

General Licensing Sub-Committee

Agenda

Date: Monday, 3rd June, 2013
Time: 10.00 am
Venue: West Committee Room - Municipal Buildings, Earle Street, Crewe, CW1 2BJ

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Apologies for Absence**

To receive any apologies for absence.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have predetermined any item on the agenda.

4. **Application for the Renewal of a Sexual Entertainment Venue Licence - Schedule 3, Local Government (Miscellaneous Provisions) Act 1982: Manhattan, 35-37 High Street, Crewe, CW2 7BL (Pages 3 - 72)**

To consider an application for the Renewal of a Sexual Entertainment Venue Licence made by Mr Sylvan Austin Salmon in respect of Manhattan, 35-37 High Street Crewe, Cheshire CW2 7BL.

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

5. Exclusion of the Public and Press

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraphs 1 and 2, pursuant to part 1 of Schedule 12 (A) of the Act.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT

6. 13-14/1 Consideration of Fitness to Hold a Joint Hackney Carriage/Private Hire Driver Licence (Pages 73 - 112)

To consider whether the holder of a Joint Hackney Carriage/Private Hire Driver Licence remains 'a fit and proper person' to hold a licence and to determine the future of their Joint Hackney Carriage/Private Hire Driver Licence.

CHESHIRE EAST COUNCIL
LICENSING COMMITTEE PROCEDURE
(‘General’ Licensing matters)

- 1 Chairman will:
 - (a) call the matter forward and confirm whether there are any declarations of interest;
 - (b) request the parties to introduce themselves; and
 - (c) explain the procedure to be followed.
2. The Licensing Officer will present the report introducing the case.
3. The applicant and/or representative will be given the opportunity to speak in support of the application.
4. The Committee Members will then be given the opportunity to question the applicant on any matter which it is felt requires clarification or to ascertain the applicant’s suitability to hold the licence.
5. The applicant and/or representative will then be given the opportunity to add any further comments in support of the application.
6. The applicant and/or representative will then be asked to withdraw from the meeting whilst the committee considers its decision.
7. The applicant will finally be asked to re-join the meeting to be informed of the Committee’s decision.

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CHESHIRE EAST COUNCIL

REPORT TO: GENERAL LICENSING SUB-COMMITTEE

Date of Meeting:	Monday 3 rd June 2013 at 10am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for the Renewal of a Sexual Entertainment Venue Licence Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 Manhattan, 35-37 High Street, Crewe, CW2 7BL.

1.0 Report Summary

- 1.1 The report provides details of an application for the Renewal of a Sexual Entertainment Venue Licence together with information as to a representation received from the Police in relation to the application.

2.0 Recommendations

- 2.1 The General Licensing Sub-Committee is requested to:
- 2.1.1 Consider all of the relevant information including the submission made by the Police; and
- 2.1.2 Determine the application for Renewal of a Sexual Entertainment Venue Licence made by Mr Sylvan Austin Salmon in respect of Manhattan, 35-37 High Street Crewe, Cheshire, CW2 7BL.

3.0 Reasons for Recommendations

- 3.1 In accordance with the Council's Constitution, the General Licensing Sub-Committee has the delegated authority to determine this application in accordance with the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

4.0 Wards Affected

- 4.1 Crewe Central

5.0 Local Ward Members

Cllr Irene Faseyi

6.0 Policy Implications

- 6.1 The Council has adopted the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') made by section 27 of the Policing and Crime Act 2009.

- 6.2 The Council has adopted a policy in relation to the licensing of sexual entertainment venues; a copy of this policy is attached as Appendix 1.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 On 24th February 2011 the Council resolved that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, be adopted and shall apply within the Borough of Cheshire East with effect from 4th April 2011.

- 8.2 'Sexual Entertainment Venue' is defined within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." 'Relevant Entertainment' means "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)."

- 8.3 Paragraph 12 of Schedule 3 to the 1982 Act prescribes that a licence for a sexual entertainment venue shall not be granted to:

- (a) a person under the age of 18; or
- (b) to a person who is for the time being disqualified under paragraph 17(3) of the Schedule; 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
- (e) to a person who had, within a period of twelve 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.

- 8.4 Paragraph 12 of Schedule 3 also provides that the authority may refuse (i) an application for the grant or renewal of a licence on one or more of the grounds listed at (a) to (d) below; and (ii) an application for a transfer on either or both of the grounds at (a) and (b):

- (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 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.

8.5 Paragraph 8 of Schedule 3 provides that the Council may grant a licence for the use of premises as a sex establishment 'on such terms and conditions and subject to such restrictions as may be so specified.' (subject to the requirement that conditions may not duplicate requirements or prohibition which are, or could be, imposed under the Regulatory Reform (Fire Safety) Order 2005). Paragraph 13 of Schedule 3 provides the Council with the power to prescribe standard conditions applicable to licences for sex establishments. The Council had prescribed a set of standard conditions in relation to sexual entertainment venues; these are set out within Appendix 3 of the Council's policy (attached as Appendix 1 to this report). Where the Council has determined a set of standard conditions, every such licence granted by the authority shall be presumed to have been granted subject to the standard conditions unless they have been expressly excluded or varied. As is recognised by Home Office Guidance, issued in March 2010 (paragraph 3.42) in cases where a sexual entertainment venue also holds a licence under the Licensing Act 2003, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. Whilst not a statutory requirement, local authorities have been encouraged by the Home Office to have regard to the guidance when exercising their functions.

8.6 The Provision of Services Regulations 2009 state that the local authority must provide the applicant with the reasons for the decision in writing if the authority refuses an application for the renewal of a licence. With the exception of a decision to refuse an application on a ground specified in paragraph 12(3)(c) or (d) (see paragraph 8.4 above), an applicant for the grant of a licence whose application is refused has the right to appeal the decision to a magistrates' court within twenty-one days.

8.7 When making a decision consideration must be given to the applicant's rights under the European Convention on Human Rights. Article 1 of the First Protocol (peaceful enjoyment of possessions) and Article 10 (freedom of expression) are rights which may be relevant. The Home Office guidance suggests that 'local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of crime and disorder, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, Protocol 1, can be justified in the general interest.' In addition Article 6 will be relevant to the hearing of the case, i.e. right to a fair hearing.

- 8.8 The Council has exercised its discretion and has determined to provide objectors to the application the opportunity to speak at the hearing.

9.0 Risk Management

- 9.1 The legal risks are set out within paragraph 8.0 above.

10.0 Background and Options

- 10.1 The application for Renewal of a Sexual Entertainment Venue Licence in relation to premises known as Manhattan, 35-37 High Street, Crewe, CW2 7BL, was received by the Council on 3rd April 2013.
- 10.2 In accordance with paragraph 10(8) of Schedule 3 of the 1982 Act, a notice of the application was published in a local newspaper circulating in the Council's area within seven days of the date of the application. In addition, a site notice was displayed at the premises in accordance with paragraph 10(10).
- 10.3 The application is to renew the existing Sexual Entertainment Venue Licence to provide the following forms of 'relevant entertainment' with full nudity, i.e. lap dancing, pole dancing and strip shows. The hours applied for are the same as the existing Sexual Entertainment Venue Licence, as follows:

Monday to Sunday 19.00hrs to 05.30hrs

A copy of the application form is attached at Appendix 3 of this report.

- 10.4 The Applicant has held a Sexual Entertainment Venue Licence for one year. Prior to that, a Premises Licence under the Licensing Act 2003 has been in place in relation to the premises since 30th August 2006 to permit the sale of alcohol, regulated entertainment and the provision of late night refreshment. The Premises Licence is subject to a number of conditions in relation to the provision of adult entertainment. A copy of the Premises Licence Summary and the conditions attached to the licence are attached at Appendix 5 of this report.
- 10.5 In accordance with paragraph 10(14) of Schedule 3 to the 1982 Act, a copy of the application was sent to the Police. A representation in relation to the application has been provided to the Council by the Police. A copy of the representation from the Police is attached at Appendix 2 of this report.
- 10.6 The Council has not received any representations from any other persons in relation to the application within the twenty-eight day consultation period.
- 10.7 In accordance with paragraph 10(18) of Schedule 3, in considering any application for the grant of a licence the Council is required to have regard to any observations submitted to it by the Police and any objections of which notice has been sent to it under sub-paragraph 10(15).
- 10.8 The options which are available to the General Licensing Sub-Committee when considering this application are as follows:
- 10.8.1 to grant the Renewal of the Sexual Entertainment Venue Licence subject to the standard conditions prescribed by the Council;

10.8.2 to grant the Renewal of the Sexual Entertainment Venue Licence subject to the standard conditions prescribed by the Council as varied by the Sub-Committee;

10.8.3 to grant the Renewal of the Sexual Entertainment Venue Licence subject to the standard conditions prescribed by the Council (whether varied or not) and subject to further additional express condition(s);

10.8.4 to grant the Renewal of the Sexual Entertainment Venue Licence subject to express condition(s) determined by the Sub-Committee (i.e. the prescribed standard conditions are expressly excluded).

10.8.5 to refuse the grant of the Renewal of the Sexual Entertainment Venue Licence.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

The Home Office Guidance "Sexual Entertainment Venues" is available on the Council's website, www.cheshireeast.gov.uk

APPENDICES

Appendix 1 Cheshire East Council Policy on the Licensing of Sexual Entertainment Venues.

Appendix 2 Representation from the Police

Appendix 3 Application Form

Appendix 4 Existing Sexual Entertainment Licence and Conditions

Appendix 5 Premises Licence Summary and Conditions

Appendix 6 Location Maps and Plan of Premises

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CHESHIRE EAST BOROUGH COUNCIL

POLICY ON THE LICENSING OF SEXUAL ENTERTAINMENT VENUES

**Schedule 3, Local Government
(Miscellaneous Provisions) Act 1982 (as
amended)**

1.0 PREFACE

- 1.1 On 24th February 2011 Cheshire East Borough Council resolved to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') by section 27 of the Policing and Crime Act 2009 with effect from 4th April 2011.
- 1.2 Any person wishing to operate a Sexual Entertainment Venue as defined by Schedule 3 requires a licence, unless the requirement for a licence has been waived by the Council. This document sets out the Council's policy in relation to the licensing of Sexual Entertainment Venues within its administrative area.
- 1.3 A consultation on this policy was undertaken between October 2010 and February 2011 and was formally adopted on 7th March 2011.
- 1.4 This policy will be kept under review and amendments proposed in the light of any changes in the relevant legislative provisions.

2.0 INTRODUCTION

- 2.1 It is intended that this policy will be a guide for both applicants and those other parties who have an interest in the licensing of sexual entertainment venues. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 2.2 Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

3.0 POLICY

3.1 Meaning of 'Sexual Entertainment Venue'

'Sexual Entertainment Venue' is defined within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the Act') as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." The following are not Sexual Entertainment Venues for the purpose of Schedule 3 of the Act

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
 - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted for more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

3.2 Relevant Entertainment

‘Relevant Entertainment’ means “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).”

In accordance with the Guidance from the Home Office, the Council expects that ‘Relevant Entertainment’ will generally apply to the following types of activity:

- Lap dancing;
- Pole dancing;
- Table dancing;
- Strip shows;
- Peep shows;
- Live sex shows

However this list is not exhaustive and, taking into account that the exact nature of these descriptions may vary, each case will have to be dealt with on its own merits.

3.4 Mandatory grounds for refusal

Paragraph 12 of Schedule 3 to the 1982 Act prescribes that a licence for a sexual entertainment venue shall not be granted to:

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

(b) to a person who is for the time being disqualified under paragraph 17(3) of the Schedule; 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 had, within a period of twelve 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.

The application form, a copy of which is attached at Appendix 1 asks questions in relation to the above issues.

3.5 Discretionary grounds for refusal

Paragraph 12 of Schedule 3 also provides that the authority may refuse (i) an application for the grant or renewal of a licence on one or more of the grounds listed at (a) to (d) below; and (ii) an application for a transfer on either or both of the grounds at (a) and (b):

(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.

3.6 Relevant locality

'Relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated;
and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The Council will consider the extent of the locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define 'locality' as the whole of the Council's administrative area.

3.7 Relevant number

As set out within paragraph 3.5 above paragraph 12 of Schedule 3 provides that a local authority may refuse an application if it is satisfied 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.

The Council does not seek within this policy to place a figure on the number of sexual entertainment venues which it considers appropriate in any locality within the Council's administrative area.

Consideration will be given to the locality in each case and to the number of Sexual Entertainment Venues suitable for that locality.

The Council is able to determine that the appropriate number for a locality is nil.

3.8 Character of relevant locality and uses of premises in the vicinity

When considering whether it would be appropriate to grant the licence the Council will take into consideration factors such as:

- the uses to which premises in the vicinity are put, for example whether they are commercial, industrial or residential;
- the users of premises in the area;

Whilst each application will be determined on its own individual merits, the grant of a licence will generally be considered inappropriate where the characteristics of the locality include the following sensitive uses:

- (a) an area predominantly comprising residential accommodation;
- (b) parks and children's play areas;
- (c) schools and youth centres;

- (d) places of worship; and
- (e) community facilities.

3.8 Duration of licence

Unless previously cancelled or revoked a licence will remain in force for twelve months or such shorter period specified in the licence as the Council determines is fit.

3.9 Conditions

Where a licence is granted the standard conditions attached at Appendix 3 will be attached.

Where it is reasonable and proportionate to do so, additional conditions may be imposed on a licence.

3.10 Waiver

The Act makes provision for the Council to grant a waiver from the requirement to hold a Sexual Entertainment Licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such period as the Council thinks fit.

The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

Whilst each application will be considered on its own merits, in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis¹, the Council takes the view that waivers are unlikely to be appropriate in relation to Relevant Entertainment and would only be considered in exceptional circumstances.

The Council will require applicants to supply all of the information required within the application form at Appendix 1 in relation to a waiver application. The Council will consult the Police as part of its decision-making process in relation to waivers.

4.0 APPLICATION PROCESS

4.1 Submission of application

The Council's application form in relation to Sexual Entertainment Venues is attached as Appendix 1. The following must be submitted with the completed application form in order to form a valid application:

¹ See paragraph 3.1 above and paragraph 2A(3)(b) Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

- a scale plan of the Premises which should be large enough to be easily read (which must show the layout of the Premises including: (i) performer's changing facilities; (ii) those areas to which the public are to be admitted (shown outlined in red); (iii) toilets; (iv) entrances and exits from the premises (including emergency exits); (v) any stage area (including an annotation as to the height of the stage); (vi) the location of any fixed structures (such as the bar area, fixed tables/seating or private booths); the area to be used for customer seating);
- The Licence Fee²
- A copy of the completed notice to be displayed on the Premises (see notification requirements below);
- A basic CRB disclosure [note 'where the applicant is an individual' deleted and replaced with] from the applicant (including each of the directors/the company secretary where the applicant is a company and each of the partners if the applicant is a partnership).
- A copy of the management operation manual and club rules (see condition 16 at Appendix 3)

Applicants are reminded that any person who, in connection with an application for the grant, renewal or transfer of a sexual entertainment venue licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding twenty thousand pounds.

A copy of the application must also be served on the Chief Officer of Police:

- (a) in a case where the application is made by means of a 'relevant electronic facility'³, by the appropriate authority not later than 7 days after the date the application is received by the authority;
- (b) in any other case, by the applicant not later than 7 days after the date of the application.

The relevant addresses for service on the Police are as follows:

Area of former Boroughs of Crewe & Nantwich and Congleton:
Police Licensing Officer
Cheshire Constabulary
Crewe & Congleton Area

² Information in relation to fees is published on the Council's website and are available from the Licensing Section

³ "relevant electronic facility" means— (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

The Police Station
Middlewich Road
Sandbach
Cheshire
CW11 1HU

Area of former Borough of Macclesfield:
Police Licensing Officer
Cheshire Constabulary
Macclesfield Division
Brunswick Street
Macclesfield
Cheshire
SK10 1HQ

Applicants are reminded that the grant of a licence in relation to a sexual entertainment venue under the 1982 Act does not provide authorisation under any other statutory regime, and separate permissions may be required e.g. planning permission.

4.2 Renewal applications

Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force until the withdrawal of the application or its determination by the Council.

4.3 Variations

The Council's conditions provide that applications for the variation of the terms, conditions or restrictions on or subject to which a sexual entertainment venue licence is held is subject to the same application and advertising requirements as applications for the grant of a licence.

4.4 Advertising requirements

In accordance with paragraph 10 of the Schedule, applicants for the grant, renewal or transfer of a licence are required to give public notice of the application. Notice shall be given:

- by displaying a notice in a prescribed form (see Appendix 2), with text in black in a minimum font size of 16 on white paper of a size no smaller than A4, on or near the Premises in a place where the notice can be conveniently read by the public for a period of at least 21 days beginning with the date on which the application was made to the Council; and

- by publishing an advertisement (in the form prescribed) in a local newspaper circulating in the Council's area not later than 7 days after the date the application was made to the Council.

Applicants are requested to: (i) send a copy of the completed notice to the Council with the application form; and (ii) to notify the Council of the name of the newspaper in which the advertisement is to appear together with the date of publication.

4.5 Objections

Objections to an application for the grant, renewal or transfer of a Licence must be made in writing stating in general terms the grounds of the objection. Objections should be made not later than 28 days after the date of the application.

Any person can object to an application but the objection should be relevant to the grounds set out within paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities are not in a position to consider objections which are not relevant to the grounds set out in paragraph 12.

Where objections in relation to an application for the grant, renewal or transfer of a licence are received by the Council, copies of the objections will be provided to the Applicant. However, the name and address of an objector will not be disclosed to the Applicant without the consent of the objector to such disclosure.

4.6 Determination of applications

In cases where objections have been made (other than objections which are outside the remit of the 1982 Act) the determination of applications will be referred to a meeting of the Council's Licensing Committee or Licensing Sub-Committee.

4.7 Hearing procedure

A Committee or Sub-Committee determining an application in relation to a Sexual Entertainment Venue will follow the hearing procedure set out at Appendix 4. A copy of the hearing procedure will be sent to the relevant parties when they are notified of the date of the meeting.

4.8 Tacit authorisation

The Council has determined that tacit authorisation (for the purposes of the Provision of Services Regulations 2009) is not to apply to applications for Sexual Entertainment Venue Licences. In making this

decision the Council has considered the public interest inherent in ensuring that applications are fully considered before a licence is granted, particularly in the light of the potential significant adverse impact on local communities of inappropriately located or inadequately managed premises.

4.9 **Appeals**

In cases where the Council refuses an application for the grant, renewal or transfer of a Sexual Entertainment Venue licence the applicant may appeal the decision to the Magistrates' Court within 21 days (of the date when the applicant is notified of the decision), unless:

(1) the application was refused under the grounds in paragraph 12(3)(c) or (d) in which case the applicant can only challenge the refusal by way of judicial review; or

(2) the application was refused on any of the grounds specified in paragraph 12(1) of Schedule 3 of the 1982 Act, in which case the applicant shall not have a right of appeal unless he seeks to show that the ground did not apply to him.



Application Form: Sexual Entertainment Venue Licence
Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

NOTE: If additional information is submitted on separate sheets please quote the relevant question number in relation to the additional information provided.

Is the application an application for:		(please tick where appropriate)
	(a) grant of a sexual entertainment venue licence	
	(b) renewal	
	(c) transfer	
	(d) variation	

1 Applicant's details		
1.1	Is the Applicant:	(a) an individual (b) a partnership or other unincorporated body (c) a body corporate [please delete as appropriate]
1.2	Full name of applicant	
1.3	Give the following information on behalf of the applicant: (a) Telephone number(s) (b) Address to which communications are to be sent (c) If different from the address in (b) above, the Applicant's permanent address (if an individual) or registered or principal office (if a company etc)	
1.4	If the applicant is an individual please supply the following information: (a) Date of Birth	

	(b) Place of Birth (c) Date on which became a UK resident (if not born in the UK)	
1.5	If the applicant is a body corporate or an unincorporated body please provide the following information in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership provide details of each partner (a) Full name (b) Address (c) Capacity (d) Date of Birth (e) Place of Birth (f) Date on which became a UK resident (if not born in the UK)	[Please continue on a separate sheet if required]
1.6	Where the applicant is a company please answer the following questions. (a) Is the applicant a wholly or partly owned subsidiary of another company? If the answer to (a) is yes please provide details of the parent company or holding company. (b) What type of company is the applicant? (c) In what country is the company incorporated? (d) What is the date of incorporation of the company? (e) Is the applicant or any person whose name is given in response to question 1.5 concerned in any way with other businesses which controls or manages sex establishments? If yes please provide details.	
1.7	What is the nature of the applicant's interest in the Premises?	(a) Freehold (b) Leasehold

	If the applicant's interest is leasehold please provide the details of the landlord.	[please delete as appropriate]
1.8	Is the whole of the business owned by the applicant? If not, please provide details of the individual/company which owns the remainder of the business	

2	Premises Details	
2.1	Address of Premises	
2.2	Telephone number of Premises	
2.3	<p>Are the whole of the Premises to be used under the Licence?</p> <p>If no, please describe (by reference to a plan if necessary):</p> <p>(a) which part of the Premises are to be used for the purposes of the Licence:</p> <p>(b) the use to which the remainder of the Premises are put;</p> <p>(c) the names of those who are responsible for the management of the remainder of the Premises.</p>	
2.4	<p>Are the Premises constructed or adapted so as to permit access to and from the Premises for members of the public who are disabled?</p> <p>If the answer is no, please provide information in relation to the applicant's proposals for affording such access.</p>	[please continue on a separate sheet if required]

2	Premises Details	
2.5	<p>Are the Premises in use as a Sexual Entertainment Venue at the date of this application?</p> <p>If the answer is yes, please give the name and address of the persons or body who now operate the business and (if known) the date upon which the Premises were first used for these purposes.</p>	

3	Details of the Business	
3.1	Under what business or trading name will be the business be known?	
3.2	Please provide details of the times (days and hours) during which the Premises is proposed to be open to the public.	
3.3	Please provide details of the form of 'Relevant Entertainment' to be provided at the premises and the level of nudity proposed.	

4	Persons responsible for management	
4.1	<p>Please provide the following information in relation to each individual who is to be responsible for the management of the Premises in the absence of the Licence Holder:</p> <p>(a) Full name</p> <p>(b) Address</p> <p>(c) Capacity</p> <p>(d) Date of Birth</p> <p>(e) Place of Birth</p> <p>(f) Date on which became a UK resident (if not born in the UK)</p>	[please continue on a separate sheet if required]

7	Previous refusals and convictions		
7.1	<p>Have the Applicant ever been refused or had a Sexual Entertainment Licence revoked by any licensing authority?</p> <p>If yes, please provide full details (please continue on a separate page if necessary)</p>	Yes / No	
7.2	<p>Does the Applicant or any individual named in response to questions 1.5 or 4.1 have previous convictions or cautions?</p> <p>If the answer is yes, please provide of a separate sheet the following information in relation to each individual who has a previous conviction or caution:</p> <p>(a) Name</p> <p>(b) Date of conviction</p> <p>(c) Convicting court</p> <p>(d) Nature of conviction</p> <p>(e) Sentence</p>	Yes / No	

7	Previous refusals and convictions	
7.3	<p>Have you any reason to believe that a prosecution may be pending against the Applicant or any of the individuals named in response to questions 1.5 or 4.1?</p> <p>If yes please provide details</p>	Yes / No
7.4	<p>Is there in force against the applicant or any of the persons named in response to question 1.5 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982?</p>	Yes / No

8	Additional details	
8.1	<p>Please provide any additional information which the applicant would wish the Council to take into account when considering this application.</p>	[please continue on a separate page if necessary]

APPLICANTS ARE REMINDED THAT ANY PERSON WHO, IN CONNECTION WITH THE APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A SEXUAL ENTERTAINMENT VENUE LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000)

Declaration	
I hereby declare that the above information is true to the best of my knowledge and belief.	
Signature	
Name	
Capacity	
Date	

We will use the information you give in this form and in any supporting documentation you send us, to process your application. We may check information you have provided, or information about you that someone else has provided with other information held by us. We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate
- prevent or detect crime, and
- protect public funds

These third parties include Government departments, other departments of the Council and other local authorities. We will not give information about you to anyone else unless the law allow us to.

Please submit the completed application to the Licensing Section at the relevant address provided below:

	Congleton (01270) 537112	Crewe & Nantwich (01270) 537114	Macclesfield (01625) 504206
LICENSING AUTHORITY Cheshire East Borough Council	Licensing Section Municipal Buildings Earle Street, Crewe CW1 2BJ	Licensing Section Municipal Buildings Earle Street, Crewe CW1 2BJ	Licensing Section Macclesfield Town Hall Market Place, Macclesfield, Cheshire SK10 1DX



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982**

**Notice of Application for the [Grant] [Renewal] [Variation]
[Transfer] of a Sexual Entertainment Venue Licence**

NOTICE IS HEREBY GIVEN that on

I/we

of

.....

made application to Cheshire East Borough Council for the [grant] [renewal]
[variation] [transfer] of a Licence to use the premises named below as a
Sexual Entertainment Venue.

Address of Premises:.....

.....

[The applicant seeks to use the Premises for the following form(s) of 'relevant
entertainment']⁴

[The applicant seeks to vary the licence as follows
.....]

Any objections to this application should be made not later than 28 days after
..... being the date of the application. Objections must be made
in writing, stating in general terms the grounds of objection, to The Licensing
Section, Cheshire East Borough Council [Town Hall, Market Place,
Macclesfield SK10 1DX] [Municipal Buildings, Earle Street, Crewe, CW1 2BJ].

Signed:

⁴ Insert form of relevant entertainment to be provided and the level of nudity involved

SEXUAL ENTERTAINMENT VENUES**Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)****CONDITIONS**

These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act')

Definitions	<p>1. In these conditions, unless the context otherwise requires:</p> <p>'Council' means Cheshire East Borough Council</p> <p>'Employee' means all persons working on the premises including not only those directly employed by the management of the Premises but the self-employed, contractors or their staff promoting or providing any service or Relevant Entertainment; and the term 'employed' shall be read in the same context.</p> <p>'Licence Holder' means the holder of a Sexual Entertainment Venue Licence</p> <p>'Premises' means any premises within the Council's area licensed as a Sexual Entertainment Venue</p> <p>'Relevant Entertainment' shall have the meaning given within paragraph 2A of Schedule 3 of the 1982 Act.</p> <p>'Sexual Entertainment Venue' has the meaning set out within Schedule 3 of the 1982 Act.</p> <p>For the purposes of these conditions:</p> <p>(a) Words importing the singular meaning where the context so admits include the plural meaning and vice versa; and</p> <p>(b) Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed</p>
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	interchangeable in that manner.
Display of Licence	2. The Licence or a clear copy and any special conditions attached thereto shall be prominently displayed at the Premises at all times so as to be readily and easily seen by all persons using the Premises. The licence shall be adequately protected against theft, vandalism or defacement.
Hours of opening	3. The Premises shall not be open for any purpose of the Licence except during the following hours: [insert hours granted]
Responsibility of Licence Holder	<p>4. The Licence Holder shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.</p> <p>5. The Licence Holder shall in particular ensure that none of the following shall take place:</p> <ul style="list-style-type: none"> • Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971; • Indecent behaviour, including sexual intercourse; • The offer of any sexual or other indecent service for reward; • Acts of violence against person or property and/or the attempt of threat of such acts. <p>6. The Licence Holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been specified in the Licence.</p> <p>7. The Licence Holder will maintain a register which shall be kept on the Premises to clearly record the identity of persons nominated in accordance with conditions 30 and 31 hereof on duty during the entertainment, the day and times of the start and finish of the entertainment, and the names, home addresses and national insurance numbers of the performers. The register shall be retained for a period of not less than twelve months after the last entry in the register. The register shall be available at all times for inspection by the Police or an authorised officer of the Council.</p> <p>8. Where the Licence Holder is a body corporate or</p>

	<p>an unincorporated body any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within 14 days of a request in writing from the Council.</p> <p>9. The Licence Holder shall inform the Council within seven days if he is convicted of any offence</p>
Conduct of the premises	<p>10. The Licence Holder or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.</p> <p>11. The Premises shall be used only for the purposes specified in the Licence.</p> <p>12. No person under the age of eighteen years shall be admitted to the Premises or be employed in the business of the Sexual Entertainment Venue.</p> <p>13. Customers who appear to be under the age of 21 must be asked to provide photographic proof of their age. The only means of identification which may be accepted are a photocard driving licence, a passport or a recognised proof of age card which includes the 'PASS' hologram on it.</p> <p>14. The Licence Holder shall ensure that performers and members of the public have separate entrances for entering and exiting from the Premises, performers to use staff entrances.</p> <p>15. There shall be agreed in writing with the Council arrangements for restricted access to the dressing rooms used by the performers and such restricted access shall be maintained at all times until all performers using the dressing rooms have vacated the room.</p> <p>16. (a) A management operation manual detailing all aspects of procedure when the Premises is operating</p>

	<p>Relevant Entertainment shall be produced and approved by Cheshire Police. This document shall be on-going and under constant review. The management operation manual should be always available for public inspection and the first version should be publicly available for scrutiny with the first application for a licence and any current version with any subsequent application for grant, renewal, transfer or variation of a licence.</p> <p>(b) The Premises must provide a copy of its club rules to the Council and Cheshire Police. The club rules should be always available for public inspection and the first version should be publicly available for scrutiny with the application for a licence.</p> <p>(c) All Employees shall be made aware of the club rules.</p> <p>(d) All Employees will be required to read a copy of the conditions relating to the operation of Relevant Entertainment and shall sign and date a copy, which shall be retained by the Licence Holder as part of due diligence.</p>
<p>Provision of Relevant Entertainment</p>	<p>17. The performance shall only take place in the designated area of the Premises approved by the Council and in accordance with the staging and seating plan approved by the Council.</p> <p>18. Performers shall only perform on the stage area or to seated customers or in such other areas of the Premises as may be agreed in writing with the Council. No audience participation in a performance shall be permitted. During the performance, performers shall not (a) touch customers, (b) climb onto furniture, or (c) simulate sex acts.</p> <p>19. There shall be no physical contact between the performers and customers before, during or after the performance.</p> <p>20. Notices setting out the restriction contained in Condition 19 shall be displayed in prominent positions within the Premises.</p> <p>21. Performers not currently performing shall not be in any public part of the Premises in a state of undress.</p>

	<p>22. Any person who touches or attempts to touch a performer or directs lewd, vulgar or obscene language or gestures thereto shall be immediately removed from the Premises by the Licence Holder or member of staff acting on his behalf.</p>
Signs, doors and window display	<p>23. A notice shall be displayed in a conspicuous position at each entrance to any part of the Premises where the performance is to take place stating that 'NO PERSON UNDER 18 YEARS WILL BE ADMITTED'. The notice must also include a statement that proof of age may be required.</p> <p>24. The business or trading title of the Premises which must have received the prior written approval of the Council (in accordance with condition 44 hereof) <u>may</u> be displayed in letters no more than 150mm high.</p> <p>25. With the exception of the signs required and permitted by condition 23 and 24 above, the Licence Holder must ensure that no sign, words, poster, photograph, sketch, painting, display or advertisement is displayed outside or in the vicinity of the Premises which indicate or suggest that Relevant Entertainment takes place at the Premises.</p> <p>26. The exterior design of the Premises shall be such that the interior of the Premises is invisible to passers by.</p> <p>27. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.</p> <p>28. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises.</p> <p>29. The windows and openings of the Premises shall be of a material or covered with a material which will render the interior or any items within the Premises invisible to passers-by.</p>
Employment of	<p>30. The Licence Holder, or some responsible person</p>

<p>persons on the Premises</p>	<p>over the age of eighteen nominated by him in writing for the purpose, shall be in charge of and upon the Premises at all times that the Premises is open to the public. Such written nomination shall be continuously be available for inspection at the Premises by a Police Officer of by an authorised officer of the Council.</p> <p>31. In addition to the Licence Holder or nominated person, there shall be a nominated female present to oversee the activities of female performers and a like nominated male present to oversee the activities of any male performers.</p> <p>32. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises</p> <p>33. A notice showing the name of the person in charge of the Premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers throughout the period during which he is responsible for the conduct of the Premises.</p> <p>34. The Licence Holder shall at all times keep and maintain at the Premises a written record of the names, home addresses, dates of birth and National Insurance number of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him</p> <p>35. Any individual employed on the Premises to conduct a security activity (within the meaning of the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.</p> <p>36. A register of SIA staff working at the premises shall be maintained, kept at the premises and made available for examination upon request to a Police Officer or authorised officer of the Council or the SIA.</p> <p>37. The Licence Holder must ensure that a suitable number of trained staff are employed to supervise</p>
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	<p>the interior of the Premises whilst performances are being given.</p> <p>38. Performers shall be aged not less than 18 years. The Licence Holder must maintain complete records of the names, home addresses, dates of birth and National Insurance number of performers including identity checks which are satisfactory to the Council.</p>
Alterations to the Premises	<p>39. No alterations (including temporary alterations) shall be made to the Premises without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.</p> <p>40. Where alterations necessitate the Premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work</p>
Change of use	<p>41. No change of use of any portion of the Premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).</p>
Variation	<p>42. An application to vary the terms, conditions or restrictions on or subject to which the licence is held must comply with the same application and advertising requirements as applications for the grant of a sexual entertainment venue licence.</p>
CCTV	<p>42. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the Premises are open to the public. Unedited images must be retained for at least 31 days and copies made freely available upon request to the Police or an authorised officer of the Council.</p> <p>43. At all times the Premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and to provide any copies requested</p>

Business title	44. The Licence Holder must obtain the consent of the Council for the business or trading title to be used in relation to the Premises. An application must be made to the Council to change the business or trading title and the Council shall have the discretion to allow or refuse such a change.
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SEXUAL ENTERTAINMENT VENUES
Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

COMMITTEE PROCEDURE

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) the Chairman will consider any request made by a party for another person to appear at the hearing.
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate.
5	Police (if they have made representations)	The Police may ask <u>questions</u> of the applicant, by way of clarification.
6	Objectors	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Police (if they have made representations)	Will make their representations (if any).
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of the Police by way of clarification.
11	Objectors	May ask <u>questions</u> of the Police, by way of clarification.
12	Committee Members	May ask <u>questions</u> of the Police
13	Objectors	The objectors will be invited to speak and to present the basis of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the objectors by way of clarification.

16	Committee Members	May ask <u>questions</u> of the objectors
17	Objectors	May clarify any matters which they feel are unclear or may have been misunderstood..
18	Chairman	To invite both Police and Objectors to make their closing addresses.
19	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the representations made.
20	Committee	<u>Will retire</u> to consider the application.
21	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing.

It is noted that representatives of an objector may include an MP, local Councillor, legal representative or a friend

Title

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APPENDIX 2

From: David Smethurst On **Behalf Of** Crewe Congleton Licensing
Sent: 29 April 2013 12:14
To: LICENSING (Cheshire East)
Subject: Renewal of Sexual Entertainment Venue Licence - Manhattan, 35-37 High Street, Crewe, CW2 6JF ~[NOT PROTECTIVELY MARKED]~

I wish to enter the following representation, on behalf of the Chief Officer of Police, in respect of the application from Sylvan Austin Salmon to renew the Sexual Entertainment Venue Licence at Manhattan, 35-37 High Street, Crewe, CW2 6JF.

The police have been contacted on four occasions in the last twelve months in connection with crime or disorder reported at Manhattan.

1. 01/06/2012 at 23:45 hours a 21 year old male reported being assaulted by two door supervisors at the premises. There was a counter allegation from a door supervisor of racist language from the male being directed towards the door staff. It was alleged by the door staff that the male was drunk and had been refused entry. When police enquiries were completed there was no action taken against anyone.
2. 26/11/2012 at 13:31 hours a report was made that an unattended mobile phone had been stolen the night before from off the bar of Manhattan.
3. 27/01/2013 at 00:27 hours a 29 year old male was reported to be unconscious at Manhattan. It was alleged that as he was in the process of entering the premises someone spat on the floor and as a result the two door supervisors refused him entry and the next thing the male remembered was waking up on the floor. It was alleged by the male's friend that Austin Salmon had punched his friend once to the head knocking him unconscious in an unprovoked attack. There were counter allegations of racist language directed towards the door staff and police officers who attended were unable to establish definitively what had actually happened as the CCTV system was not working. Mainly due to lack of corroborative evidence there was no action taken against any parties. Follow up visits were made to establish that the CCTV system had been repaired and was operational.
4. 28/04/2013 at 01:27 a 21 year old female caused criminal damage to the ladies toilets by smashing windows and damaging a toilet seat.

In addition on Friday 19th April 2013 I attended, by appointment, at Manhattan and saw Sylvan Austin Salmon. As a result of that visit I sent a letter to Sylvan Austin Salmon, a copy of which I attach to this email, which outlined areas of concern relating to CCTV and non compliance with conditions on his Sexual Entertainment Venue Licence. Those areas of non compliance which came to light during my visit were so fundamental to the safe operation of these premises that I do not feel the applicant can be trusted to operate a Sexual Entertainment Venue in compliance with its licence in the future and the police therefore object to the issue of the licence to the applicant.

Please let me know when and where the hearing to determine these matters will take place and I will amplify my objection at that time.

Kind regards

David Smethurst MLOL
Police Licensing Officer
Sandbach Police Office
Middlewich Road
Sandbach

Cheshire
CW11 1HU

APPENDIX 2

Our ref: 07/C3/7541

Your ref:

Date: 22nd April 2013



Austin Salmon
Manhattan
35-37 High Street
Crewe
CW2 6JF

In reply address correspondence to:
David Smethurst - Licensing Officer

Telephone: 01606 363580

Mobile: 07796 440534

Re: Manhattan

Dear Austin,

Thank you for making time to meet with me at Manhattan on Friday 19th April 2013 in order for me to see your CCTV system and assess its compliance with your Sexual Entertainment Venue Licence. In essence I do not consider that a system with only eight cameras, which generate grainy images is 'fit for purpose' in Manhattan with its many different rooms and areas. However whilst your current application for renewal of your Sexual Entertainment Venue Licence still awaits determination I do not intend to press you to invest money into improving your existing CCTV system. However please take note that if your licence is renewed I will soon after revisit and expect to see you co-operate with substantial improvements to the CCTV.

I would also like to make mention of certain other matters which arose during my visit and our consequential conversations. There are of course a significant number of conditions on your Sexual Entertainment Venue Licence, but because the purpose of my visit was primarily to examine your CCTV I was not equipped at that time to examine your compliance with all of those conditions. However I did question you about your compliance with some of those which came to my mind and it was concerning to find non compliance with some significant ones.

For example:

- you do not maintain separate entrances for customers and performers to use,
- you do not maintain a satisfactory register of performers with the level of detail required and nor do you check on the age of performers to ensure they are over 18,
- you do not maintain a register of SIA staff working at your premises,
- you do not ensure a nominated female chaperone oversees female performers.

Frankly I suspect that this is the tip of the iceberg and should a more structured examination of your compliance take place I think you may well be found wanting. This situation is almost certainly not helped by the fact that you are rarely present when the premises are open and also by the very difficult financial climate in which you are operating. Probably of most concern with the matters mentioned above is that these conditions should be complied with to ensure the safety of the performers and so that people under 18 do not find themselves trafficked into prostitution or other unsuitable positions for children.

*David Smethurst, Police Licensing Officer, Sandbach Police Office,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.*

Tel: (01606) 363580, Fax: (01606) 363571

Please note that I have made my concerns known to the Licensing Authority and these matters are almost certainly to be referred to at any hearing which takes place into your current renewal application.

Yours sincerely,

David Smethurst
Licensing Officer

*David Smethurst, Police Licensing Officer, Sandbach Police Office,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.
Tel: (01606) 363580, Fax: (01606) 363571*



Application Form: Sexual Entertainment Venue Licence
Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

NOTE: If additional information is submitted on separate sheets please quote the relevant question number in relation to the additional information provided.

Is the application an application for:		(please tick where appropriate)
<input type="checkbox"/>	(a) grant of a sexual entertainment venue licence	
<input checked="" type="checkbox"/>	(b) renewal	
<input type="checkbox"/>	(c) transfer	
<input type="checkbox"/>	(d) variation	

1 Applicant's details	
1.1	<p>Is the Applicant:</p> <p align="center">A</p> <p>(a) an individual <input checked="" type="checkbox"/> (b) a partnership or other unincorporated body (c) a body corporate</p> <p>[please delete as appropriate]</p>
1.2	<p>Full name of applicant</p> <p align="center">SYLVAN ASTIN SALMON</p>
1.3	<p>Give the following information on behalf of the applicant:</p> <p>(a) Telephone number(s)</p> <p>(b) Address to which communications are to be sent</p> <p>(c) If different from the address in (b) above, the Applicant's permanent address (if an individual) or registered or principal office (if a company etc)</p>
1.4	<p>If the applicant is an individual please supply the following information:</p> <p>(a) Date of Birth</p> <p>(b) Place of Birth</p> <p>(c) Date on which became a UK resident (if</p>

	not born in the UK)	
1.5	<p>If the applicant is a body corporate or an unincorporated body please provide the following information in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership provide details of each partner</p> <p>(a) Full name</p> <p>(b) Address</p> <p>(c) Capacity</p> <p>(d) Date of Birth</p> <p>(e) Place of Birth</p> <p>(f) Date on which became a UK resident (if not born in the UK)</p>	[Please continue on a separate sheet if required]
1.6	<p>Where the applicant is a company please answer the following questions.</p> <p>(a) Is the applicant a wholly or partly owned subsidiary of another company?</p> <p>If the answer to (a) is yes please provide details of the parent company or holding company.</p> <p>(b) What type of company is the applicant?</p> <p>(c) In what country is the company incorporated?</p> <p>(d) What is the date of incorporation of the company?</p> <p>(e) Is the applicant or any person whose name is given in response to question 1.5 concerned in any way with other businesses which controls or manages sex establishments? If yes please provide details.</p>	
1.7	<p>What is the nature of the applicant's interest in the Premises?</p> <p>(B)</p>	<p>(a) Freehold</p> <p>(b) Leasehold</p> <p>[please delete as appropriate]</p>

	If the applicant's interest is leasehold please provide the details of the landlord.	
1.8	Is the whole of the business owned by the applicant? If not, please provide details of the individual/company which owns the remainder of the business	
2	Premises Details	
2.1	Address of Premises	
2.2	Telephone number of Premises	
2.3	Are the whole of the Premises to be used under the Licence? If no, please describe (by reference to a plan if necessary): (a) which part of the Premises are to be used for the purposes of the Licence; (b) the use to which the remainder of the Premises are put; (c) the names of those who are responsible for the management of the remainder of the Premises.	YES
2.4	Are the Premises constructed or adapted so as to permit access to and from the Premises for members of the public who are disabled? If the answer is no, please provide information in relation to the applicant's proposals for affording such access.	[please continue on a separate sheet if required] YES

2	Premises Details	
2.5	<p>Are the Premises in use as a Sexual Entertainment Venue at the date of this application?</p> <p>If the answer is yes, please give the name and address of the persons or body who now operate the business and (if known) the date upon which the Premises were first used for these purposes.</p>	<p>YES.</p> <p>MR SYLVAN AUSTIN SALMON</p> <p>SEPTEMBER 2006.</p>

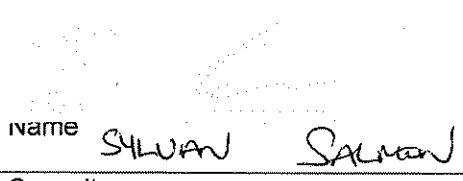
3	Details of the Business	
3.1	Under what business or trading name will be the business be known?	MANHATTAN
3.2	Please provide details of the times (days and hours) during which the Premises is proposed to be open to the public.	<p>SEVEN (7) DAYS A WEEK.</p> <p>19.00 to 05.30.</p>
3.3	Please provide details of the form of 'Relevant Entertainment' to be provided at the premises and the level of nudity proposed.	<p>HARD DANCING - POLE DANCING</p> <p>STRIP SHOWS - FULL NUDITY.</p>

4	Persons responsible for management	
4.1	<p>Please provide the following information in relation to each individual who is to be responsible for the management of the Premises in the absence of the Licence Holder:</p> <p>(a) Full name</p> <p>(b) Address</p> <p>(c) Capacity</p> <p>(d) Date of Birth</p> <p>(e) Place of Birth</p> <p>(f) Date on which became a UK resident (if not born in the UK)</p>	<p>[please continue on a separate sheet if required]</p> <p>RUSSELL BARKER (MR)</p>
7	Previous refusals and convictions	
7.1	<p>Have the Applicant ever been refused or had a Sexual Entertainment Licence revoked by any licensing authority?</p> <p>If yes, please provide full details (please continue on a separate page if necessary)</p>	
7.2	<p>Does the Applicant or any individual named in response to questions 1.5 or 4.1 have previous convictions or cautions?</p> <p>If the answer is yes, please provide of a separate sheet the following information in relation to each individual who has a previous conviction or caution:</p> <p>(a) Name</p> <p>(b) Date of conviction</p> <p>(c) Convicting court</p> <p>(d) Nature of conviction</p> <p>(e) Sentence</p>	

7	Previous refusals and convictions	
7.3	Have you any reason to believe that a prosecution may be pending against the Applicant or any of the individuals named in response to questions 1.5 or 4.1? If yes please provide details	Yes / No
7.4	Is there in force against the applicant or any of the persons named in response to question 1.5 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982?	Yes / No

8	Additional details	
8.1	Please provide any additional information which the applicant would wish the Council to take into account when considering this application.	[please continue on a separate page if necessary] Renewal for Licence - I have had no problems with police or public for the last byrs.

APPLICANTS ARE REMINDED THAT ANY PERSON WHO, IN CONNECTION WITH THE APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A SEXUAL ENTERTAINMENT VENUE LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000)

Declaration		
I hereby declare that the above information is true to the best of my knowledge and belief.		
		
Name	Sylvan Salmon	
Capacity	owner / manager.	
Date	25.03.13.	

We will use the information you give in this form and in any supporting documentation you send us, to process your application. We may check information you have provided, or information about you that someone else has provided with other information held by us. We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate
- prevent or detect crime, and
- protect public funds

These third parties include Government departments, other departments of the Council and other local authorities. We will not give information about you to anyone else unless the law allow us to.

Please submit the completed application to the Licensing Section at the address provided below:

Licensing Section
Cheshire East Council
Westfields
Middlewich Road
Sandbach
CW11 1HZ

Tel: 0300 123 5015

licensing@cheshireeast.gov.uk

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982**

**Notice of Application for the Renewal of a Sexual
Entertainment Venue Licence**

NOTICE IS HEREBY GIVEN that on 03 April 2013

I, Sylvan Austin Salmon of 35-37 High Street, Crewe, Cheshire, CW2 6JF made application to Cheshire East Borough Council for the renewal of a Licence to use the premises named below as a Sexual Entertainment Venue.

Address of Premises:

Manhattan, 35-37 High Street, Crewe, Cheshire, CW2 7BL.

The applicant seeks to use the Premises for the following forms of relevant entertainment: Lap dancing, Pole dancing and Strip shows - full nudity.

