

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 locality¹⁴ 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.

APPENDIX 4

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.

APPENDIX 4

- (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

APPENDIX 4

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: