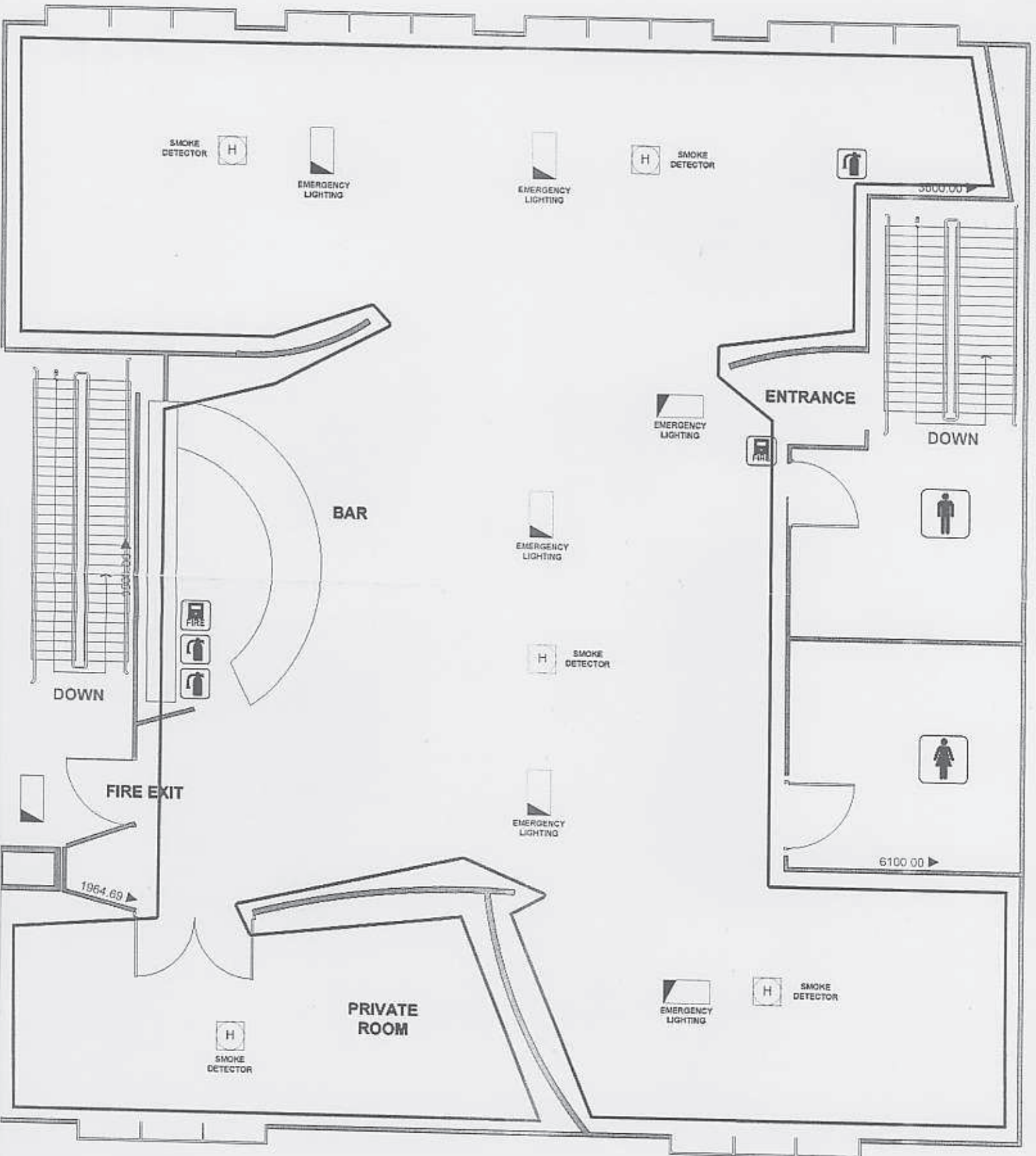


pavement

GROUND FLOOR



CAR PARK



## APPENDIX 3

### Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009

#### SEXUAL ENTERTAINMENT VENUE LICENCE

NUMBER: 12/00778/SEX

The Watford Borough Council, further to their powers as licensing authority under the Local Government (Miscellaneous Provisions) Act 1982 as amended, grants licence to

Name: **Wizard Sleeve Bars Limited** ('the Licensee')

of: **9 Market Street, Watford,  
Hertfordshire, WD18 0PA**

to keep the Premises: **Beavers**

situated at: **9 Market Street, Watford,  
Hertfordshire, WD18 0PA** ('the Premises')

as a 'Sexual Entertainment Venue' within the meaning of paragraph 2A of the Schedule subject to the Council's Standard Conditions and Special Conditions specified below.

