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23<sup>rd</sup> December 2015

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

On the 6<sup>th</sup> April 2010, Section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues': A sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions ) Act 1982. This allowed local authorities who adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.

The City of York council adopted the provisions of the legislation and on the 7<sup>th</sup> October 2010 the resolution was approved by full council.

Paragraph 10(18) under Schedule 3 of the act states:

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

On behalf of the Chief Officer of North Yorkshire Police I wish to make the following observations on the renewal of the SEV licence for Upstairs VIP.

In December 2014, when the SEV licence was last renewed, North Yorkshire Police made a representation to the City of York Council after compliance checks uncovered various breaches of the standard conditions which are applicable to licences issued to sex establishments. The city of York council renewed the SEV licence on February 23<sup>rd</sup> 2015 but with more robust and enforceable conditions.

Condition 34 relates to CCTV and specifically states that cameras will cover all areas where dancing takes place, including each dance booth. On Friday 23<sup>rd</sup> October I carried out a routine compliance check at the premises and was pleased to see that new cameras had been installed in all the dance booths, except for the large 'VIP' booth. This is a large room with curtain tracks which can effectively turn the room into 3 separate booths and if it were to be used like this then there would not be coverage of each individual booth. I brought this to the attention of the manager and he assured me that this would not be the case and the room would only be used as 1 booth. There were 2 other CCTV cameras in this room which provided adequate coverage. It is essential that CCTV is in each individual booth to protect the dancers and so that the 'no contact' rule can be enforced.

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On the renewal application the opening hours of the premises are listed as 21:00hrs to 03:00hrs 7 days a week and non-standard timings are shown as 18:00 to 04:30 on race days (York Racecourse).

Condition 42 on the SEV licence was also reworded for clarity and states that 'Adult entertainment shall not take place before 9:00pm, except for York race Days as specified elsewhere in the licence'. It is uncertain why it is acceptable to allow adult entertainment to start from 6pm on race days yet for the other 348 days in 2016 it can begin at 9pm. The location has not changed and at 6pm there will still be visitors, residents and business owners within the town who are not there to partake within the night time economy.

This also contradicts paragraph 8.15 of the City of York Council's standard conditions which still state that adult entertainment shall not take place before 9pm.

These are the observations of North Yorkshire Police and not a representation and are there for the local authority to have regard to whilst determining the application.

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