

## PLYMOUTH CITY COUNCIL

**Subject:** Angels Gentleman's Club, 38-40 Union Street,  
Plymouth.  
Renewal and Variation of Sexual Entertainment Venue  
Licence.

**Committee:** Licensing Sub Committee

**Date:** 04 February 2014

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Anthony Payne (Strategic Director for Place)

**Author:** Marie Price (Licensing Officer)

**Contact:** 01752 307981  
email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/SEV-

**Key Decision:** No

**Part:** I

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### **Purpose of the Report:**

An application has been received from Paul Wilson Drinkwater in respect of the premises known as Angels Gentleman's Club, 38-40 Union Street, Plymouth for the renewal and variation of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

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### **The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:**

This report links to the delivery of the City and Council objectives and outcomes within the plan

In particular:

**Growing:** The Sex Establishments Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

**Reduce Inequalities:** The Sex Establishments Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, wellbeing and local amenity on the local community.

**Value to Communities:** The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [http://www.plymouth.gov.uk/corporate\\_plan.pdf](http://www.plymouth.gov.uk/corporate_plan.pdf)

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable

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**Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The Policy has a key role in protecting workers in sex establishments and reducing the risk of sexual offences linked to the operation of sex establishments.

An Equalities Impact Assessment has been completed with no significant findings

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**Recommendations & Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

Application.

Policing and Crime Act 2009

[Council's Sex Establishment Licensing Policy.](#)

[Home Office Sexual Entertainment Guidance for England and Wales](#)

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**Sign off:**

Fin		Leg	19133/a g/17.12. 13	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? No											

## **1.0 INTRODUCTION**

- 1.1 On the 23<sup>rd</sup> October 2013, the licensing department received an application from Paul Wilson Drinkwater for the renewal and variation of existing conditions of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009 in respect of the premises known as Angels Gentleman's Club situated at 38-40 Union Street, Plymouth.
- 1.2 The Policing and Crime Act 2009 amended the 1982 Act in so far as it related to the licensing of sex establishments by adding the new category of 'sexual entertainment venue'.
- 1.3 A Sexual Entertainment Venue means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer. Relevant entertainment means any live performance or any live display of nudity which is of such 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 the audience (whether by verbal or other means).
- 1.4 Home Office Guidance (2010) lists relevant entertainment as considered to be;
  1. lap dancing
  2. pole dancing
  3. table dancing
  4. strip shows
  5. peep shows
  6. live sex shows
- 1.5 Full Council resolved to adopt Schedule 3 of the Act on the 30 January 2012, to be effective from the 5 March 2012. The Council also resolved to adopt a Sex Establishment Licensing Policy (the Policy) which provides the framework within which all applications and other decision-making will be considered.

## **2.0 THE APPLICATION**

- 2.1 The application is to renew the Sexual Entertainment Venue Licence granted on the 13<sup>th</sup> November 2012, to vary the times of opening and to vary condition 4.12. from that licence.
- 2.2 The application was advertised in the Herald on 14 November 2013 as required by the Act, but was more than seven days after the application was submitted as required in Appendix 2 of the Sex Establishment Licensing Policy. The period for representations was amended to commence on this date.
- 2.3 The hours applied for are subject to the variation application

### Existing hours

Monday and Tuesday	- 9.00pm to 11.00pm
Wednesday to Saturday	- 9.00pm to 04.00am
Sunday	- 9.00pm - 11.00pm

Varied hours requested

Monday to Saturday – 9.00pm to 04.00am

Sunday - 9.00pm to 11.00pm

- 2.4 The application is also to vary licence condition 4.12 to remove ‘*will remain a distance of 1 metre from the audience at all times*’ and replace with:

“ a strict no touching rule will apply and the manager will ensure that this rule is strictly observed.”

- 2.5 The following documents which formed part of the application are attached to this report as they are considered relevant to this application. (Appendix A)

Site Plan

Exterior drawings including signage

Scaled Floor Plan

Operating & Safety Procedures including Rules for Members & Entertainers

Entertainers Welfare Procedures – Policy Statement

- 2.6 The existing conditions of licence are attached to this report. (Appendix B)

- 2.6 The premises is located in Union St an area governed by a quantity limit statement as defined in the policy which is a factor that should be considered when determining this application. The Policy states:

‘The Act allows the Council to determine a number of sex establishments in a specific locality. This can include determining that the appropriate number is **nil**. The Council considers that there is an over-riding public interest to justify quantity limits for the areas known as Union St and the City Centre to avoid an excessive build up of sex establishments, thereby undermining the character and nature of the designated areas.

Whilst applications will be determined based on their individual merits there will be a presumption against granting additional licenses in areas where the number considered appropriate for that locality have already been granted.

The Council will not take account of commercial need. This is a matter for market forces and may be a relevant consideration for planning applications. The existence or absence of suitable planning approval is not a relevant consideration for the Council, but is a matter for the applicant.

For each of the following areas the number of sex establishments considered as appropriate is;

Location	No of Sex Shops/Cinemas	No of Sexual Entertainment Venues
Union Street	1	2
City Centre	1	Nil

For all other localities the appropriate number will be **nil**.

Two Sexual Entertainment Licence applications were granted in 2012 in accordance with the transitional provisions, one of which has been renewed this year as no objections were received for that application.

- 2.7 Mr Drinkwater holds a premises licence under the provisions of the Licensing Act 2003 for these premises which allows the sale of alcohol and regulated entertainment. The application under consideration is separate to these provisions.
- 2.8 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention of Human Rights.

Existing businesses have limited rights to continue trading even though it may not completely accord with the new policy aspirations and expectations.

Members should be aware that these premises are not an existing business that pre-dates the adoption of Schedule 3 of the Act.

### **3.0 REPRESENTATIONS**

- 3.1 Devon and Cornwall Police have made representations and objected to the change to condition 4.12. (Appendix C)
- 3.2 Devon and Cornwall Police have made further representations and objected to the renewal/grant of the licence. (Appendix D)
- 3.2 Representations have also been made by the Ward Councillor objecting to the variation. (Appendix E)

### **4.0 CONSIDERATIONS**

- 4.1 The Committee must have regard to the Council's Sex Establishments Licensing Policy in its decision-making. In particular the following licensing objectives will be taken into account when determining an application and any conditions attached will be necessary and designed to achieve these licensing objectives
  - Prevention of crime and disorder
  - Protection of safety, health and public decency
  - Prevention of nuisance
  - Protection from children from harm
  - Protecting the nature, amenity and character of a neighbourhood
- 4.2 Members should be aware that Licensing Committee resolved to adopt a pool of licensing conditions that provides applicants, responsible authorities and Members with a resource from which conditions can be attached to a licence granted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This pool of conditions is not exhaustive and may be altered,

amended or varied depending on the individual circumstances of each particular application.

- 4.3 Based on the information supplied by the applicant and the Police and the guidance set out in the Council's Policy, officers have prepared a draft set of licensing conditions for consideration, marked Appendix D. Care should be given that where conditions are attached they should be necessary and designed to achieve the stated licensing objectives.
- 4.4 Members should be aware that the policy states that employees receive training approved by Plymouth Safeguarding Children's Board on the identification of potential exploitation of trafficking of children and vulnerable adults. For this reason specific conditions have been included.
- 4.5 Paragraph 12 of Schedule 3 of the Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

**Mandatory grounds for refusal:**

A licence **must** not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (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 has, within a period of 12 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.

None of the above applies to the licence applied for.

**Discretionary grounds for refusal:**

A licence **may be refused** where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) 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) the number of sex establishments, or of sex establishments of a similar kind, in the relevant locality at the time the application is determined 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-

- (1) to the character of the relevant locality; or
- (2) to the use to which any premises in the vicinity are put; or
- (3) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

A decision to refuse a licence must be relevant to one or more of the above grounds.

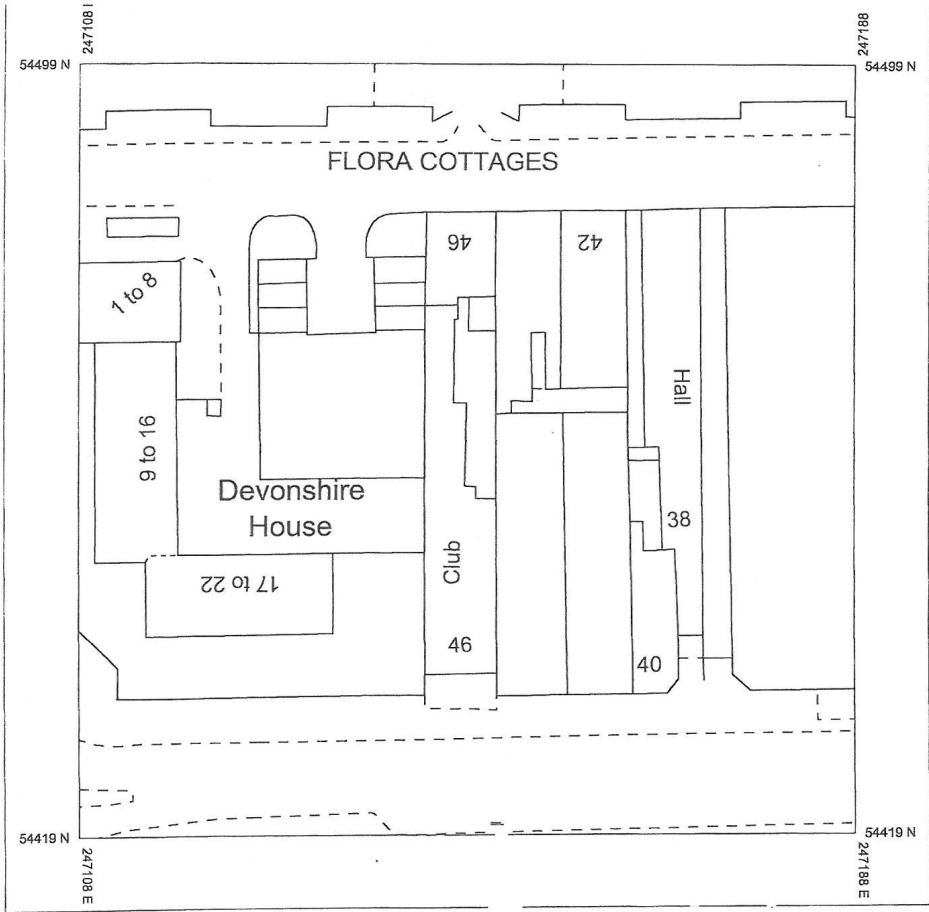
- 4.6 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above ground's, it must provide the applicant with reasons for the decision in writing.

Having considered the application and representations, the Sub-Committee may

- Grant a licence in accordance with the application
- Grant a licence subject to additional and/or varied conditions
- Reject the application.

