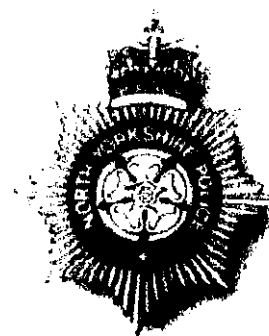
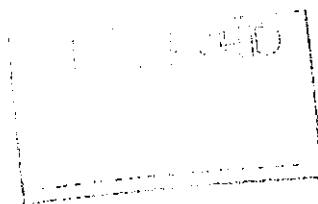


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**Police Representation – Renewal of a Sexual Entertainment Venue (SEV) Licence
Upstairs VIP, Mansion, 53 – 55 Micklegate, York.**

On the 6th 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 7th October 2010 the resolution was approved by full council.

Paragraph 8 of Schedule 3 gives appropriate authorities the power to grant or renew SEV licences and draws no distinction between fresh applications and renewal applications.

Upstairs VIP, is not only applying to renew the Sexual Entertainment Venue licence but is also seeking to increase the hours in which licensable activities can be conducted from 3 am (as on the previous SEV licence) until 5 am on the new application, with no non standard timings applied for.

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

The Home Office Guidance on Sexual Entertainment Venues published in March 2010 states (at para. 3.36) that "the relevant locality" does not have to be a clearly pre-defined area and that local authorities are free to conclude that it simply refers to the area which surrounds the premises.

The property is a Grade II listed building situated on one of the busiest streets within the heart of York .Upstairs VIP (SEV) occupies the first floor of the premises and the ground floor and basement area is used as a nightclub (Mansion) with a potential capacity of up to 500 customers (Capacity under the previous Premises Licence) Within the vicinity are an array of shops and cafes, not to mention the popular tourist attractions which ensure that the city has a successful day time economy. York is also a popular location for customers wanting to enjoy the night time economy due to the high number of licensed premises and restaurants which are situated within close proximity to each other. It is due to this concentration of licensed premises and potentially the detrimental impact that this has on the town that the City of York Council adopted a Cumulative Impact Area which came into effect on the 27th March 2014.

Upstairs VIP is located within the Cumulative Impact Area.

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This area is therefore already a concern to agencies and statutory authorities as this part of York already has the highest levels of alcohol related violent crime and anti social behaviour and if licensed premises are granted even more hours to undertake licensable activities it would not only impact on the police but also on other service providers such as the ambulance service and the councils cleansing services.

The premises are seeking to vary their operating hours until 5am. A spreadsheet is attached which shows the calls and nature of calls requesting police service between the hours of 3am and 6am. The areas where the figures were collated are Guildhall Inner, Micklegate Inner and The Groves. It shows that between the hours of 3 and 6am there is still a significant number of violent crimes and anti social behaviour reported in this area. **(Appendix D)**

To allow licensable activities to be increased by 2 hours 7 nights a week would only add to the Cumulative Impact which is already experienced within this area and in turn would have a detrimental impact on the City.

On Friday 24th October 2014 North Yorkshire Police conducted a joint compliance visit at the premises in conjunction with a member of York City Council's Licensing Enforcement Team where deficiencies were found with the CCTV system. When visiting the private dance area and booths it was noted that not all of these areas were covered by CCTV. The manager, Mr Trolle, was made aware of this and he informed us that improvements were being made and the area would be covered by CCTV. Officers were shown the monitor upon which the CCTV could be viewed throughout the venue only to discover that this was also deficient at that time and any recordings were not accessible on site and would have to be requested from a central office.

Failure to Comply with CCTV Standard Condition 8.7

Standard Condition 8.7 stipulates that, "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 all 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.

Not all the private booths where dancing takes place were covered by CCTV which officers found unusual for this type of establishment.

The provision of CCTV within every booth is required as it provides:-

- i) performers with a degree of protection should customers breach "Customer Conduct" rules (if monitored in real-time by staff as stipulated by a number of Licensing Authorities).
- ii) evidential quality material for use by the police for subsequent criminal investigations / prosecutions
- iii) enables Licensing Authority / Police Licensing staff to ensure that "Conduct on the Premises" Standard Conditions are being adhered to.

It is imperative that licensed Sexual Entertainment Venues adhere to the strict rules (Standard Conditions) which apply to them. North Yorkshire Police was disappointed to discover that the basic condition in relation to the CCTV was not being adhered to at this premises during its compliance inspection on 24th October 2014.

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Sc 1770 2014

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

Scarborough Police Station
Northway
Scarborough
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APPENDIX D

Count of Occurrence_Id_Converted	Reported Month											
	2013		2014									
	12	1	2	3	4	5	6	7	8	9	10	11
ASB Environmental	0	1	2	3	4	5	6	7	8	9	10	11
ASB Nuisance	19	15	22	15	19	24	17	26	27	17	24	24
ASB Personal	0	3	0	1	0	0	0	0	0	0	1	0
Complaints Against Police/Dissatisfaction w	0	0	0	0	0	0	2	0	0	0	0	0
Crime Arson	0	0	0	0	0	0	0	0	0	0	0	0
Crime Autocrime	1	0	0	0	0	0	0	0	0	0	0	2
Crime Burglary Commercial Premises	0	1	1	1	0	0	0	0	0	0	0	0
Crime Burglary Dwelling	0	0	0	0	0	0	0	1	0	0	0	0
Crime Crime related Incident	4	3	7	8	2	9	1	6	2	5	1	3
Crime Criminal Damage	2	3	4	0	3	0	3	1	1	0	1	2
Crime Domestic Violence	0	0	0	0	0	0	0	0	1	0	0	0
Crime Drugs	2	1	1	0	1	2	0	0	1	0	1	0
Crime Other Offences	1	1	1	0	0	0	0	0	0	0	1	0
Crime Robbery	0	0	0	0	0	0	0	1	0	0	0	0
Crime Sexual Offence	0	0	0	0	0	0	2	1	3	2	0	0
Crime Theft General	7	7	5	0	3	4	2	4	3	3	2	2
Crime Violence	19	10	10	11	5	9	4	12	7	11	8	9
Highway Disruption	1	0	1	0	0	0	1	0	0	0	0	0
PSW Abandoned Call	2	6	0	0	1	0	2	0	0	0	2	2
PSW Absconder/AW/OL/Wanted Persons/P	1	0	0	2	0	0	0	0	0	0	0	0
PSW Alarm	3	2	2	4	2	3	4	0	2	1	2	0
PSW Civil Dispute	0	0	0	1	0	0	0	0	0	0	0	0
PSW Concern for Safety/Collapse/Injury/Illn	12	9	9	5	7	11	11	0	12	11	13	16
PSW Domestic Incident	0	2	0	0	1	2	1	0	3	1	1	1
PSW Hoax Calls	3	1	1	2	1	0	0	2	1	3	1	5
PSW Missing Person	0	1	0	0	0	0	0	0	0	0	0	0
PSW Sudden Death	0	0	0	0	0	0	0	0	0	0	1	0
PSW Suspicious Circumstances/Insecure P	6	2	3	2	1	7	5	8	5	5	8	9
Road Related Offence	3	0	2	4	2	2	4	1	2	2	5	1
RTC - Damage Only	0	0	0	0	0	0	0	0	0	2	0	0
Grand Total	86	68	71	55	48	67	57	81	76	68	75	83

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