Any objections to this application should be made not later than 28 days after 03 April 2013 being the date of the application. Objections must be made in writing, stating in general terms the grounds of objection, to The Licensing Section, Cheshire East Borough Council, Macclesfield Town Hall, Market Place Macclesfield, Cheshire. SK10 1DA



No: SEV2

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
Section 2 and Schedule 3

SEXUAL ENTERTAINMENT VENUE LICENCE

The **Cheshire East Borough Council**, being the Licensing Authority under Section 2 of the above Act,

HEREBY GRANT A SEXUAL ENTERTAINMENT VENUE LICENCE to

Sylvan Austin Salmon of

to use the premises known as **Manhattan** located at **35-37 High Street, Crewe, Cheshire, CW2 7BL** (as shown on the plans attached at Schedule 1 to this Licence)('the Premises')

for the purposes of a Sexual Entertainment Venue as defined in Schedule 3 to the above Act.

THIS LICENCE authorises the provision of the following forms of 'relevant entertainment' within the Premises: lap dancing; pole dancing and strip shows (with full nudity) during the hours set out below:

Monday to Sunday 19:00 to 05:30

THIS LICENCE shall continue in force from the date hereof **until 3rd April 2013** unless previously revoked.

THIS LICENCE is subject to the standard terms, conditions and restrictions set out within Schedule 2 to this Licence and to the additional condition set out in Schedule 3 to this Licence.

GRANTED to take effect on **4th April 2012**

Signed
On behalf of Cheshire East Borough Council

Schedule 1 - Plan

Schedule 2 - Standard Conditions

These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act')

Definitions	<p>1. In these conditions, unless the context otherwise requires:</p> <p>'Council' means Cheshire East Borough Council.</p> <p>'Employee' means all persons working on the premises including not only those directly employed by the management of the Premises but the self-employed, contractors or their staff promoting or providing any service or Relevant Entertainment; and the term 'employed' shall be read in the same context.</p> <p>'Licence Holder' means the holder of a Sexual Entertainment Venue Licence.</p> <p>'Premises' means any premises within the Council's area licensed as a Sexual Entertainment Venue.</p> <p>'Relevant Entertainment' shall have the meaning given within paragraph 2A of Schedule 3 of the 1982 Act.</p> <p>'Sexual Entertainment Venue' has the meaning set out within Schedule 3 of the 1982 Act.</p> <p>For the purposes of these conditions:</p> <p>(a) Words importing the singular meaning where the context so admits include the plural meaning and vice versa; and</p> <p>(b) Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.</p>
Display of Licence	<p>2. The Licence or a clear copy and any special conditions attached thereto shall be prominently displayed at the Premises at all times so as to be readily and easily seen by all persons using the Premises. The licence shall be adequately protected against theft, vandalism or defacement.</p>
Hours of opening	<p>3. The Premises shall not be open for any purpose of the Licence except during the following hours:</p> <p>Monday to Sunday: 19:00 to 05:30</p>

Responsibility of Licence Holder	<p>4. The Licence Holder shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.</p> <p>5. The Licence Holder shall in particular ensure that none of the following shall take place:</p> <ul style="list-style-type: none"> • Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971; • Indecent behaviour, including sexual intercourse; • The offer of any sexual or other indecent service for reward; • Acts of violence against person or property and/or the attempt of threat of such acts. <p>6. The Licence Holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been specified in the Licence.</p> <p>7. The Licence Holder will maintain a register which shall be kept on the Premises to clearly record the identity of persons nominated in accordance with conditions 30 and 31 hereof on duty during the entertainment, the day and times of the start and finish of the entertainment, and the names, home addresses and national insurance numbers of the performers. The register shall be retained for a period of not less than twelve months after the last entry in the register. The register shall be available at all times for inspection by the Police or an authorised officer of the Council.</p> <p>8. Where the Licence Holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within 14 days of a request in writing from the Council.</p> <p>9. The Licence Holder shall inform the Council within seven days if he is convicted of any offence</p>
Conduct of the premises	<p>10. The Licence Holder or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.</p> <p>11. The Premises shall be used only for the purposes specified in the Licence.</p>

	<p>12. No person under the age of eighteen years shall be admitted to the Premises or be employed in the business of the Sexual Entertainment Venue.</p> <p>13. Customers who appear to be under the age of 21 must be asked to provide photographic proof of their age. The only means of identification which may be accepted are a photocard driving licence, a passport or a recognised proof of age card which includes the 'PASS' hologram on it.</p> <p>14. The Licence Holder shall ensure that performers and members of the public have separate entrances for entering and exiting from the Premises, performers to use staff entrances.</p> <p>15. There shall be agreed in writing with the Council arrangements for restricted access to the dressing rooms used by the performers and such restricted access shall be maintained at all times until all performers using the dressing rooms have vacated the room.</p> <p>16.</p> <p>(a) A management operation manual detailing all aspects of procedure when the Premises is operating Relevant Entertainment shall be produced and approved by Cheshire Police. This document shall be on-going and under constant review. The management operation manual should be always available for public inspection and the first version should be publicly available for scrutiny with the first application for a licence and any current version with any subsequent application for grant, renewal, transfer or variation of a licence.</p> <p>(b) The Premises must provide a copy of its club rules to the Council and Cheshire Police. The club rules should be always available for public inspection and the first version should be publicly available for scrutiny with the application for a licence.</p> <p>(c) All Employees shall be made aware of the club rules.</p> <p>(d) All Employees will be required to read a copy of the conditions relating to the operation of Relevant Entertainment and shall sign and date a copy, which shall be retained by the Licence Holder as part of due diligence.</p>
Provision of Relevant Entertainment	<p>17. The performance shall only take place in the designated area of the Premises approved by the Council and in accordance with the staging and seating plan approved by the Council.</p> <p>18. Performers shall only perform on the stage area or to seated customers or in such other areas of the Premises as may be agreed in writing with the Council. No audience participation in a performance shall be permitted. During the performance, performers shall not (a) touch customers, (b) climb onto furniture, or (c) simulate sex acts.</p>

	<p>19. There shall be no physical contact between the performers and customers before, during or after the performance.</p> <p>20. Notices setting out the restriction contained in Condition 19 shall be displayed in prominent positions within the Premises.</p> <p>21. Performers not currently performing shall not be in any public part of the Premises in a state of undress.</p> <p>22. Any person who touches or attempts to touch a performer or directs lewd, vulgar or obscene language or gestures thereto shall be immediately removed from the Premises by the Licence Holder or member of staff acting on his behalf.</p>
<p>Signs, doors and window display</p>	<p>23. A notice shall be displayed in a conspicuous position at each entrance to any part of the Premises where the performance is to take place stating that 'NO PERSON UNDER 18 YEARS WILL BE ADMITTED'. The notice must also include a statement that proof of age may be required.</p> <p>24. The business or trading title of the Premises which must have received the prior written approval of the Council (in accordance with condition 44 hereof) <u>may</u> be displayed in letters no more than 150mm high.</p> <p>25. With the exception of the signs required and permitted by condition 23 and 24 above, the Licence Holder must ensure that no sign, words, poster, photograph, sketch, painting, display or advertisement is displayed outside or in the vicinity of the Premises which indicate or suggest that Relevant Entertainment takes place at the Premises.</p> <p>26. The exterior design of the Premises shall be such that the interior of the Premises is invisible to passers by.</p> <p>27. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.</p> <p>28. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises.</p> <p>29. The windows and openings of the Premises shall be of a material or covered with a material which will render the interior or any items within the Premises invisible to passers-by.</p>

<p>Employment of persons on the premises</p>	<p>30. The Licence Holder, or some responsible person over the age of eighteen nominated by him in writing for the purpose, shall be in charge of and upon the Premises at all times that the Premises is open to the public. Such written nomination shall be continuously be available for inspection at the Premises by a Police Officer or by an authorised officer of the Council.</p> <p>31. In addition to the Licence Holder or nominated person, there shall be a nominated female present to oversee the activities of female performers and a like nominated male present to oversee the activities of any male performers.</p> <p>32. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.</p> <p>33. A notice showing the name of the person in charge of the Premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers throughout the period during which he is responsible for the conduct of the Premises.</p> <p>34. The Licence Holder shall at all times keep and maintain at the Premises a written record of the names, home addresses, dates of birth and National Insurance number of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him</p> <p>35. Any individual employed on the Premises to conduct a security activity (within the meaning of the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.</p> <p>36. A register of SIA staff working at the premises shall be maintained, kept at the premises and made available for examination upon request to a Police Officer or authorised officer of the Council or the SIA.</p> <p>37. The Licence Holder must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises whilst performances are being given.</p> <p>38. Performers shall be aged not less than 18 years. The Licence Holder must maintain complete records of the names, home addresses, dates of birth and National Insurance number of performers including identity checks which are satisfactory to the Council.</p>
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Alterations to the Premises	<p>39. No alterations (including temporary alterations) shall be made to the Premises without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.</p> <p>40. Where alterations necessitate the Premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work</p>
Change of use	<p>41. No change of use of any portion of the Premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).</p>
Variation	<p>42. An application to vary the terms, conditions or restrictions on or subject to which the licence is held must comply with the same application and advertising requirements as applications for the grant of a sexual entertainment venue licence.</p>
CCTV	<p>42. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the Premises are open to the public. Unedited images must be retained for at least 31 days and copies made freely available upon request to the Police or an authorised officer of the Council.</p> <p>43. At all times the Premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and to provide any copies requested.</p>
Business title	<p>44. The Licence Holder must obtain the consent of the Council for the business or trading title to be used in relation to the Premises. An application must be made to the Council to change the business or trading title and the Council shall have the discretion to allow or refuse such a change.</p>

Schedule 3 - Additional Condition

The location of the CCTV cameras within the premises must be approved by the Licensing Authority.

