

11th June 2002

Scrutiny Report to the City Council

REVIEW OF PUBLIC ENTERTAINMENTS LICENSING AND TABLE/LAP DANCING VENUES

Further copies of this report can be obtained from:

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Scrutiny Support Officer

303 1731

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Contents

		Page
1.	Preface	2
2.	Executive Summary	3
3.	Introduction	4
4.	Terms of Reference	4
5.	Method of Investigation	4
6.	Findings	5 - 6
7.	Recommendations	7 - 8

Appendices

Appendix 1	Terms of Reference
Appendix 2	Public Notice
Appendix 3	Written Submission from British Institute of Innkeepers
Appendix 4	Written Submission from Managing Director, Legs Eleven
Appendix 5	Written Submission from Hammond Suddards Edge
Appendix 6	Written Submission from Sally Lowther
Appendix 7	Notes of meeting Sub Group Meeting 19 October 2001
Appendix 8	Notes of meeting Sub Group Meeting 8 November 2001
Appendix 9	Notes of meeting Sub Group Meeting 11 December 2001
Appendix 10	Notes of meeting Sub Group Meeting 18 January 2002
Appendix 11	Members of the Regulatory Overview and Scrutiny Committee and Public Health and Licensing Sub Group
Appendix 12	List of people who gave evidence

2. Executive Summary

- 2.1 The terms of reference were to undertake a detailed scrutiny review of the existing policies and procedures relating to licensing of table and lap dancing establishments and to make recommendations that add value to the same.
- 2.2 Following an initial briefing by the licensing officers, the Committee heard evidence from a range of witnesses as well as considering written evidence from interested individuals and agencies.
- 2.3 The evidence submitted to the Committee covered a wide range of issues relating to various issues. Ranging from suggestions for training of licensees to comments on the legal aspects of licensing of table and lap dancing establishments.
- 2.4 The Committee received the evidence from interested parties with a view to informing the review process. The evidence fell into two broad categories

Legislation and Change to Licensing Conditions

Administrative and Training issues

- 2.5 From the review it was established that the legislation controlling these establishments should be reviewed. Currently these establishments are licensed under Public Entertainment licence arrangements, which is the appropriate current legislation.
- 2.6 There was a view that there was a requirement to identify and control these establishments separately to the existing Public Entertainment licence legislation. It was considered that this was achievable through lobbying government nationally.
- 2.7 It was also considered that this could be achieved locally by changing the conditions of licence and establishing a system to control location of such establishments by considering each application on their merit and waiving, or not, the standard condition on the grounds of public safety and prevention of crime or nuisance.
- 2.8 A further issue raised through the review was the apparent inability of these establishments to comply with one of the conditions of licence which states that; "nothing shall be done, recited, sung, exhibited, or performed, and no dancing shall be permitted, which is licentious, indecent, profane, or improper, or of a suggestive character, or is likely to cause a breach of the peace". The review considered it necessary to bring standard conditions up to date, particularly this condition.
- 2.9 It was suggested that we should promote formalised training for licensees and publish service standards and targets for processing applications.

3. Introduction

- 3.1 The Scrutiny review was carried out in response to elected member's suggestions. The topics for review were agreed at the Regulatory Overview and Scrutiny Committee in September 2001.
- 3.2 The Regulatory Overview and Scrutiny Committee established a Public Health and Licensing Sub Group to carry out the review. The members of this sub group were Councillor John Chapman (Chair), Councillor David Williams and Councillor Nigel Dawkins.

4. Terms of Reference

- 4.1 To undertake a detailed scrutiny review of the existing policies and procedures relating to licensing of table and lap dancing establishments and to make recommendations that add value to the same. (Appendix 1)

5. Method of Investigation

The review was conducted in five stages:

- Stage 1** An initial briefing by the Licensing officers set the context of the Licensing administration and outlined the legislative framework. It also provided an opportunity for the Councillors to outline their own issues of concern
- Stage 2** A call for evidence was made with a public notice (Appendix 2) in the Evening Mail and Birmingham Post 3 October and an article in the Birmingham Voice 10 October. Letters seeking feedback were sent to the Ward Councillors from the Edgbaston and Ladywood Wards asking for the information to be passed on to relevant individuals and parties. A letter was sent to Councillor Nott, Chair of the Licensing Committee. Letters were sent to the licence holders of known establishments operating lap and table dancing.
- Stage 3** Written representations were received from the British Institute of Innkeeping (BII) (Appendix 3), Legs Eleven Leisure Midlands (Appendix 4), Hammond Suddards Edge Solicitors (Appendix 5) and a member of the public (Appendix 6). At a meeting in 19 October 2001 it was agreed to note the response from the BII regarding training and invite the other respondents to give their evidence personally to the meeting 8th November 2001. This was a public meeting and minutes were taken. (Appendix 7) This evidence was recorded in the minutes of the public meeting 8th November 2001 (Appendix 8)
- Stage 4** In December a draft report was considered by the group and officers were asked to contact other local authorities to

compare processes. Information was obtained and provided at further meetings in December and January (Appendices 9 and 10). Follow up sessions with licensing officers to explore issues identified throughout the process.

Stage 5 Analysis and report writing.

6. Findings

6.1 Evidence Given

6.1.1 Extensive evidence was provided throughout this process this is all detailed in the minutes of the meetings attached. (Appendices 7 to 10)

6.1.2 The meeting 8th November 2001 received verbal evidence from;

Cass Carrington - Licensee, Spearmint Rhino,
Andrew Potts, Hammond Suddards Edge,
Philip Whitehouse, Vice President, Spearmint Rhino,
Mr Metin Yusuf - Managing Director, Legs Eleven Leisure Midlands Ltd.
Councillor Nott, Chair, Licensing Committee

6.2 Councillor Nott stated that he would be interested to see the written submissions. He then made the following points;

6.2.1 Establishments were not licensed as lap dancing clubs but were given an entertainment's licence.

6.2.2 The Licensing Committee would not be aware of the intended use of the licence by the establishment, but picked up on it through inspections and work done by officers for the Licensing Committee.

6.2.3 In the process of approving an entertainment's licence some issues, such as morality for example were not considered in the Committee's deliberations, however, with regard to sex establishments issues such as whether the establishment was appropriate for the area were taken into consideration.

6.2.4 Councillor Nott was of the view that it would be sensible if applicants were issued with lap dancing club licences if they were to be used for that purpose, rather than public entertainment licences.

6.2.5 If a separate licence or application were a requirement, attempts should be made to keep to the same set of conditions, with the lap dancing licence being a sub process.

6.3 Andrew Potts, Hammond Suddards Edge made the following points:-

- 6.3.1 He had 6 years experience involvement in lap dancing clubs. The clubs all ran perfectly satisfactorily and there had been no problems with public disorder at all.
- 6.3.2 His view is that when a public entertainment licence was applied for, the purpose of the use of licence should be disclosed.
- 6.3.3 The Licensing Committee dealt with applications satisfactorily.
- 6.4 Councillor Dawkins was concerned in particular about the moral element involved and highlighted in particular Improper Performances, under No 32 of the Licensing of Public Entertainments - Conditions of Licence.
- 6.5 Mr Yusef from Legs 11 informed that in 1982 the club was not used for lap dancing however the Licensing Committee approved the rules they would be operating under when they changed the purpose of use.
- 6.6 Jacqui Kennedy informed that a lot of licensing rules had not been revised since 1982, a report had been submitted to the Licensing Committee in June and this would be progressed further to the outcome of this review.
- 6.7 Councillor Nott pointed out in the licensing of sex establishments and massage parlours it was clear what the special conditions were, for example the nature of the advertisements on the exterior of the building. He added that the Committee might want to look at how they would like the establishments regulated and how many of this type of establishments were in an area.
- 6.8 Mr Yusef continued that:-
 - 6.8.1 When they changed the use of their club to lap dancing they did not have to change the licence.
 - 6.8.2 He did not think lap-dancing clubs should be in residential areas.
 - 6.8.3 All of the invitees were concerned at the number of clubs that were opening with inexperienced operators and who did not have a set of rules to work to.
- 6.9 In response to a question from Councillor Dawkins both clubs said they advertised for girls and arranged amateur nights, however, they employed girls from quality backgrounds and operated under defined rules, which were there for the protection of the staff.
- 6.10 Most objections against the clubs were borne out of ignorant prejudices.
- 6.11 They operated within the law and the police were welcome to visit at any time.

- 6.12 Councillor Nott Chair of Licensing Committee also gave evidence in person and he reiterated that the ability of the Licensing Committee to regulate Public Entertainment on the grounds of morality is very limited. The licensing regime is much more concerned with issues such as the health and safety of customers and nuisance to neighbours. Moreover, Government guidance suggests that the Licensing Authority should not endeavour to use licensing powers to regulate matters, which are the responsibility of other bodies.
- 6.13 All evidence was formally minuted and the minutes of the meetings are attached as Appendices 7 to 10 to this report.

7. RECOMMENDATIONS

- 7.1 The report was presented to the Licensing Committee 22 April 2002 and the Licensing Committee's response to each recommendation is detailed below.

The report recommends that:

- 7.1.1 The Licensing Committee should lobby Central Government for Primary legislation via the Local Government Association. In developing this proposal consideration was given to seeking a local act similar to the Birmingham City Council Act 1990 for Massage and Special Treatments premises, however this was considered to be inappropriate due to the cost and the likely delay of achieving (if possible) such an outcome.
The Licensing Committee has agreed to do this. The Chair of the Licensing Committee will write to the Home Secretary suggesting legislative changes.

- 7.1.2 The Licensing Committee should introduce standard conditions stating that there should be no striptease or table dancing without prior consent from the City Council. This would need to be supported by a mechanism to identify such establishments as part of the application and/or transfer process. For example review the application forms requiring the applicant to state the nature of the Public Entertainment being offered and requiring the acceptance of standard conditions. **The Licensing committee has agreed in part. The application and renewal forms will be amended so as to require the applicant or licensee to state the nature of the entertainment being provided. The Committee will consider each application on its individual merits. If the management of licensed premises has given cause for concern during the currency of a previous licence this will be taken into account.**

- 7.1.3 The Licensing Committee should introduce necessary, reasonable and proportionate requirements on a case by case basis, which are similar

(but not identical) to those considered for Sex Establishments on the grounds of public safety and prevention of crime or nuisance. These require that consideration be given to:

Being mindful of the general character of the locality, and in particular, the close proximity of any school or religious establishment, ensure that the total number of Table and Lap Dancing establishments, in a one kilometre radius of any proposed new table and lap dancing establishment (s) at the time the application is made, does not exceed the number which the authority consider to be reasonably appropriate for that locality;

the layout, character or condition of the premises in respect of which a new or renewal application is made must be suitable and appropriate to such establishments with regard to health and safety standards; and

Ensure that as a matter of good management practice and on a voluntary basis, no licensee permits anyone under the age of 17 to perform at such establishment, without the prior written consent of the authority. **The Licensing Committee has proposed an alternative age of 18. The Licensing Committee will continue to introduce reasonable and proportionate conditions on a case by case basis where necessary on the grounds of public safety and prevention of crime or nuisance.**

- 7.1.4 Licensing Committee to review existing conditions and introduce as appropriate new conditions. **The Licensing Committee has agreed to this. A report was considered by the Licensing Committee in June 2001 proposing amendments to update the conditions of licence, however the matter was not progressed pending the outcome of this scrutiny review. This will now be progressed.**
- 7.1.5 Licensing Committee to receive a report and consider recommending completion of such a course for all Public Entertainment licensees in Birmingham. This has been agreed and a report is to be presented to a future Licensing Committee meeting.
- 7.1.6 Licensing Committee shall approve an appropriate flowchart with service standards and monitor the performance of the service against the published standards. **This has been agreed and a report is to be presented to a future Licensing Committee meeting.**
- 7.2. That the findings of the review and the recommendations agreed by the Licensing Committee be implemented.

REVIEW BY REGULATORY OVERVIEW AND SCRUTINY **COMMITTEE TERMS OF REFERENCE**

A. SUBJECT OF REVIEW

LICENSING OF TABLE AND LAP DANCING ESTABLISHMENTS

B. REASON FOR REVIEW

TO ASSESS THE OVERALL EFFECTIVENESS AND EFFICIENCY OF THE CITY COUNCIL'S LICENSING, ENFORCEMENT AND COMPLIANCE ARRANGEMENTS FOR THESE ACTIVITIES

C. OBJECTIVES OF REVIEW INCLUDING INTENDED OUTCOMES

TO UNDERTAKE A DETAILED SCRUTINY REVIEW OF THE EXISTING POLICIES AND PROCEDURES RELATING TO THE SAME AND TO MAKE RECOMMENDATIONS THAT ADD VALUE TO THE SAME.

D. LEAD OFFICER FOR REVIEW

MIRZA AHMAD, CHIEF LEGAL OFFICER (SUPPORTED BY JACQUI KENNEDY, HEAD OF REGULATION SUPPORT SERVICES) TO PROVIDE SUPPORT TO THE CHAIR OF THE GROUP – COUNCILLOR JOHN CHAPMAN

E. COUNCIL DEPARTMENTS EXPECTED TO CONTRIBUTE TO REVIEW

- (1) ENVIRONMENTAL & CONSUMER SERVICES DEPARTMENT
- (2) LEGAL SERVICES OFFICE

F. EXTERNAL ORGANISATIONS EXPECTED TO CONTRIBUTE TO REVIEW

CURRENT LICENSEES AND MEMBERS OF THE PUBLIC (FOLLOWING A PUBLIC "CALL FOR EVIDENCE"). ORAL EVIDENCE WILL BE RECEIVED FROM DEPARTMENTS, COUNCILLORS, POLICE, LICENSEES AND THEIR PROFESSIONAL ADVISORS

G. ESTIMATED NUMBER OF WORKING DAYS FOR REVIEW REQUIRED

Member Time: 5 - 10 DAYS
Officer Time: 10 - 20 DAYS

H. ANTICIPATED COMPLETION DATE

END OF DECEMBER 2001

I. ANY ANTICIPATED CALL ON SPECIAL SCRUTINY BUDGET

PUBLIC ADVERTISEMENTS IN LOCAL PRESS

PUBLIC NOTICE

PUBLIC ENTERTAINMENT LICENCES - A CALL FOR EVIDENCE

The City Council's Regulatory Overview and Scrutiny Committee has established a Licensing Group to consider, amongst other things, the:-

- (a) processes;**
- (b) enforcement; and**
- (c) terms and conditions of Public Entertainment Licences (including the licensing of lap dancing and table dancing establishments).**

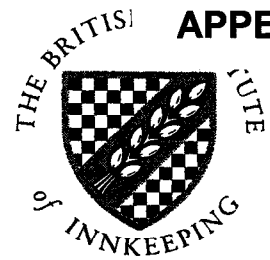
Councillor John Chapman chairs this Licensing Group. After considering any written submissions, the Licensing Group may wish to invite oral submissions to be presented to it. Interested persons or organisations invited to make oral submissions will be given adequate notice and their evidence will be heard in open session. It is anticipated that this review of Public Entertainment Licences will be concluded by the end of this year.

If any member of the public or interested organisation wishes to present any written or oral evidence to the Licensing Group on the above issues, they are invited to write to:-

**Mr Mirza Ahmad, MBA LLM Barrister,
Chief Legal Officer, Birmingham City Council,
Ingleby House, 11-14 Cannon Street, Birmingham B2 5EN
(by no later than Friday 12th October 2001).**

**Appear in -
Birmingham Post
Evening Mail**

Plus Press Release (to include local radio stations)



10 October 2001

Mr Mirza Ahmad MBA LLM Barrister
Chief Legal Officer
Birmingham City Council
Ingleby House
11-14 Cannon Street
Birmingham
B2 5EN

LEGAL SER
Refer to:
Rec'd: 11 OCT 2001
Copy to:

The British Institute
of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey
GU15 3PT

T 01276 684449
F 01276 23045
E reception@bii.org

Dear Mr Ahmad,

Re: Public Entertainment Licences

Further to your recent advertisement in the Birmingham Evening Mail, I write to express my organisation's interest in respect of the above.

You may be aware that the BII, the professional body for the licensed retail sector, has been working closely with the Local Government Association to develop an appropriate qualification for holders of, or applicants for public entertainment licences. In March of this year we were pleased to announce the launch of the Entertainment Licensee's National Certificate, a qualification awarded by BIIAB and fully supported by the LGA, as the attached letter indicates.

This qualification along with the Door Supervisor's National Certificate, the Licensee's National Drugs Certificate and the Barperson's National Certificate forms part of the Institute's 'tool kit' to assist local authorities in maintaining safer pubs and ultimately safer communities. This approach has been widely approved by regulators including the Local Government Association, the Association of Chief Police Officers, the Chartered Institute of Environmental Health and the Department of Health.

I enclose a copy of the handbook for the Entertainment Licensee's National Certificate and would suggest that this qualification, if used as an integral part of the licensing process, would ensure that applicants for Public Entertainment Licences possessed the knowledge and awareness necessary to safely manage the premises under their control.

Should you require any further details of the qualification, please do not hesitate to contact me,

Yours sincerely,

not enclosed!
pp *John Melia*

John Melia
Client Development Director



INVESTOR IN PEOPLE

A private company limited by guarantee registered in England
as a charity. Company Number 160185.
Charity Number 283945. Registered office:
Wessex House, 80 Park Street, Camberley, Surrey GU15 3J

Legs Eleven

Leisure Midlands Ltd

30 Ladywell Walk, Birmingham, West Midlands. B5 4ST

Telephone 0121 666 7004 Fax 0121 248 8810

Our Ref MY/NR.

Your Ref LS/CLO/MFA/JC

12th October, 2001

Birmingham City Council
Ingleby House.
11 – 14 Cannon Street.
Birmingham.
West Midlands.
B2 5EN.

For The Attention Of Mr. Ahmad.

Dear Mr. Ahmad,

Following my phone call to you I have decided to enclose the rules of the club. The rules of Legs Eleven have been updated over the five and a half years we have been open.

Legs Eleven was the first lap dancing club in the Midlands and since its inception has strived to provide sophisticated adult entertainment. As the rules show you, there is a very strict “**no touching**” rule. The problem in Birmingham is that because there is no legislation this is not the case in other clubs.

Birmingham City Council have shown maturity in the last few years by allowing lap dancing in Birmingham. My feeling though, is if no legislation is brought in, that some clubs will end up as nothing better than a local brothel. Legs Eleven wants it's customers to enjoy a safe and clean environment. Our feeling is some sort of legislation is required, as with most of the rest of the country, this would enable us all to work within the same framework and hopefully dispel any untoward goings on.

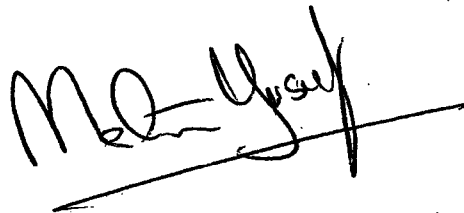
Finally, we would like to express some concern at the way registration of door supervisors is being done.

We have been told that anybody who has anything to do with the front door and running of the premises must be registered. This is all very well but when you are given a badge from the council saying "Door Supervisor" and you are not, surely this is wrong. Therefore, any licensees and managers you are registering will be known to the public as door supervisors. This surely gives a conflicting message to the public and ultimately will cause problems.

Myself as a director and licensee of Legs Eleven has no problems with registration of door supervisors. If you though have decided that all mangers and licensees must be badged, it is important that their appropriate job title is made apparent on their badge.

Hopefully the council will consider some of the points above worth discussing and if you require any more information please contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Metin Yusuf', with a long horizontal line extending from the end of the signature.

Metin Yusuf.
Managing Director.

WELCOME TO LEGS ELEVEN.

You have been successful in becoming a dancer at Legs Eleven. Please take the time to read through our house rules carefully. After reading it if there is anything you do not understand please ask.

Introduction to the Management Team.

The Managing Directors are Metin & Sylvia
Legs 11 Managers Steve/Paul
Administration/Reception Nicola.

Legs 11 is open from 2pm till 2am Mon-Fri and 7pm till 2am on Saturday. All dancers are expected to do their share of early starts i.e. 1.30pm arrival ready for opening at 2pm. The club is manned from 10.30 every morning so if there is a problem someone will be available to take your call. Dancers are expected to be punctual and ready for work at their allocated time. Shifts will be allocated at least a week in advance.

HOUSE RULES

Legs Eleven is a **STRICTLY NO CONTACT** club and this is our number one rule. Anyone found breaking this rule will automatically be dismissed. **NO CONTACT MEANS NO CONTACT.** It is accepted for a handshake when introducing yourself to a customer or a small peck on the cheek if it is a regular customer.

It is strictly forbidden for dancers to fraternize with Legs Eleven Customers and Legs Eleven Staff and anyone associated with them

Telephone numbers must not be exchanged between dancers and customers. The club considers this a serious offence, if a card is given out by a customer i.e. folded up in a note etc it must be seen to be disposed of to avoid unnecessary action.

The consumption of alcohol is not allowed until 8pm. Dancers may then drink within Moderation. Any dancer suspected of being drunk will be sent home.

The use of illegal substances is strictly forbidden anyone caught or suspected will be dismissed immediately.

House fees must be paid on arrival at reception. Monday £35.00, Tuesday £40.00, Wed £ 50.00, Thurs, Fri, Saturday £55.00..A fine of £ 15.00 is implemented for anyone who does not have their fee on arrival and a £10.00 fine for anyone who is late arriving for work..

Elegant and sophisticated evening wear is required to be worn by ALL dancers up until 9pm

LUNCH TIMES

Every dancer except those with daytime jobs will be required to work one or two lunchtime shifts per week. Any girl starting at 1.30 Mon – Wed will be given a voucher, worth £10.00. Once you have collected 5 of these you can exchange them for a free shift with both club and agent where applicable covered.

When customers come to Legs 11 they do not just come for the dancing, they come for the company of beautiful ladies too. Therefore NO customer who comes into Legs 11 during the day should **EVER** be left sitting alone, unless all girls are already with customers.