The licence, unless the licensee has been disqualified from holding a licence, will remain in force from the **13 August 2012** until **12 August 2013** but it may be renewed on application to Head of Environmental Services, Watford Borough Council, Town Hall, Watford, WD17 3EX.

#### SPECIAL CONDITIONS

##### Opening Hours:

Monday – Wednesday	09:00 – 02:00
Thursday	09:00 – 03:00
Friday, Saturday & Bank Holiday Monday	09:00 – 04:00
Sunday	Closed

1. The venue will have a suitable management structure in place to deal with any issues or problems that may arise.
2. All performers will be stringently vetted to ensure suitability, including ensuring they are over 18 years old.
3. The company will hold a file on each performer, which will contain the following information as a minimum: personal details; photographic proof of ID; proof of address; a signed photograph; relevant work permits where applicable; and, a signed dancers' code of conduct.

### APPENDIX 3

4. Dancers will be required to sign a waiver acknowledging that, should their contract be terminated for gross misconduct, this information will be notified to other members of the Lap Dancing Association (if the Association is in existence).
5. The venue will operate a strict entrance policy of over 18s whilst adult entertainment is taking place. A sign to that effect will be displayed at or near the entrance.
6. The venue will have a customer policy to include, as a minimum, conditions of entry, expected customer conduct and the handling of inappropriate behaviour.
7. Where door supervisors are provided, they will be registered with the Security Industry Authority.
8. The venue will hold a file detailing individual members of security, including personal and Security Industry Authority registration details.
9. The venue will have a staff training policy in place and records of all training will be maintained.
10. The venue will have a dancers' code of conduct to include, as a minimum, policies on drug and alcohol misuse, liaison with customers and company policies on dancer facilities, support and security.
11. The venue will have an operating plan to include the following points as a minimum:
  - Health & Safety risk assessment
  - Fire risk assessment
  - Unusual Incident Report
  - Staff training and other policies
  - Personnel files
  - Evidence that the objectives in section 4(2) of the Licensing Act 2003 will be promoted
  - Signed dancers' code of conduct
12. The venue agrees to notify details of any dancer denied access to the venue because of gross misconduct to other members of the Lap Dancing Association (if the Association is in existence).

Signed for and on behalf  
of Watford Borough Council

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**Date:** 05 July 2012



## APPENDIX 3

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### Standard Conditions for Sexual Entertainment Venue Licence

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1. The Licensee must remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
6.
  - (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful or offensive manner.
  - (b) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
  - (c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.
  - (d) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.
7. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
8. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
9. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.

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10. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
11. Performers must dress fully at the end of each performance.
12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
13. Performers must never be alone in the company of a Customer except in an area open to the public within the Premises.
14. The Licensee is to ensure a sufficient number of door supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
15. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
16. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
17. The Licensee must ensure that during the performance of a table dance:
  - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
  - (2) customers must remain seated during the entire performance of the dance;
  - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
  - (4) Performers must not sit or straddle the customer;
  - (5) Performers must not place their feet on the seats.
18. The Licensee must ensure that during performances to which this Licence relates:
  - (1) Performers may not perform any act that clearly simulates any sexual act;
  - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
  - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
  - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
  - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
  - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
19. The Licensee must ensure that during performances to which this Licence relates:
  - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
  - (2) Customers must remain appropriately clothed at all times.

### **APPENDIX 3**

20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Hertfordshire Constabulary, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
21. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

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## APPENDIX 4



HERTFORDSHIRE

CONSTABULARY

### REPRESENTATION OPPOSING THE RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE

#### BEAVERS- 9, MARKET STREET, WATFORD, WD18 0PA

An application has been submitted on behalf of Wizard Sleeve Bars Ltd trading as “Beavers” and relating to the renewal of a Sexual Entertainment Venue licence for a lap dancing club known as “Beavers” situated at 9, Market Street, Watford, WD18 0PA.

The venue has been operating as lap dancing club for a number of years. In 2011 the operators applied for and were granted an SEV issued under the **Local Government (Miscellaneous Provisions) Act, 1982 as amended by the Policing and Crime Act, 2009**.

The legislation was introduced to regulate Sexual entertainment venues such as peep shows, lap dancing clubs and other venues offering such activity. The Act defines such a venue as follows:

A ‘sexual entertainment venue’ is a premises where relevant entertainment is provided, or permitted to be provided, by or on behalf of the organiser in front of a live audience for the financial gain of the organiser or entertainer. ‘Relevant entertainment’ may take the form of a live performance or live display of nudity and must be of such a nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience.

A new application for renewal of the SEV was received by Hertfordshire Constabulary on 12 August 2013. The Constabulary have very real concerns regarding the way in which the venue is operated and the type of sexual activity that is being offered within the premises. These concerns will be discussed in detail later in this report.

The Act states that the relevant authority (The local Council) may refuse the grant or renewal of a licence for the following reasons:

- (1) A licence under this Schedule shall not be granted—
  - (a) to a person under the age of 18; or
  - (b) to a person who is for the time being disqualified under paragraph 17(3) below; or
  - (c) to a person, other than a body corporate, who is not resident in [an EEA state] or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in [an EEA state]; or

## APPENDIX 4

- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- (2) Subject to paragraph 27 below, the appropriate authority may refuse—
- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;
  - (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or **for any other reason**;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - [(c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality<sup>14</sup> at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality
  - (d) that the grant or renewal of the licence would be inappropriate, having regard—
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

The Act also dictates that certain acts will be termed a contravention of the SEV licence.

### *Enforcement*

- 20(1)** A person who—
- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above; or
  - (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or
  - (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or
  - (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.

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The Constabulary will provide evidence that the terms of certain conditions on the SEV licence have been breached. It also part of this representation that certain concerns have arisen over the suitability of the management and directors of this venue to operate in a responsible way. The Constabulary will seek to use the following to oppose this application;

That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for **any other reason.**

AND

Being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or

**being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or**

**being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.**

The Constabulary will use various intelligence reports to support claims that sexual services that are a breach of the SEV licence are being carried out at the venue. Intelligence suggests that this is being carried out with the agreement/ knowledge of the management.

In order to test the validity of the intelligence a "Test purchase" operation was carried out at the venue on Wednesday 28 August 2013. Two plain clothes officers attended the venue having been properly authorised and briefed and were admitted to the premises. Evidence supplied by these officers will detail that offers of Sexual services were made to them by a number of dancers employed at the venue. These services included offers to perform [REDACTED] intimate sexual touching by the performers upon the officers . Such touching is expressly prohibited under the SEV licence conditions. Intimate sexual touching did indeed take place. Full disclosure of this evidence will be provided in other documents to be served separately. Some of the intimate touching took place within full view of the public area of the venue other acts took place in private booths set aside for "private dances".

The breaches of the SEV discovered as a result of this operation are as follows:

### STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUE LICENCE

#### Condition 17 (3 ):

- (3) Performers may only touch a customer above the customer's chest with their hands only.
- (4) Performers must not sit or straddle the customer.
- (5) Performers must not place their feet on the seats.

#### Condition 18:

The licensee must ensure that during performances to which the licence relates:

- (1) Performers must not perform any act that clearly simulates a sexual act.
- (2) Performers must not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party.

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- (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time.**
- (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts. (Not applicable to this representation)**
- (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.**

The operation on the 28 August lends weight to the previous intelligence reports as well as a witness statement from a former employee at the venue who describes certain services that are offered and she states that the activity is carried out with the knowledge of the management and a commission is taken from any performer who takes part.

It would appear that the officers involved in the operation were offered sexual services by more than one performer which may lead one to surmise that this type of behaviour is prevalent in the venue. It is also of note that overt sexual acts were offered and performed in the public "bar" area of the venue. It would seem clear that the management of the premises are not complying with the conditions of the SEV.

