

4th February 2011

To: Mrs K Khan,
Legal Services,
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ
E-mail: kate.khan@cheshireeast.gov.uk
Closing Date: 21 February 2011
Your Ref: L.C31/162/KK

Dear Mrs Khan,

Re: Licensing of 'Sexual Entertainment Venues'.

I am writing on behalf of Hope in North East Cheshire, transforming society group to express our support for Cheshire East Borough Council introducing and adopting the new regime. On the whole, we are pleased with the changes the Committee has proposed to the draft policy and would like to thank the Licensing Committee for doing so, but like the majority of respondents to the initial consultation we would have liked to have seen a more robust draft policy.

In particular, we would have liked the Committee to have considered each of the suggestions for extending the list of inappropriate locations for lap dancing in paragraph 3.8 of the draft policy, as the list in the draft policy is still much shorter than a number of other Council's policies. Extending the list does not fetter the Committee's discretion as each case has to be considered on its merits and still allows the Committee to depart from any general list should they choose to do so. We would be grateful if the Committee could further consider this suggestion in our original response of adding to the list, when it looks at the responses to this further consultation.

Our more specific comments on the changes are as follows:

1. Sexual Entertainment Venues –License Conditions

- The application form at Appendix 1 page 11 has changed since the first consultation and now includes an application for a grant, renewal, transfer and variation of a licence. In view of this change, please consider changing the last sentence of condition 16(a) on page 22 to remove the words "application for a licence." and replace with "first application for a licence and any current version with any subsequent application for grant, renewal, transfer or variation of a licence." This change would allow the Committee to check on any current version of the management operation manual with each application. This is particularly important in terms of updating the Committee, as the duration of the SEV licence is only for up to one year.

- We would like to ask the Committee to reconsider the addition of an important and well known condition of lap dancing, namely, the one metre rule. Whilst condition 19 on page 22 does prevent physical contact, before, during or after the performance, the distance rule is still very important as it helps to prevent customers from being tempted to touch the performers. It was suggested that there may be difficulty in enforcing such a condition. However, last year at a lap-dancing club in Oxford known as The Lodge in Penny farthing place; there was no difficulty in enforcing this important licence condition. The Oxford police received complaints and found from CCTV footage that the rule was regularly being breached and this breach subsequently resulted in some lap dancers being dismissed. The suggested condition from Oxford City Council's standard conditions is as follows: "Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement."
- The main aim of condition 21 on page 23 is to prevent a state of full nudity in the public areas. We are very concerned that the added clarification because of topless barmaids simply confuses the issue. It could be misread, as both performers and other employees could claim to always be on duty and so always allowed to be in a state of undress in the public areas. The Committee did consider the option of not adding to condition 21 and this would seem to be the preferable option and prevent the opening of this particular Pandora's Box.
- In terms of employment of persons on the premises, should condition 34 on page 24 of the draft policy include the same additions as condition 38, in case other staff only give agency addresses?

2. Sexual Entertainment Venues –Committee Procedure

- Procedure 17 on page 27-typing error "of" should be "or".
- As mentioned in our initial consultation response, it would be helpful if the policy could clarify that representatives of an objector in the Committee procedure may include an MP, local Councillor, legal representative or a friend. As far as we know, this is similar to the situation for Licensing Act applications. This would be helpful since point 1 of the Committee Procedure, unlike the Licensing Committee Procedure, does not specify the need for the Chairman to consider any request for another person to appear at the hearing. It would be useful to also add that procedural point, as objectors may wish not only to be represented by a friend but to bring witnesses.

3. Level of Fees

- The initial consultation asked for a response on level of fees. The Committee decided to have a further Officer report on the level of fees. The Police commented that they did not seek to comment upon them, other than to note the disparity with some other authorities who have set levels significantly higher. Whilst fees have to be reasonable and proportionate, it is important that every single cost is included to ensure the service provided is cost effective and the Council does not subsidise applications that many Council tax payers may oppose.

Thanking you in anticipation for the Committee's further consideration of these points.

Yours sincerely,

(on behalf of Hope in North East Cheshire)