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**Police Representation – Variation of a Sexual Entertainment Venue (SEV) Licence  
Upstairs VIP, Mansion, 53 – 55 Micklegate, York.**

53 – 55 Micklegate, York is a substantially sized Grade II listed building, where the ground floor and basement are currently used as a nightclub and the first floor is used as a Sexual Entertainment Venue.

On the 1 December 2014 North Yorkshire Police received an application to renew the Sexual Entertainment Licence for Upstairs VIP. This was followed by a full variation of the Mansion Nightclub and Upstairs VIP premises on 11 December 2014. On 8 January 2015 North Yorkshire Police became aware that the Licensing Authority had also received an application to vary the Sexual Entertainment Licence however this had not been received by North Yorkshire Police. If granted the variation would allow the premises to:-

- amend the hours for the provision of sexual entertainment such that sexual entertainment would be permitted until 05:00, Monday to Sunday inclusive.
- permit Sexual Entertainment on the ground floor bar area and front room on race days.

North Yorkshire Police do not support this application for the reasons outlined below :-

The City of York Council adopted the Local Government (Miscellaneous provisions) Act 1982 on the 7 October 2010 which affords the council the ability to regulate lap dancing clubs and similar venues under the same regime as sex shops. The standard conditions applicable to licenses issued to sex establishments were agreed by the council and it is these conditions that govern the way the establishment is run. (Doc Ref 1)

North Yorkshire Police cannot see how a number of the standard conditions can be adhered to if the variation were to be granted, namely:-

**Condition 8.7** states, 'CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request.'

During a recent licensing compliance check on the 24 October 2014 it was noted that not all the areas used for the provision of SEV dancing were covered by CCTV.

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This is the only Sex Entertainment Venue within North Yorkshire and the City of York not to have the individual private dance areas (booths) covered by CCTV. The provision of CCTV within every booth is necessary to protect the dancers should customers breach the "customer conduct" rules and to ensure that the no contact rules are enforced. The footage also provides evidential quality material for use by the police during criminal investigations / prosecutions.

Also, at the time of the visit the CCTV was unable to be viewed and it was unknown which cameras, if any, were recording or working as stipulated by condition 8.7 of the standard conditions.

The deficiencies with the CCTV system were brought to the attention of the management and reassurance was given that these shortfalls would be rectified immediately so that the premises was compliant with the conditions on its licence.

If the premises is unable to comply with the standard CCTV conditions within the controlled area where SEV licensable activities take place on a daily basis then how would the premises be able to provide the necessary coverage, as required by the standards conditions, in the temporary setting on race days in the 'front room' of the nightclub. An area not specifically designed for the purpose of providing sexual entertainment. Could the provision of temporary booths within this area comply with the standard conditions?

**Condition 8.10** refers to the door supervisors and states, '*SIA (Security Industry Authority) registered door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room / area in which the performance takes place.*'

The applicant makes no reference to additional door supervisors, and if extra booths and dance areas are to be made available on race days on the ground floor bar and front room area then extra SIA staff would be required in order to comply with the condition.

It is imperative that sufficient Door Supervisors are employed at the premises whenever Sexual Entertainment Venue takes place to ensure that there is clear separation between those using the SEV areas of the premises and the general public using other parts of the establishment. The police believe that it would be difficult to provide the necessary separation when using both the ground and first floor for SEV activities intertwined with nightclub activities all using the same off-street entrance. Compliance with no under 18's SEV clauses may prove problematical under the two floor arrangement.

It is not clear from the application whether SEV dancers from the established first floor parts of the premises would have to walk through public areas of the building (none SEV) to use the proposed ground floor temporary booths or whether additional changing / bathroom facilities would be provided on the ground floor.

At present customers for both SEV and non SEV activities are separated and have their own facilities e.g. toilets. From a policing perspective, mixing both customer types on the same floor using the same facilities could potentially increase the risk to none SEV customers due to the activities one section of the customer base had recently been engaged in.