A customer during the day should **NEVER** be ignored if he refuses a dance. Neither should he be approached with the words "Hello I'm...so so would you like a dance ?....."

You should sit with the customer make introductions and after approx. 5 minutes ask is there any other girl he'd like a dance from if he is still saying no, then get another girl to sit with him for a while.

This should continue for the duration of his visit – he should, wherever possible be made welcome and have someone sat with him.

DANCING RULES

Please make sure you get paid before you begin a dance. The customer may not have the money, or refuse to pay etc. **GETTING PAID IS YOUR RESPONSIBILITY**. A dance costs £5-00 we do not allow you to charge more or less than the stated amount. However it is allowed to accept tips.

1. A dance lasts for one song (approx. 3 mins) dancers must not be naked for more than 30-40 seconds. **Remember no contact.**
2. Please do not remove your G string completely. Let it fall to your knees as no one has yet devised a graceful way of picking them up off the floor and putting them back on !!
3. If a customer requests you to continue for another dance you must replace your pants before you continue into the next song and any subsequent songs.
4. Although it is acceptable to place one foot up on the furniture, (with G String in place) both feet at the same time is not allowed.
5. Dancers must have both feet on the ground whilst naked - do not lift your legs at all during this time.
6. There is **NO CONTACT ALLOWED** between dancers and customers, no leaning, rubbing, touching - keep a gap between yourself and the customer **AT ALL TIMES**
7. Please do not kiss the customer on the lips; it is acceptable to give a peck on the cheek or forehead after a dance.
8. If you really must bend over whilst naked, we insist you cover your private parts with your hand.
9. Customers are not allowed to touch, so please do not allow them to touch. If you are propositioned or touched, let someone know immediately so that it may be dealt with.
10. Dancers are requested not to carry or drink from a bottle, **USE A GLASS**. Chewing of gum whilst dancing is not allowed.

DRESSING ROOM ETIQUETTE

1. The dressing room door must be must be CLOSED AT ALL TIMES, this is essential for your safety and security of belongings etc.,
2. Please keep the dressing room clean and tidy, put rubbish in the bins, ash in the ashtray.
3. If bottles and glasses etc. are taken into the dressing room, please take them back out with you when you leave.
4. Please do not leave your valuables like money, mobile phones etc., on display.
5. Do not borrow items from other girls without their permission, as it will cause unnecessary friction.

FANTASY HOUR

Every night at 12 midnight, there is a "Fantasy Parade". All dancers leave the floor together and get changed into their fantasy costumes. All girls go back to the floor TOGETHER and parade into the main room TOGETHER. Whatever you decide to wear remember to accessorize your outfit Toys R Us is a really good place to look for accessories! Cowboy hats, guns, swords etc..

1. Each dancer should have a minimum of 2 fantasy costumes, the more original you are the more you will earn.
2. Costumes can be hired from the club at a £10.00 charge, but it is preferred that you bring your own.
3. "Fantasy Hour" parade girls will not be allowed to carry drinks, cigarettes etc.
4. Once dancing commences fantasy costumes will be worn for one hour exactly.
5. Not more than 2 of each costume will be allowed on the floor at the same time during fantasy hour.

Hammond Suddards Edge

Mirza Ahmad
Chief Legal Officer
Birmingham City Council
Ingleby House
11-14 Cannon Street
Birmingham
B2 5EN

Our ref KAH1/SLP1/JEA

Your ref

Date 10 October 2001

Dear Sir

Licence Review

We refer to the article in The Voice, of 10 October 2001, indicating that you are carrying out a review of the way Public Entertainment Licences operate within the City, relating to lap dancing and table dancing.

First of all, we believe that a proper review cannot be undertaken without detailed and thorough public consultation. We do not believe a brief article in a local newspaper, requesting written submissions two days later, will attract sufficient and detailed responses.

This firm represents several clubs nationally where table dancing takes place. We have not been given sufficient time to enable us to seek our Client's input into this consultation and these views are our own.

It is our experience that 'Table Dancing Clubs' can arouse strong feelings amongst local residents. They are considered detrimental to the area and to be a front for prostitution. In fact, the reality is quite different.

The typical Table Dancing Club is well run with the girls being properly supervised and protected. In our experience the clubs cause no public order problems inside or outside the premises. Typically, there are rules controlling the behaviour of the girls who are performing and the customers. These will include such rules as customers must be seated during a dance, customers must not touch the girls, and that girls must put their clothes back on as soon as the dance is finished.

In our experience, the girls are safe from molestation within the clubs and are prevented from fraternising with customers away from the clubs in any event.