R. Carton  
Manager of Public Protection

**APPENDIX A**



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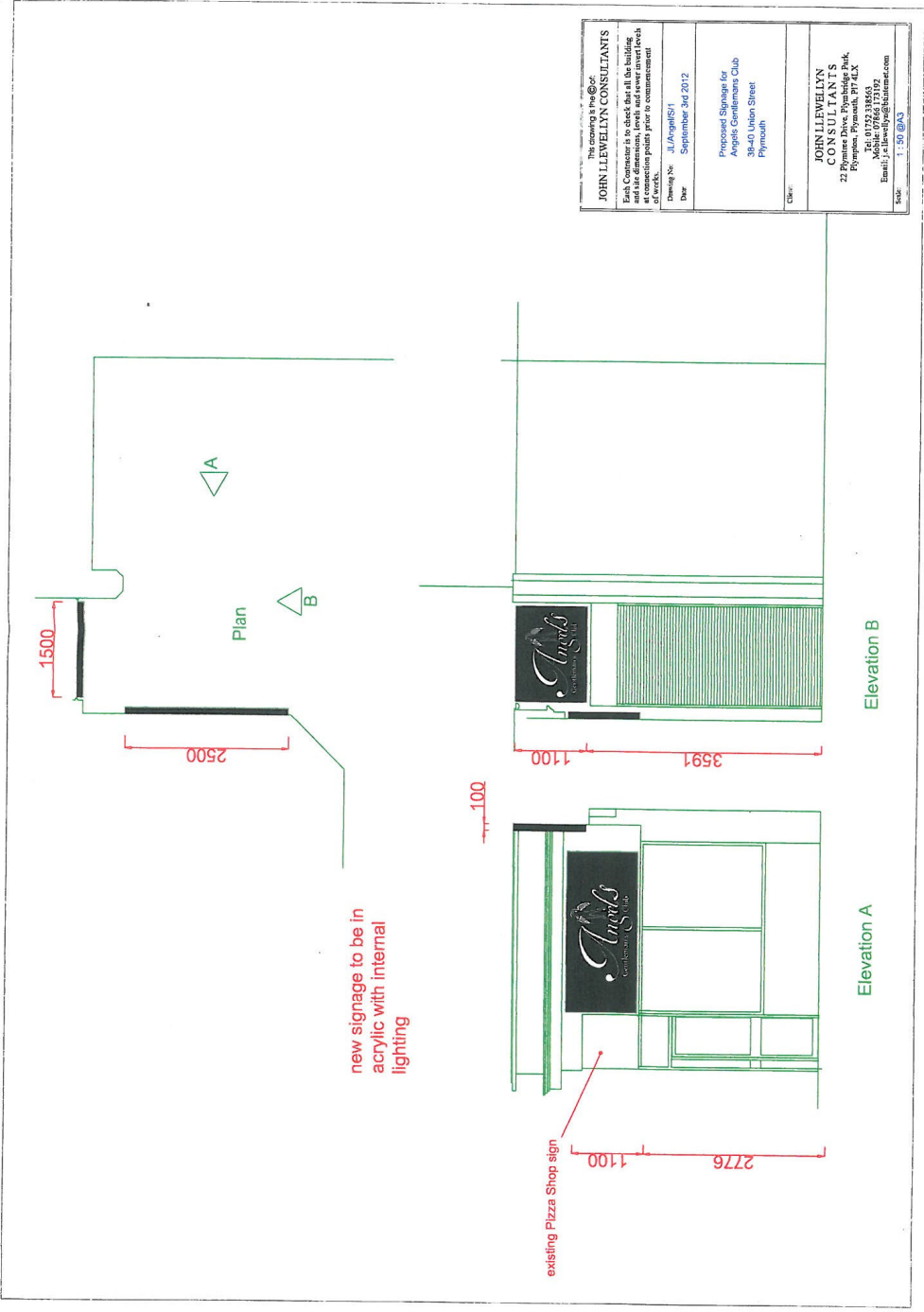
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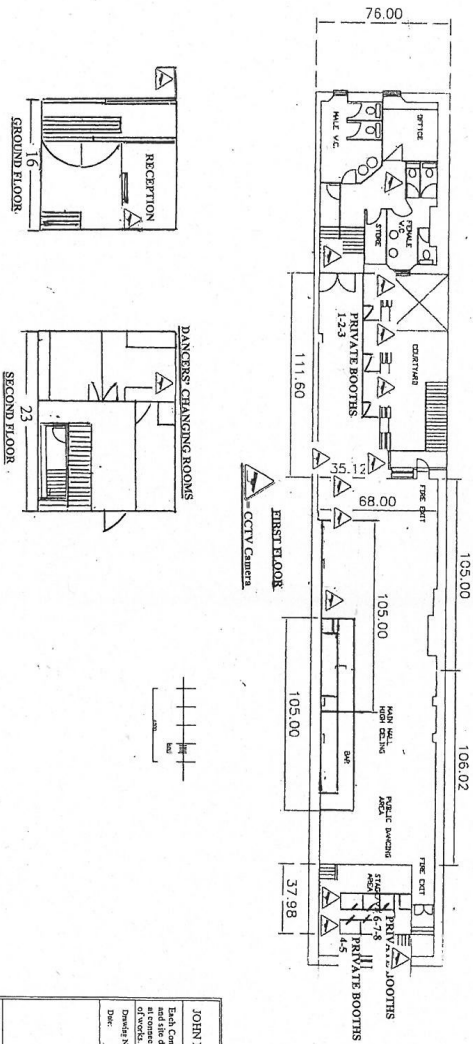
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 Date: September 3rd 2012