The premises also seek to vary their operating hours until 5am daily. The attached spreadsheet highlights the calls for police services in the Guildhall Inner, Micklegate Inner and The Groves areas between the hours of 3am to 6am and the nature of those calls. It is worthy of note that between the hours of 3 and 6am there are still a significant number of violent crimes and reports of anti-social behaviour. (**Appendix D**)

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Upstairs VIP is situated within City of York's Cumulative Impact Area. To allow an increase of licensable activities by 2 hours per night, 7 nights a week would add to the existing cumulative impact already being experienced within this area which in turn would have a detrimental impact on the City.

North Yorkshire Police has already made a representation in respect of the renewal of Upstairs VIP's Sexual Entertainment Licence based upon the breaches it has witnessed during recent compliance visits. The police do not support the extra 2 hours being requested, neither do we support the use of the ground floor at the premises for temporary SEV licensable activities on race days.

PC 1770

PC 1770 Deborah Cooper – North Yorkshire Police Licensing Officer  
Force portfolio holder for Sexual Entertainment Venues (SEV's)

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APPENDIX D

Count of Occurrence_Id_Converted	Reported - Reported Month											
	2013						2014					
Occ_Type_Desc	1	2	3	4	5	6	7	8	9	10	11	
ASB Environmental	0	0	1	0	1	0	3	6	1	0	0	
ASB Nuisance	19	22	15	19	24	17	26	27	17	24	0	
ASB Personal	0	0	1	0	0	0	0	1	0	24	0	
Complaints Against Police/Dissatisfaction w	0	0	0	0	0	0	0	0	0	0	0	
Crime Arson	0	0	0	0	0	0	0	0	0	0	0	
Crime Autocrime	1	0	0	0	0	0	0	0	0	0	0	
Crime Burglary Commercial Premises	0	1	1	0	0	0	0	0	0	0	0	
Crime Burglary Dwelling	0	0	0	0	0	1	0	0	0	0	0	
Crime Crime related Incident	4	7	6	2	0	0	1	0	0	0	0	
Crime Criminal Damage	2	4	0	3	0	1	6	2	5	1	3	
Crime Domestic Violence	0	0	0	0	0	3	1	1	0	1	2	
Crime Drugs	2	1	0	0	0	0	0	1	0	0	0	
Crime Other Offences	1	1	0	1	2	0	1	0	1	0	1	
Crime Robbery	1	1	0	0	0	0	0	0	0	0	0	
Crime Sexual Offence	0	0	0	0	0	0	0	0	0	0	0	
Crime Theft General	7	5	0	0	1	2	1	3	2	0	0	
Crime Violence	19	10	11	3	4	2	4	3	3	2	3	
Highway Disruption	1	1	0	5	10	4	12	7	11	8	9	
PSW Abandoned Call	2	0	0	0	0	1	0	0	0	0	0	
PSW Absconder/AWOL/Wanted Persons/P	1	0	0	1	0	2	1	0	3	2	2	
PSW Alarm	3	2	2	0	0	0	0	0	0	2	2	
PSW Civil Dispute	0	1	4	2	3	1	1	2	1	2	0	
PSW Concern for Safety/Collapse/Injury/Illin	12	9	5	7	0	0	1	0	0	0	0	
PSW Domestic Incident	0	2	0	0	11	11	11	12	11	13	18	
PSW Hoax Calls	3	0	0	1	2	1	0	3	1	1	1	
PSW Missing Person	0	0	2	1	0	0	2	1	3	1	5	
PSW Sudden Death	0	0	0	0	0	0	0	0	0	0	0	
PSW Suspicious Circumstances/Insecure P	6	3	0	0	0	0	0	0	0	0	0	
Road Related Offence	3	2	2	1	7	5	8	5	5	8	9	
RTC - Damage Only	0	2	4	2	2	4	1	2	2	5	1	
Grand Total	86	71	55	48	67	57	81	76	68	75	83	

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