Hammond Suddards Edge

Rutland House 148 Edmund Street Birmingham B3 2JR DX 708610 Birmingham 17
Telephone +44 (0)121 222 3000 Fax +44 (0)121 222 3001 Email kirsty.hughes@hammondse.com
Direct line +44 (0)121 222 Direct fax +44 (0)121 222

Offices Berlin Birmingham Bradford Brussels Leeds Lloyd's London Manchester Munich

www.hammondsuddardsedge.com

A list of the names of the partners and their professional qualifications is open to inspection at our offices. The partners are either solicitors or registered foreign lawyers. This firm is regulated by the Law Society in the conduct of investment business.

MA
20/10

Hammond Suddards Edge

Mirza Ahmad
Birmingham City Council
10 October 2001
Page 2 of 2

It is important to remember that the Licensing Committee should not take a moralistic stance when considering applications by Table Dancing Clubs. Licensing is about controlling activities, and not deciding whether those activities are right or wrong. Instead, the Committee must consider public disorder issues and safety issues. As long as they are satisfied that the premises are suitable to have an Entertainment Licence, the type of entertainment should be irrelevant as long as it is safe and does not breach current conditions.

There is also no evidence that such clubs cause rape and pillage in the immediate vicinity. In our experience, these objections have been put forward on applications for Table Dancing Clubs and are unsupported. We are not aware of any reported incidents of Table Dancing customers attacking people in the vicinity of the Club, having become aroused or excited within the Club. In fact, noise and disturbance is minimal, as far as we are aware, by people leaving this type of premises.

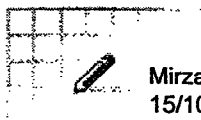
In summary, we support the Council's current position that Table Dancing is generally permitted under its conditions imposed on Entertainment Licences, and do not believe there is any evidence why this current position should be changed.

If you have any queries please do not hesitate to contact us.

Yours faithfully



Hammond Suddards Edge



Mirza Ahmad
15/10/2001 14:46

To: sally.lowther@lineone.net
cc: Verity Timmins/LegalServices/BCC@BCC

Subject: Re: Comments via Birmingham Assist

I thank you for your comments.

The Voice article was a summary of the advert, which appeared during the previous week in Birmingham's Evening Post.
I will ensure your comments are brought to the attention of the Licensing (Overview & Scrutiny) Group looking into this matter.

Mirza Ahmad
Chief Legal Officer

Verity Timmins



Verity Timmins

15/10/2001 09:39

To: Mirza Ahmad/LegalServices/BCC@BCC
cc:

Subject: Comments via Birmingham Assist

Please respond direct to the comments below.

Kind regards

Verity Timmins
Members Services

Forwarded by Verity Timmins/LegalServices/BCC on 15/10/2001 09:31



Contact Birmingham City Council

(Items marked with ✓ are required)

Name: ✓
E-mail:

Sally Lowther
sally.lowther@lineone.net

Age:
Gender:

Not Stated
☐ Male
☒ Female
Not Stated

Postal address:
Postcode:

Ethnicity:
Do you have a
disability

☐ Yes ☐ No

Ward (if in Birmingham):

Kings Norton Map

Location (if not in
Birmingham):

Organisation (if relevant):

Type of City Council service: ☒ Reports\ Consultations.

Assist page address or title:

Comments:

FAO Mirza Ahman - Chief Legal Officer

I read in the Voice today that you are consulting on the working of public entertainment licences in the City. I am sorry that the one-day deadline for responses did not leave much time to prepare!

I would like to register my concern at the proliferation of "lap" and "table" dancing establishments in the City in recent years. The extensive promotion of these (for example, in New Street hoardings and on WM Buses) is a further cause of concern.

I feel that these establishments do nothing to promote the community safety of the City. They demean women as mere sex objects, in contradiction of the BCC Equal Opps agenda. They are offensive to many moral and religious groups in our diverse community. They can only promote poor attitudes towards, and violence against women amongst the men attending them.

I am grateful that the City Council is re-considering this matter and would be interested to hear of the outcome of your consultation process.