APPENDIX 5

PREMISES LICENCE

Crewe and Nantwich Borough Council

Premises licence number	292
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Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Manhattan
33-35 High Street**

Post town	Crewe	Post code	CW2 7BL
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Telephone number	01270 589945
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

**Supply of alcohol
Provision of regulated entertainment
Late night refreshment**

The times the licence authorises the carrying out of licensable activities

Monday	to	Please see attached schedule
Tuesday	to	
Wednesday	to	
Thursday	to	
Friday	to	
Saturday	to	
Sunday	to	

The opening hours of the premises

Monday	19:00	to	05:30
Tuesday	19:00	to	05:30
Wednesday	19:00	to	05:30
Thursday	19:00	to	05:30
Friday	19:00	to	05:30
Saturday	19:00	to	05:30
Sunday	19:00	to	05:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of the holder of the premises licence

Sylvan Austin Salmon

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: Not stated On Application Form

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Sylvan Austin Salmon

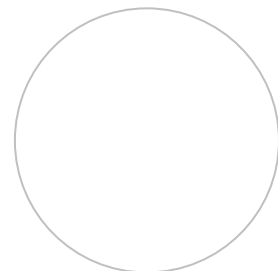
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal licence number
Issued by**

Issued by:

Executive Director
Environment and Development
Crewe and Nantwich Borough Council
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

.....
6th July 2007



Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the Premises licence:
 - At a time when there is no Designated Premises Supervisor in respect of the Premises licence, or
 - At a time when the Designated Premises Supervisor does not hold a Personal licence, or his/her Personal licence is suspended.
2. Every supply of alcohol under the Premises licence must be made or authorised by a person who holds a Personal licence.

Annex 2 - Conditions consistent with Operating Schedule

The times the licence authorises the carrying out of the licensable activities:

FILMS, LIVE MUSIC (AMPLIFIED AND UNAMPLIFIED) RECORDED MUSIC, PERFORMANCES OF DANCE, PROVISION OF FACILITIES FOR DANCING AND ENTERTAINMENT OF A SIMILAR NATURE

Monday	19:00	to	04:30
Tuesday	19:00	to	04:30
Wednesday	19:00	to	04:30
Thursday	19:00	to	04:30
Friday	19:00	to	04:30
Saturday	19:00	to	04:30
Sunday	19:00	to	04:30

SUPPLY OF ALCOHOL 19:00 – 04:30 (MON – SUN))

LATE NIGHT REFRESHMENT

MON / TUES / WED/ SUN 23:00- 01:30

THURS / FRI / SAT 23:00 – 02:30

The opening hours and licensable activities are extended to 4:30 for Christmas day, Boxing Day and New Years Eve, and to 03:00 on each Sunday pre-ceeding a Bank Holiday Monday.

The supply of alcohol is extended to 04:00 for Christmas Day, Boxing Day and New Years Eve and to 2:30 for each Sunday immediately pre-ceeding a Bank Holiday Monday.

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the building.
2. Refuse such as bottles shall be disposed of from the premises at a time (i.e between 8:00am to 8:00pm) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 3 At all times the premises are open to the public there shall be on duty an adequate number of door supervisors who are registered with the Security Industry authority (SIA) , the actual number decided by a written risk assessment which must be retained. Their details shall be recorded in a register which is retained for a minimum of 12 months and made available for inspection by an employee of the following organisations:- Police authority, Licensing Authority or SIA.
4. A tamper proof CCTV system shall be installed at the premises and be used to continuously record all areas inside and outside the premises.

- 5 Images from the CCTV system shall be retained for a minimum of 31 days and copies made freely available on request to an employee of the following organisations:-Police Authority, Licensing Authority, Fire Authority, SIA.
6. CCTV equipment must be maintained in good working order in accordance with the manufacturers instructions.
7. The Premises Licence Holder and/or the Designated Premises Supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of the Pubwatch scheme for the area within which the premises is located.
8. The proof of age scheme “ Challenge 21” will be operated for all sales of alcohol.
9. There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- 10 No licensable activities shall be visible from outside the premises.
- 11 All external doors and windows shall be kept closed, except in so far as is necessary to allow people access or egress in the event of an emergency.
- 12 Notices shall be displayed at appropriate positions advising patrons not to open windows or doors except in an emergency.
- 13 All fire doors shall be fitted with an alarm to ensure they are kept closed other than during an emergency.

SPECIAL CONDITIONS FOR LAP DANCING, STRIPTEASE AND RELATED ENTERTAINMENTS.

- 14 Only entertainment, which has been specifically agreed in writing between the Premises Licence Holder and the Licensing Authority, shall take place.
- 15 There shall be no private performances of entertainment of an adult nature.
- 16 There shall be no performances of entertainment of an adult nature in any area other than agreed with the Licensing Authority.
- 17 . No person under 18 years of age shall be allowed to enter or remain on the premises at any time.
18. A notice stating “ no persons under 18 will be admitted” shall be displayed prominently at the entrance to the premises.

19. Dressing rooms with adequate changing and washing facilities shall be provided .
The Premises Licence Holder/Designated Premises Supervisor shall ensure that these area are not accessible by the Public at any time.
20. The Premises Licence holder/ Designated Premises Supervisor shall take all reasonable precautions and exercise due diligence to ensure the safety of the performers whilst on the premises and when leaving.
21. Adult themed entertainment shall only be given by the performers and no audience participation shall be permitted. In particular the performers **shall not:-**
 - i Touch customers or be touched by customers in any way.
 - ii Approach closer than 30 cms (12 inches)
 - iii Perform with another dancer; or
 - iv Simulate sex acts

The Premises Licence holder/ Designated Premises Supervisor shall ensure that notices are clearly displayed in prominent positions showing condition (i) of the above.
22. Performers shall not take from or give to members of the public, telephone numbers, addresses or business cards, nor shall they solicit or make arrangements to meet members of the public.
23. Any person who touches or attempts to touch a performer or directs lewd, vulgar or obscene language or gestures therto shall be immediately removed from the premises.
24. The performers shall be fully dressed at all times when not taking part in the entertainment.
25. Any person who can be observed from outside the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entrance way, windows or in the area surrounding the premises.
26. The Premises Licence Holder/ Designated Premises Supervisor must NOT display outside the premises any advertising material, photographs or other images that indicate and suggest that erotic dancing takes place on the premises.
27. The Premises Licence Holder/ Designated Premises Supervisor or Nominated Person agreed in writing with the Local Authority will be on the premises during any performance of an adult nature to ensure that these conditions are adhered to. A nominated female should be present to oversee the activities of the female performers and likewise a nominated male will be present to oversee the activities of any male performers.

28. A register of all performers including their names and addresses shall be maintained on the premises .The performers should sign to say that they have read and understood the conditions. The register shall also record the Premises Licence Holder/ Designated Premises Supervisor or Nominated Person who was on duty during the times that a performance of an adult nature took place. This register should be maintained for a period of 12 months and should be available for inspection by an employee of the following organisations;- Police Authority, Licensing Authority.
29. No use on the premises of cameras or camera phones.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

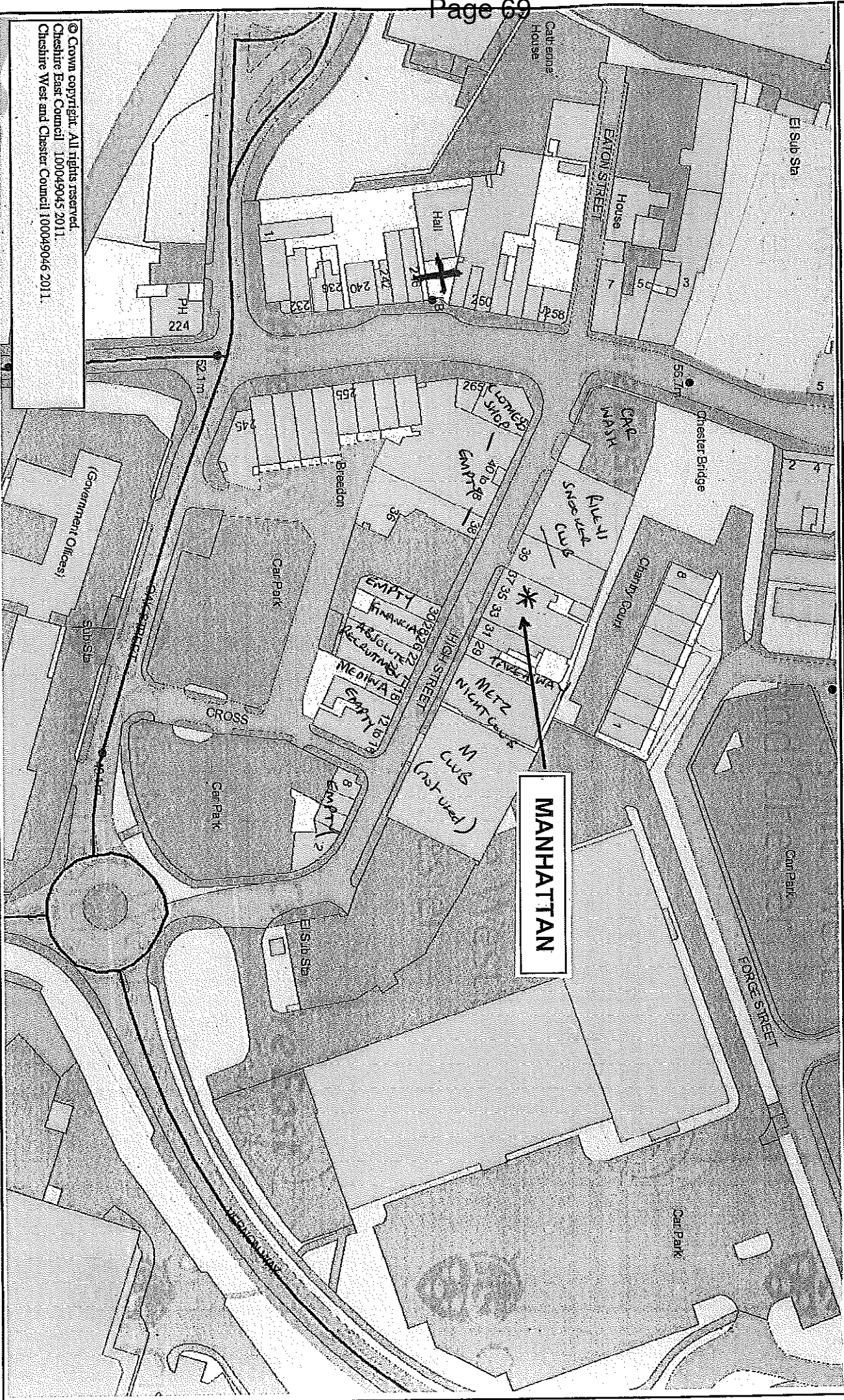
See attached.