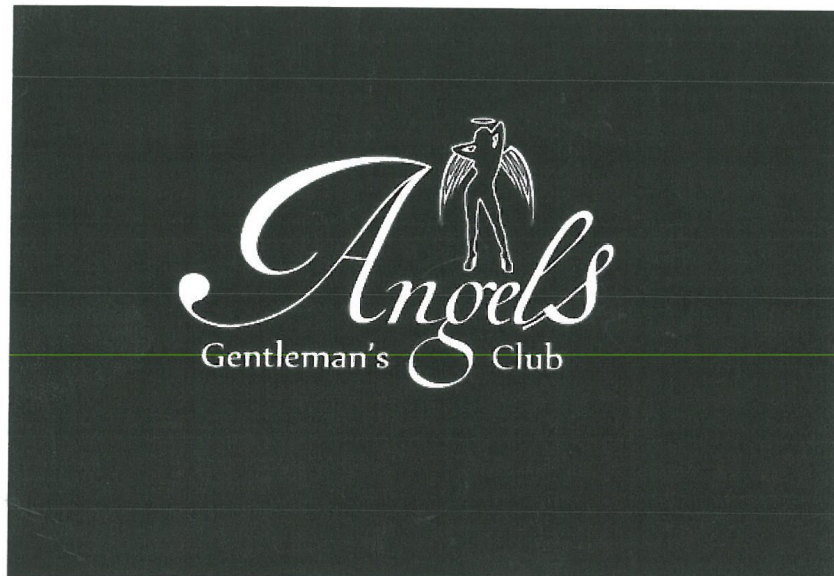
Prepared/Checked by:  
 Architects/Engineers/Architects  
 38-40, Victoria Street  
 Plymouth

Client:  
**JOHN LLEWELLYN  
 CONSULTANTS**  
 22 Plymouth Place, Plymouth, PL4 8AA  
 Tel: 01752 318463  
 Mobile: 07966 731392  
 Email: jll@jllconsultants.com

Scale: 1:50 @A3



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<p>Drawing No: JL/Amplifier/L2          Date: September 27th 2012</p>	<p>Proposed Floor Layout          Arqelis Gendarmas Club          38-40 Lifford Street          Plymouth</p>
<p>Client:</p>	<p><b>JOHN LLEWELLYN          CONSULTANTS</b>          22 Plymouth Dock, Plymouth Dock,          Plymouth, PL1 2AA          Tel: 01752 318563          Mobile: 079566173192          Email: j.llewellyn@jllc.com          j.llewellyn@jllc.com</p>



38-40 Union Street  
Plymouth  
PL1 3EY

**OPERATING & SAFETY PROCEDURES**  
**Incorporating**  
**Club Rules for Members & Entertainers**  
**August 2012**

# OPERATING & SAFETY PROCEDURES

## August 2012

<b>INDEX:</b>	<b>Page i.</b>
<b>Section 1: Introduction</b>	<b>Page 1</b>
<b>Section 2: Management Responsibilities</b>	<b>Page 1</b>
<b>Section 3: Membership Terms and Conditions</b>	<b>Page 2</b>
<b>Section 4: Entertainers' Self Employed Contracts</b>	<b>Page 3</b>
<b>Section 5: Security</b>	<b>Page 4</b>
<b>Section 6: CCTV Operations and Control</b>	<b>Page 4</b>
<b>Section 7: Health &amp; Safety</b>	<b>Page 4</b>
<b>Section 8: Fire Safety</b>	<b>Page 5</b>
<b>Section 9: Emergency Evacuation Procedures</b>	<b>Page 5</b>
<b>Section 10: Smoking</b>	<b>Page 5</b>
<b>Section 11: Staff Supervision and Employment</b>	<b>Page 6</b>
<b>Section 12: General Maintenance and Housekeeping</b>	<b>Page 6</b>

## Angels Gentlemen's Nightclub

### 1. Introduction

- 1.1 Angels Gentlemen's Nightclub will provide to their customers an Adult Entertainment Venue providing self employed dancers, who will perform striptease, nudity and lap dancing on a defined raised stage and where permitted in private booths.
- 1.2 The Entertainment will take place during define times/days as follows:
- |            |                |
|------------|----------------|
| Monday:    | 21:00 to 23:00 |
| Tuesday:   | 21:00 to 23:00 |
| Wednesday: | 21:00 to 04:00 |
| Thursday:  | 21:00 to 04:00 |
| Friday:    | 21:00 to 04:00 |
| Saturday:  | 21:00 to 04:00 |
| Sunday:    | 21:00 to 04:00 |
- Note: Adult Entertainment will not be provided on Good Friday, Easter Sunday or Christmas Day.
- 1.3 **Sections 3 and 4** of the Operating and Safety Procedures will be posted at the Club's Reception, Bar and in each Private Booth and Table as appropriate.

### 2. Management Responsibilities

- 2.1 The Manager is directly responsible for the following:
- Strict compliance with these rules and procedures.
  - To ensure that the procedures for entry are strictly observed.
  - That SIA certified door staff are in place at the times specified (management also intend to take SIA door supervisors course)
  - That the CCTV system and cameras are checked to ensure that each is operating correctly.
  - That the requirements of the Club's Health and Safety and Fire Safety Procedures have been checked prior to opening.
  - That the club's air conditioning systems are operating efficiently.
  - That entertainers are clearly directed that they will remain at a distance of 1 metre from the audience at all times.
  - That each self employed entertainer and sub-contractors(DJs) are issued with a copy of these Operating and Safety Procedures.
  - That the self employed entertainers and other sub-contractors are made aware of the Club's Safety Procedures and Welfare Facilities.
  - That self employed entertainers and bar staff are clearly advised of the Club's strict rules regarding the handling of cash.
  - disturbance or possible rowdiness.

## Angels Gentlemen's Nightclub

- I. The Bar Staff will be reminded to be vigilant at all times and announce without delay whatsoever of any disturbance or possible rowdiness.