There have been concerns regarding the management of the venue. A Miss Zoe Turpin is the Designated Premises Supervisor (DPS). The Licensing Act, 2003 requires that a DPS be appointed for a venue selling alcohol. Ms Turpin is also listed as a director of the parent company, Wizard Sleeve bars Ltd. In the opinion of the Constabulary Ms Turpin is no more than a "figurehead" for those operating the venue. It is believed that the company, and indeed the venue, is controlled and operated by a [REDACTED]. [REDACTED] appears to operate in the background. He is not named on an official documents or either of the licences although a [REDACTED] and a [REDACTED] are named directors. Although it is not confirmed, it is suspected that [REDACTED] is a close relative of [REDACTED]. It is highly suspicious that [REDACTED] is not named as a director. [REDACTED] does attend most meetings that Police have held to discuss issues with the venue and is very vocal in his defence of the operation. It is strongly believed that Ms Turpin is completely subservient to [REDACTED] as when she does attend meetings in his company she rarely speaks or offers any opinions at all.

The issues surrounding the operation of the venue have been highlighted to Beavers on several occasions. In the summer of 2013 [REDACTED] together with [REDACTED] attended a meeting with the Licensing team at Southend, Essex. The purpose of the meeting was to discuss the possibility of opening a new lap dancing establishment in that town. It is apparent from a statement supplied by the officer dealing with the meeting that [REDACTED] and [REDACTED] misrepresented their relationship with the Watford Licensing unit.

[REDACTED] is currently under investigation for an offence of Conspiracy to Pervert the Course of Justice. This allegation stems from an event at Beavers in October 2012 in which a fight took place between two customers resulted in a glass being thrown and a young lap dancer losing the sight in one eye. During the investigation of this offence it was ascertained that the venue was breaching the premises licence by selling alcohol beyond the permitted hours. When asked to attend an interview under caution in company with her solicitor she offered up a prepared statement blaming a former manager of Punch Taverns (who actually own the venue). She stated that she was not aware of the permitted hours allowed under the SEV as it had been passed to her third hand by Punch Taverns. This statement was not true. Punch Taverns had no part in the application for the SEV. During the interview it was put to her that she had actually attended the Licensing hearing for the grant of the SEV and even more importantly [REDACTED] who attended the interview under caution, had addressed the panel at the hearing and had clarified the position regarding hours

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permitted for the sale of alcohol. Although this matter is still under investigation the apparent dishonesty of [REDACTED] and [REDACTED] (who has submitted the latest SEV renewal application) is at the very least suspect. The circumstances and the dishonesty employed may lead one to come to the opinion that [REDACTED] and those representing her cannot be trusted to be truthful. It is feared that any breaches of either licence (Premises licence or the SEV) will be covered up by the management.

In February 2013 a fight took place that originated inside Beavers and spilled into Market Street. CCTV evidence shows that one of the protagonists was in possession of a very large knife. Although staff from Beavers intervened they later denied any involvement despite video evidence to the contrary. [REDACTED] was present throughout the incident but later denied any knowledge that the incident was anything to do with his venue.

During a meeting with Police to discuss the February 2013 incident it was requested of Beavers that they install and operate an ID scanning system so that any customers involved in future incidents could be quickly identified. It was agreed that the system to be used would be a computerised "membership scheme". This system was to be used to record the details of all customers and it was decided that it would be up and running by June 2013. The venue agreed to have this system put on the licence as a condition. At the present time, the current SEV renewal application lists this as a proposed condition to be added. It would appear however, despite agreements, the management are ignoring the ID scanning system. During the Police operation of 28 August the two undercover officers were able to gain admission without having to provide an ID. Whilst this is not at this time a breach of the licence it goes some way to demonstrating the cavalier attitude that this venue has towards making the venue a safe place. It has been confirmed by [REDACTED] that they have had the scanner/membership scheme in operation for a number of weeks.

Given the nature of such establishments, it is common for them to operate "under the radar" in that they do their very best to ensure that they do not come to the attention of the Police. It is strongly felt that any incidents are dealt with "in house" and are not reported to the Police.

The Constabulary do not have any confidence that this venue will operate within the terms of the authority granted by the SEV. This, coupled with the distrust of those operating the premises, lead Police to believe that if the SEV were to be renewed then the venue would continue as before and further breaches of both licences will continue.

For these reasons outlined in this report, and on behalf of the Chief Constable I hereby represent against this application. Further, more detailed evidence will be submitted in due course.