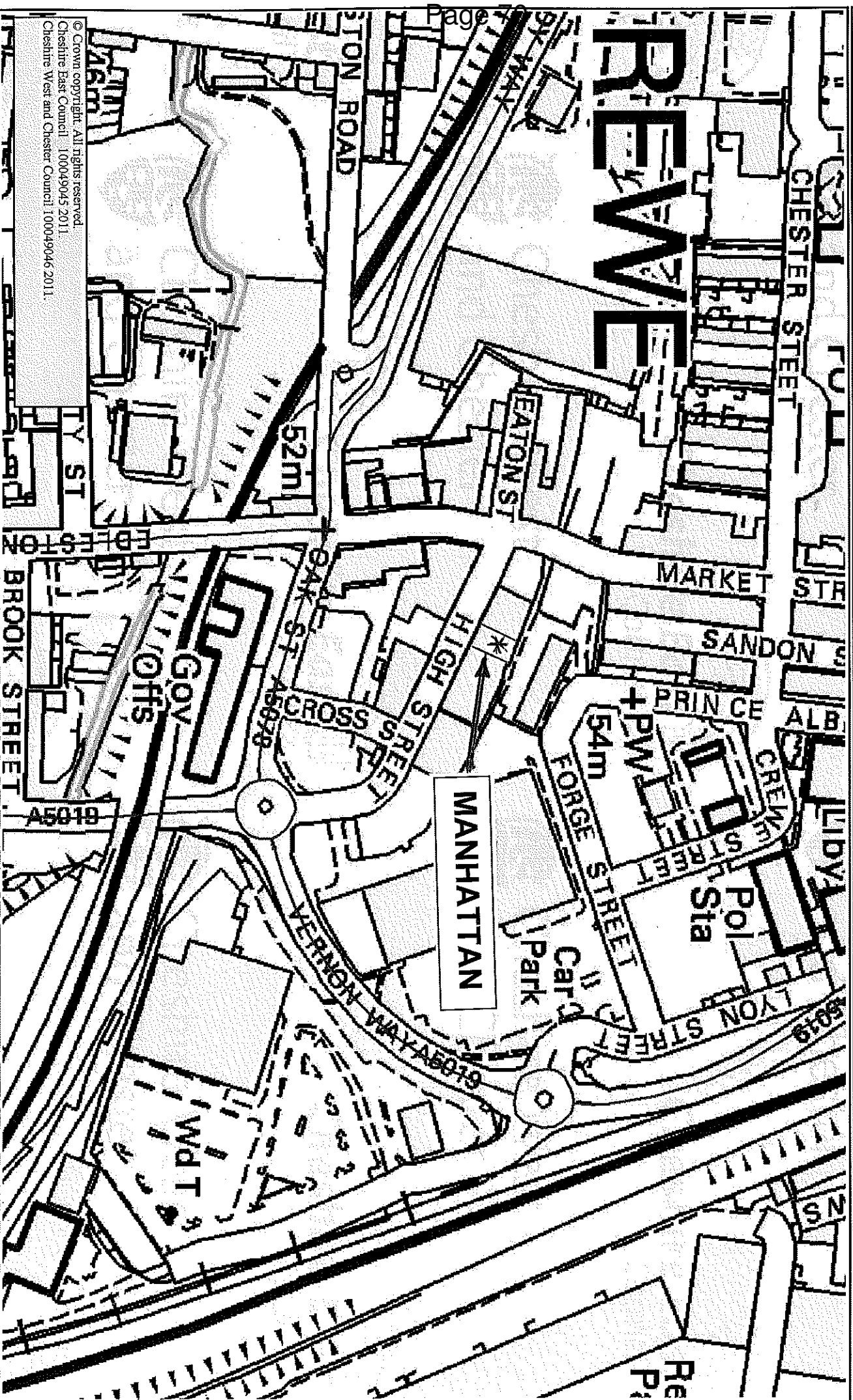
Annex 5 – Existing licence conditions

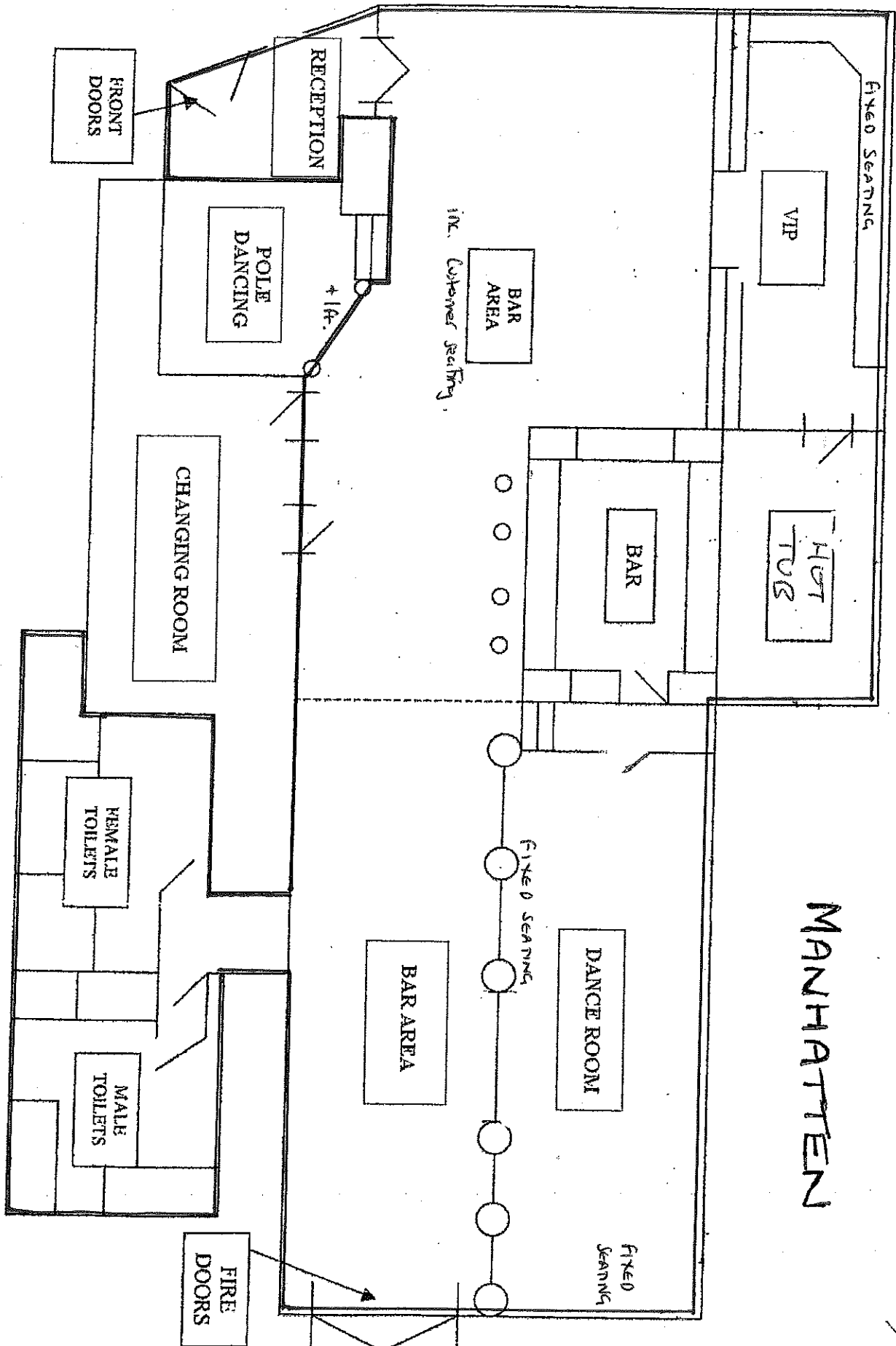
NO	SOURCE	TYPES OF PREMISES	TYPE OF RESTRICTION	WORDING OF CONDITION
	S60, 63, 86, LA1964	Off-licences and off sales departments of on-licensed premises	Permitted hours	<p>Alcohol shall not be sold or supplied except during permitted hours</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> (a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. (b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. (c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. (d) On Good Friday, 8 a.m. to 10.30 p.m. <p>The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
	S164LA 1964	Off-licence	Consumption	Alcohol shall not be sold in an open container or be consumed in the licensed premises

High Street, Crewe

Appendix 6







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