### 3. Membership Terms and Conditions

- 3.1 All patrons who enter the premises will be clearly advised that:
  - a. That all persons who enter the Club are to comply with these Terms.
  - b. That all persons will be required to confirm their identity and where the customer's age is in doubt that they produce clear evidence of their date of birth accordingly.
  - c. Signage will be posted that **"NO PERSON UNDER 18 WILL BE ADMITTED"**.
  - d. That entry to the Club will be refused if the customer is unable or unwilling to produce acceptable evidence of his/her age.
  - e. That they are to have no physical contact with the entertainers, the Club operates a strict NO TOUCH POLICY at all times.
  - f. They will not be permitted to participate in the entertainment.
  - g. That all monetary transaction are to be made through the bar staff.
  - h. No money shall be thrown onto the stage or place about the entertainers person.
  - i. That no video's or photographs are to be taken at any time.
  - j. That customers may not ask, receive or provide private or personal information from the entertainers.
  - k. That patrons will remain seated at all times during the performances.
  - l. That patrons will remain at a distance of 1 metre from the performance at all times.
  - m. Patrons will not be permitted to be in a state of undress whilst in the premises.
  - n. No Smoking is permitted within the premises, customers who want to smoke will be required to use the designated smoking area provided outside the premises.
  - o. Patrons leaving the premises will be requested to leave the vicinity by the door staff.
  - p. Door/Bar Staff will ensure that taxis are ordered and announced on behalf of patrons when required.
  - q. Failure to comply with the above terms and Conditions at any time will cause the person or persons to be removed from the premises.

## 4. Entertainers' Self Employment Contracts

- 4.1 The following clauses comprise the contractual agreement between the Club and the Entertainer and does state the Club's terms and conditions of self Employment.
- 4.2 The Client will register the Contractor as being employed by the Club in accordance with the contact.
- 4.3 The Contractor will change from their day wear into their performance wear in the dressing room dedicated as the Performers' Changing Room. This area is **Strictly Private** and no customers are to enter the changing room.
- 4.4 The Contractor will at all time wear a "G String" covering their genitalia and anus, they will be permitted to remove the G String during the last 30 seconds of a lap dance.
- 4.5 The Contractor shall not make any physical contact with the Client's Customers. A strict "NO TOUCH POLICY" is stated in the Client's Operating Rules. Section 3. 1.e refers.
- 4.6 The Contractor shall not accept any money from the Client's Customers, ALL financial transactions are to be conducted via the Club's Bar.
- 4.7 All customer tips will be recorded against the Contractor's name and paid by the Manager at the end of the entertainment.
- 4.8 The Contractor shall remain at all times during their performance at least 1 Metre from the seated audience.
- 4.9 The Contractor shall not give or accept the exchange of telephone numbers, addresses or any other personal information, contractors will not be permitted to carry their mobile phone on them whilst on the trading floor
- 4.10 The Contractor will not be permitted to perform if there is any suggestion or visible signs that they are intoxicated or under the influence of illegal substances.
- 4.11 The Contractor will be issued with a panic device to raise the alarm if any customer should become offensive or attempt to make physical contact, or any other inappropriate behaviour. The Contractor is to stop dancing immediately raise the alarm and move away from the scene.
- 4.12 The Contractor is not to make contact with other contractors during the performances.

#### **Angels Gentlemen's Nightclub**

4.13 The contractor is not to simulate a sex act during their performance.

### **5. Security**

5.1 All door staff will be licensed as Security Industry Authority Operatives.

5.2 There will be two door operatives as a minimum as appropriate to the Club.

5.3 There will be radio contact between the Manager and Door Staff at all times.

5.4 Taxis will be monitored and announced by door staff.

### **6 CCTV Operations and Control**

6.1 The Manager will ensure that the system is fully functioning.

6.2 The Manager will ensure that the CCTV is constantly monitored.

6.3 The CCTV system shall be securely located to ensure that only authorised persons have access to the system.

6.4 That all recorded material is retained in time/date sequence for 28 days, and will be supported with a 2 terabyte memory capability.

6.5 That all recorded material will be available to the Police and other Authorities.

6.6 That this document and signage announces that CCTV is in operation.

6.7 That CCTV cameras are strategically placed throughout the premises.

6.8 That CCTV cameras are incorporated into each private booth.

6.9 That CCTV cameras are located at the front and rear entrances.

### **7. Health & Safety**

7.1 The Health and Safety Policy and Procedures of the Club are in support of this document. (The Health and Safety at Work Act 1974)



## 8. Fire Safety

8.1 A full Fire Safety Risk Assessment has been undertaken and the Club has been certified as Fire Safe in accordance with current fire safety legislation. (RRFSO 2005 refers).

8.2 The Club's Fire Safety Policy and procedures take account of the special fire hazards in specific areas of the workplace. (Reference to an Employer's Guide to Fire Safety has been made where appropriate). All employees of The Company have a duty to report **immediately** any fire, smoke or potential fire hazards to the Fire Service and should dial: **999**

8.3 Fire Doors which are designed to slow the spread of fire and smoke through the workplace have been installed at strategic points. Fire Doors must **never be blocked, jammed or tied open at any time.**

8.4 Fire exits are located at strategic points throughout the workplace. **Exit Doors and corridors must never be locked, blocked or used as storage spaces.**

8.5 Emergency lighting has been installed in exit corridors, above emergency exit doors and throughout the workplace.

## 9. Emergency Evacuation Procedure

9.1 In the event that the Fire Alarm has been activated, or in any other emergency situation (such as a bomb scare), all employees, customers, delivery agents and tenants must leave the building by the nearest available exit and assemble at their designated assemble point, these are,;