Signed:

Deirdre DENT- Inspector

Date:

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**Extract from Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)**

***Grant, renewal and transfer of licences for sex establishments***

- 10 (1)An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.
- (2)An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—
- (a)the full name of the applicant;
  - (b)his permanent address; and
  - (c)his age.
- (3)An application made by a body corporate or an unincorporated body shall state—
- (a)the full name of the body;
  - (b)the address of its registered or principal office; and
  - (c)the full names and private addresses of the directors or other persons responsible for its management.
- (4)An application relating to premises shall state the full address of the premises.
- (5)An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- (6)Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.
- (7)An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- (8)Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.
- (9)The publication shall not be later than 7 days after the date of the application.
- (10)Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- (11)Every notice under this paragraph which relates to premises shall identify the premises.
- (12)Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

(13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.

(14) An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.

(15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.

(16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.

(17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.

(18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.

(19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—

(a) before refusing to grant a licence, to the applicant;

(b) before refusing to renew a licence, to the holder; and

(c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.

(20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall, if required to do so by the applicant or holder of the licence, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

#### ***Refusal of licences***

**12** (1) A licence under this Schedule shall not be granted—

(a) to a person under the age of 18; or

(b) to a person who is for the time being disqualified under paragraph 17(3) below; or

(c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made; or



(d) to a body corporate which is not incorporated in the United Kingdom; or

(e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

(2) Subject to paragraph 27 below, the appropriate authority may refuse—

(a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;

(b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.

(3) The grounds mentioned in sub-paragraph (2) above are—

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.

(5) In this paragraph “the relevant locality” means—

(a) in relation to premises, the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

***Power to prescribe standard conditions***

- 13 (1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred by them.
- (2) Regulations under sub-paragraph (1) above may make different provision—
- (a) for sex cinemas and sex shops; and
  - (b) for different kinds of sex cinemas and sex shops.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—
- (a) the hours of opening and closing of sex establishments;
  - (b) displays or advertisements on or in such establishments;
  - (c) the visibility of the interior of sex establishments to passersby; and
  - (d) any change of a sex cinema to a sex shop or a sex shop to a sex cinema.
- (4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.
- (5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.
- (6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

**Extract from Watford Borough Councils Sex Establishment Licensing Policy,  
October 2010**

**3 Commenting on licence applications**

- 3.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.
- 3.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.
- 3.3 We take the following approach to deciding applications:
- (a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;
  - (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
  - (c) we will give clear reasons for our decisions.
- 3.4 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A report will be made to our committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- 3.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 3.6 Objections will be considered by a Licensing Sub-Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with our protocol which is available on our website at [www.watford.gov.uk](http://www.watford.gov.uk) or our licensing team.
- 3.7 Objections should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)

- indicate the premises to which the objection relates
- indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
- clearly set out the reasons for making the objections.

## PART C

### 7. **SEXUAL ENTERTAINMENT VENUES**

#### 7.1 **Relevant entertainment**

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person, eg in a private booth.

7.3 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.

#### 7.4 **Relevant localities**

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which

we consider appropriate for that locality;

(2) the grant or renewal of the licence would be inappropriate, having regard to

- (i) the character of the relevant locality, or
- (ii) the use to which any premises in the vicinity are put, or
- (ii) to the layout, character or condition of the premises.

7.6 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality are set out below:

Locality	Number of SEVs	Reason
The Parade, High Street	1	This area is heavily biased towards premises licensed under the Licensing Act and so a sexual entertainment venue would be appropriate in this locality
Market Street between High Street and Exchange Road	1	This locality is characterised by a number of retail premises, food premises and, for a number of years, a lap dancing club.
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and entertainment premises of this nature would be an inappropriate facility in a retail area
Kingswood Leisure Park	0	The leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue would

		be inappropriate given the family-orientated nature of these premises
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7.7 This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) size of neighbourhood
- (2) impact of thoroughfares
- (3) residential accommodation
- (4) parks and children's play areas
- (5) other retail units (and their uses)
- (6) schools
- (7) communal buildings
- (8) alcohol or entertainment licensed premises.

7.8 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

7.9 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

7.10 **Application form**

We have a standard application form, including public notices, which are available on request from our licensing team.

7.11 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix II. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

7.12 **Fees**

Our fees are set each year and details are available from our licensing team and on our website at [www.watford.gov.uk](http://www.watford.gov.uk). We charge separate fees for applying for a licence, renewing a licence, and for making major and minor variations to a licence.