<b>Club Location</b>	<b>Assembly Point</b>
<b>38-40 Union Street Plymouth</b>	<b>The Pavements at the front/rear exits.</b>

## 10. Smoking

10.1 **Smoking is prohibited in all areas inside Premises.**

10.2 The receptacle for receiving cigarette stubs and other smoking debris is to be emptied daily.

## 11. Staff Supervision and Employment

- 11.1 The Manager will issue to all directly employed and part time staff Uniform dress that will identify each person as a member of the Club's staff and each will wear a badge stating their name. ( The type of badge has been approved by the Council).
- 11.2 The Manager will advise all directly employed and part time staff that they are not to engage in any practices that may infringe the Club's License, whether in the premises or in the vicinity of the premises. They will not exchange personal information with the Customers.
- 11.3 The Manager will record in a Register the names of all directly employed and part time staff along with the name of his Deputy when he is absent.

## 12. General maintenance and Housekeeping

- 12.1 The Manager will ensure that all areas of the premises are regularly cleaned.
- 12.2 The Manager will ensure that the premises are maintained in good order internally and externally and ensure particularly that the entrances and exits to the premises are so maintained.
- 12.3 Particular attention is to be paid to the disposal of all waste materials, build up of club waste is to be avoided.

Signed \_\_\_\_\_ Paul Wilson Drinkwater

Licensee

4<sup>th</sup> September 2012



**38-40 Union Street  
Plymouth  
PL1 3EY**

### **ENTERTAINERS WELFARE PROCEDURES - POLICY STATEMENT**

I recognise that I have a Duty of Care to ensure the safety and Welfare of the Self Employed Entertainers is provided and maintained during the Club's Operation.

Everyone at our Club share an objective to help keep the Entertainers safety by:

- Provision of a safe environment to perform.
- Provision of safe, secure and private changing facilities.
- Provision safe and private washroom facilities.
- Provision of late night/early morning taxis and safe exit from the club.
- That First Aid Facilities are made available.
- Ensuring that the entertainer's age is verified and recorded in the Club's Entertainers' Register.
- That a full explanation of the Entertainer's Contract.
- That the Club's Payment of Entertainer's Fees is fully explained.

I will endeavour to ensure that the Entertainers are protected from harm while they are employed in our Establishment, I will do this by:

1. Making sure our staff are carefully selected and age verified.
2. Providing appropriate training for staff in issues of managing Entertainers.
3. Ensure all staff are made aware of the club's duties to ensure the safety and welfare of the Entertainers.
4. To establish and maintain an ethos where Entertainers feel secure and are fully aware of the Club's Operating and Safety procedures.
5. Taking all reasonable steps to ensure the health, safety and welfare of the Entertainers whilst employed at the Club.
6. That Entertainers are not put into harm's way during their performances and that customers are monitored at all times during performances.
7. Taking all reasonable steps to prevent any customer from making physical contact with the Entertainers ensuring that there is no risk to the entertainer's health, safety and welfare.
8. Referring to statutory authorities all incidents reported to the Premises License Holder where customers have infringed the Club's Rules in respect of the Entertainers health, safety and welfare.
9. Implementing this policy in conjunction with the Club's Operating and Safety procedures.

Signed: *P W Drinkwater* Paul Wilson Drinkwater Proprietor October 2012

**CONDITIONS ATTACHED TO THE ISSUE OF**  
**Sexual Entertainment Venue Licence SEV0004**

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**Conditions of Licence****Angels Gentleman's Club, 38-40 Union St, Plymouth, PL1 3EY**

A '**sexual entertainment venue**' is defined as:

'any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser or the entertainer'

**Relevant entertainment** is defined as:

'any live performance or any live display of nudity which is of 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 the audience (whether by verbal or other means). An audience includes an audience of one person.

A **performer** is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment

**1.0 General**

- 1.1 The licence or clear copy shall be prominently displayed at all times to be readily and easily seen by all persons using the premises.
- 1.2 Relevant entertainment may only take place between the hours of 21.00 and 04.00 on Wednesdays to Saturdays inclusive and between the hours of 21.00 and 23.00 on Sunday to Tuesday.
- 1.3 Relevant entertainment will not take place on Good Friday (6am to midnight), Christmas Day or Easter Sunday.
- 1.4 Relevant entertainment may only take place in designated areas approved by the Council as specified in the licensing conditions.
- 1.5 The license holder shall provide a copy of the House Rules to the Council for approval.
- 1.6 A clear copy of the house rules shall be clearly displayed at the reception and on each table and each bar area which shall include:

**2.0 House Rules**

- i) No person under the age of 18 years shall be admitted to the premises.
- ii) There shall be no **physical** contact between a performer and customer other than an introductory handshake/kiss or when a tip is placed in their garter/armband or hand when payment is made for a performance and the Club operates a strict NO TOUCH POLICY at all times.
- iii) No member of the audience shall throw money or otherwise give gratuities to the performers except as permitted in ii) above.
- iv) There shall be no participation by any member of the audience.
- v) Customers are not permitted to photograph, record, film or electronically transmit any performance. Any person suspected of doing so will be required to leave the premises.

**CONDITIONS ATTACHED TO THE ISSUE OF  
Sexual Entertainment Venue Licence SEV0004**

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- vi) No customer shall accept from or give to any performer or member of staff any telephone number, business card or note.
- vii) Customers shall remain seated whilst receiving/watching a performance of approved adult entertainment specific to table/lap dancing.
- viii) A notice stating 'any person breaching these rules will be required to leave the premises'.
- ix) A price list for performances will be displayed at suitable locations within the premises so that customers are aware of the charges. Payment for a performance will be made to the duty manager or other person designated by that manager. If by way of debit/credit card this will always remain in the possession of its owner.

- 2.1 Literature is to be made available in other languages to inform foreign nationals of the absolute prohibition against physical contact between the performers and customers.
- 2.2 No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that relevant entertainment takes place on the premises.
- 2.3 Relevant entertainment shall only be performed by the performers/entertainers and the audience shall not be permitted to participate.
- 2.4 No persons other than the performers engaged in the approved adult entertainment shall be in the designated area in a state of undress.

### **3.0 Premises**

- 3.1 The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Council.
- 3.2 There will be no external advertising or leafleting or personal solicitation of the premises or any adult entertainment. They will cause no publication and display of obscene and indecent matter to be displayed or distributed in advertising performances being held at the premises.
- 3.3 Whilst relevant entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

**'NO PERSON UNDER 18 WILL BE ADMITTED'**

- 3.4 Adequate toilets, washing and changing facilities for use solely by the performers shall be provided.

### **4.0 Performers**

**CONDITIONS ATTACHED TO THE ISSUE OF**  
**Sexual Entertainment Venue Licence SEV0004**

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- 4.1 Performers shall be aged not less than 18 years of age.
- 4.2 A copy of the premises licence conditions and the house rules shall be given to all performers and displayed at all times in or near the performers changing room/s.
- 4.3 Performers will be required to read all the conditions of this licence and confirm by written record that they have understood and agreed the contents. A copy of this record will be available for inspection by enforcement agencies.
- 4.4 There shall be no form of physical contact between customers and the performers during approved relevant entertainment other than when the performer introduces him/her at the start of the performance and again at the conclusion of the performance, or when money is placed in their garter, armband or hand.
- 4.5 Lap dancing/table dancing entertainment may only be provided solely by performers to seated customers.
- 4.6 No performer shall accept or give telephone numbers from/to customers or exchange personal details with customers.
- 4.7 The house rules and other relevant licensing conditions will be made available in the languages to inform performers who are foreign nationals.
- 4.8 No performer shall be allowed to work if they appear to be intoxicated whether by alcohol or through the use of medication or illegal substances.
- 4.9 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the duty manager.
- 4.10 Performers shall have direct access to a dressing room without passing through or in close proximity to the audience at all times during the performance, which shall be located so as to be separate and apart from the public facilities. No person other than performers and authorised staff shall be permitted in the changing room/s.
- 4.11 Dressing room(s) must be provided and shall not be accessible to members of the audience prior to, during or after the provision of the relevant entertainment.
- 4.12 During the performance of relevant entertainment the entertainers will remain a distance of 1 metre from the audience at all times and there is a strict 'no touching policy' by either performers or customers.
- 4.13 Performers will not simulate any sex acts or remain in a state of nudity after completion of their performance.
- 4.14 Performers will not be permitted to work if they are in breach of the staff house rules or conditions of licence.
- 4.15 Nudity will only be permitted in the areas approved for relevant entertainment.
- 4.16 Performers must redress fully immediately after each performance.

**CONDITIONS ATTACHED TO THE ISSUE OF  
Sexual Entertainment Venue Licence SEV0004**

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**5.0 CCTV**

- 5.1 The premises shall be equipped with CCTV installed so as to cover all areas where approved relevant entertainment and full nudity will take place and will continually record during these performances. The cameras(s) will be positioned to show all contact from the performer to the customer.
- 5.2 CCTV cameras will cover all entertainment taking place in VIP rooms and private booths.
- 5.3 The Manager or other person designated by that Manager will ensure that the CCTV is constantly monitored whilst relevant entertainment is in progress to ensure compliance with licensing conditions and company operating policy.
- 5.4 The CCTV images recorded will comply with the Information Commissioners Office (ICO) guidance document CCTV (Code of Practice) regarding the installation of CCTV and images will be retained for 28 days.
- 5.5 That all recorded material will be available to the Police and other Authorities to be viewed and downloaded to a recognizable format.
- 5.6 The Police Licensing Department will be informed when the CCTV system is not working correctly within 24 hours.
- 5.7 Other than recordings made in accordance with condition 5.1 above, no other photographic, filming, recording or electronic transmission of performances shall take place without the prior, express written consent of the Council.

**6.0 Door Supervision**

- 6.1 Not less than two registered door supervisors shall be on duty at the premises when performers are performing except that when there are no more than 30 customers at the premises then there shall be at least one registered door supervisor and at least one manager on duty. The management shall have access to a Plymouth based security firm to increase the registered door supervisors to at least two in the event of customer numbers being above 30.
- 6.2 A register will be maintained of the door supervisors to include the date, time and licence number of working which will be available on the premises for inspection by a police officer or duly authorised officer of the Council at the time of request.

**7.0 Management**

- 7.1 A register of performers delivering relevant entertainment will be maintained on the premises, which will identify the responsible manager at that time and the performers recording their date, hours of work, real name, stage name, date of birth and current address. The responsible manager will retain copies of all relevant documents that confirm the performer age and right to work (i.e. birth certificate, passport, PASS accredited identification, UK photo driving licence)
- 7.2 The licensee shall inform the Council, in writing within 14 days, of any change of director, company secretary or other person responsible for the management of the premises.
- 7.3 The licensee shall retain control over all parts of the premises and shall not let, license or part with possession of any part of the premises.



## Devon & Cornwall Police

Building safer communities together

Fred Prout  
Senior Licensing Officer  
Plymouth City Council  
Armada Way  
Plymouth

Steve Bates 56059  
Police Licensing Department  
Charles Cross Police Station  
Plymouth  
PL4 8HG

14<sup>th</sup> November 2013

Dear Mr Prout

**Ref – Application for Angels Gentlemans Club to Renew Sexual Entertainment Venue Licence SEV0004**

With regard to the above variation on the application, please be advised that the Police intend to make representations to the Plymouth City Licensing Committee.

It is felt that the current condition 4.12 (During the performance of relevant entertainment the entertainers will remain a distance of 1 metre from the audience at all times and there is a 'no touching policy' by either performers or customers) has been instrumental in there being no reported incidents at the establishment this year and is an effective and appropriate condition.

It is our contention the removal of this condition would have a negative effect on the prevention of crime and disorder objective, the protection of safety, health and public decency and the safety and protection of both client and performer.

This condition was added to the license at the request of the applicant Mr P Drinkwater at the time of the initial grant.

Evidences shows that prior to such a condition being imposed there was a high level of criminal activity being carried out within the premises.

It is accepted that Mr P Drinkwater was not involved in this business at that time, however it is the opinion the Devon and Cornwall Police that this condition is necessary and effective for the protection of clients and performers against allegations and commission of criminal offences or sexual activity.



As Mr P Drinkwater requested the condition at the grant application stage it is unclear to the Police the benefit of its removal.

Therefore the Devon and Cornwall Police wish to object to this application

Yours sincerely

*Stephen Bates*

Steve Bates  
Alcohol Licensing Officer  
Devon & Cornwall Police



**Devon & Cornwall Police**  
Building safer communities together

Mr F. Prout  
Senior Licensing Officer  
Plymouth City Council  
Armada Way  
Plymouth

Steve Bates 56059  
Police Licensing Department  
Charles Cross Police Station  
Plymouth  
PL4 8HG

10<sup>th</sup> December 2013

Dear Mr Prout

**Ref – Application for Angels Gentlemans Club to Grant/Renewal/Variation of Sexual Entertainment Venue Licence SEV0004**

With regard to the Grant/Renewal/Variation of the Sexual Entertainment Venue License application, please be advised that the Police intend to make representations to the Plymouth City Licensing Committee.

Following receipt of the application for renewal submitted by Mr Drinkwater and dated 14<sup>th</sup> October 2013 a licensing visit was conducted on 10<sup>th</sup> November 2013 by PC Taylor. At the same time a notice requesting copies of CCTV was served.

The images were produced to the Devon and Cornwall Police on 17<sup>th</sup> November 2013.

Examination of these images indicated there had been a number of occasions the no touching and 1 metre rules had been breached.

There was also evidence of one incident where the dancers were engaged in sexual activity as opposed to lap dancing. This activity did not include the client

Pc Taylor returned to the premises on 24<sup>th</sup> November 2013 and viewed images at the premises. As a result of his observation he seized the recording device containing all the images.

Examination of this device revealed evidence that on different dates at different times and with different dancers the no touching rule and 1 metre rules were routinely being breached.

It also revealed evidence that on numerous occasions the dancers were engaging in sexual activity. There is no evidence to indicate this activity involved the clients.

A check of The Devon and Cornwall Police records show that prior to Mr Drinkwater opening the club in November 2012 the previous premises licence holders had been subject to a police application for an expedited review resulting in the revocation of the Premises

Some crimes associated with that review are still subject of judicial procedures.

It is accepted that Mr Drinkwater was not involved in this business at that time.

However it is the opinion the Devon and Cornwall Police that he has failed to manage the club effectively, he appears to be unaware of the activities of his dancers, he is either in breach of the conditions that CCTV of the entertainment is constantly monitored or the content is ignored.

This lack of management intervention has enabled the performers and staff to consistently breach the conditions attached to the license and the club rules.

These rules are necessary for the effective protection of clients and performers against allegations and commission of criminal offences or sexual activity, and the safe operation of a sensitive type of entertainment.

The Plymouth City Council Sex Establishment Licensing Policy requires engagement with the Licensing Objectives of

- The Prevention of Crime and Disorder
- The protection of safety health or public decency
- The prevention of Nuisance
- The protection of children from Harm
- Protecting the nature amenity and character of a neighbourhood.

It is our contention that the current operation of this licence does little to engage with the above objectives and in particular conflicts with the protection of safety, health or public decency.

Given the current operation of the licence the lax management and the type of activity described it is felt that the renewal of this licence would result in further serious breaches of the conditions.

The Devon and Cornwall Police invite you to reject this application and to refuse the grant/renewal of this licence.

Yours sincerely

*Stephen Bates*

Steve Bates  
Alcohol Licensing Officer  
Devon & Cornwall Police

**Prout, Frederick**

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**From:** McDonald, Sue  
**Sent:** 31 October 2013 13:58  
**To:** Prout, Frederick  
**Subject:** Licensing - Angels

Dear Fred,

I would like to object to Angels Club aim to have the one metre "no touching" rule removed. This is because there have been abuses in the past that this council, along with the police, have had to deal with . I am also concerned that the waiver of this rule for Angels may cause a precedent to beset for any other similar types of entertainment.

I also object to Mondays and Tuesdays having the same closing time as the other opening nights i.e. 4 am as these are days where I'm told that the street is relatively quiet and my concerns are for nearby residents should noise and disturbance increase.

Regards,

Sue

**Councillor Sue McDonald**  
St Peter and the Waterfront ward  
Democracy and Governance  
Plymouth City Council  
Cabinet Member  
Public Health & Adult Social Care  
The Council House  
Plymouth  
PL1 2AA

T +441752304449  
E [sue.mcdonald@plymouth.gov.uk](mailto:sue.mcdonald@plymouth.gov.uk)  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)