How do you rate Assist's:

Content:

OK

Design:

Good

Ease of use:

Bad

Submitted Date: 13/10/2001 16:06:13

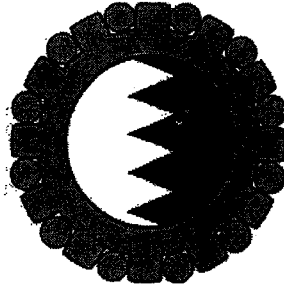
Action required: Assigned to DA

Assigned to: Legal Services

Page Reference: CORE-53GKQE

Status: Open

BCC Comments:



NOTES OF A MEETING OF THE LICENSING AND PUBLIC HEALTH (OVERVIEW AND SCRUTINY GROUP)

Friday 19 October 2001 at 1000 hours
Committee Room 2 (Council House)

PRESENT:-

Chair:- Councillor John Chapman

Officers:- Mirza Ahmad, Chief Legal Officer
Jacqui Kennedy, Head of Regulation Support Services
Annette Wright, Licensing Officer (General), Environmental
and Consumer Services
Christopher Price, Principal Solicitor, Public Law and Property
Louisa Nisbett, Democratic Services
Linda Maclean, Regulation Support

APOLOGIES

Councillor Chapman submitted apologies for non-attendance from Councillor David Williams. (An apology was later received from Councillor Nigel Dawkins).

PROGRESS TO DATE

It was agreed that it was important to ensure that all further meetings should appear on the list of meetings on the public notice board in front of the Council House.

Mirza Ahmad submitted his report on Public Entertainment Licences which had been distributed to those present giving a summary of progress made since the last meeting. A public notice had appeared in the Evening Mail on 3 October and an article appeared in the Voice on 10 October. Letters had been sent to the Ward Councillors from the Edgbaston and Ladywood Wards asking for the information to be passed on to relevant individuals and parties. A letter had also been sent to Councillor Nott, Chair of the Licensing Committee and separate letters sent to the licence holders of known establishments operating lap and table dancing. It was noted that three written responses had been received from the British Institute of Innkeeping, Legs Eleven Leisure Midlands and Sally Lowther. Jacqui Kennedy said that the Entertainment

Licencee's National Certificate Qualification was a good comprehensive course that Licencee's could voluntarily undertake.

- **ACTION TO BE TAKEN**

Jacqui Kennedy to circulate copies of the handbook for the Entertainment Licencee's National Certificate Qualification

CONSIDERATION OF THE WRITTEN SUBMISSIONS TO DATE

In the written responses received, the existing operator of Legs Eleven flagged up issues relating to the registration of door supervisions and the lack of legislation and enforcement on establishments. Chris Price informed that London had its own legislation. The submission by Sally Lowther registered her concern at the opening of lap and table dancing establishments in Birmingham. Councillor Chapman stressed the importance of Members attending the Licensing Group meetings following which the written submissions were noted.

- **ACTION TO BE TAKEN**

1. Mirza Ahmad to write to the other Members on the Group to establish whether the next meeting arranged for 8 November was convenient and if necessary re-arrange for the meeting to a more suitable date.
2. It was agreed that representatives of The British Institute of Innkeeping and Legs Eleven Leisure Midlands Limited who had sent in written submissions and Sally Lowther should be invited to the next meeting with a representative from the Police.

ANY OTHER BUSINESS

Conditions of Licence

In response to questions from Councillor Chapman, the following points were made:-

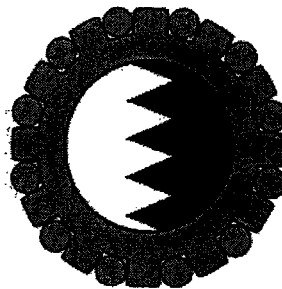
- Enforcement and licensing officers have taken proactive action in prosecuting people operating without a licence, however, owners get round the rules by holding members only functions.
- Clubs operating without a licence are identified from flyers that have been distributed.
- Legislation for this had not been adopted in Birmingham and it is not a big problem at the present time.
- The penalty for the offence is set out in the booklet.
- There was no problem in setting a target for the processing of an entertainment licence.

- Electronic Access via a Website and E-mail was available to submit forms for a Public Entertainment Licence, but there was still a signature requirement. Fees would be reviewed later this year.
- Chris Price and Mirza Ahmad would look at the conditions of Public Entertainment licences.
- Securing prosecution for flyposting was difficult. Licensing Section were working in conjunction with Public Health on joint enforcement.

- **ACTION TO BE TAKEN**

Mirza Ahmad to invite representative from Public Health to make a presentation on flyposting.

The meeting ended at 1040 hours.



**NOTES OF A MEETING OF THE
LICENSING AND PUBLIC HEALTH
(OVERVIEW AND SCRUTINY GROUP)**

Thursday 8 November 2001 at 1000 hours
Committee Room 2, (Council Hours)

PRESENT:-

Chair:- Councillor John Chapman

Members:- Councillor Nigel Dawkins

Officers:- Mirza Ahmad, Chief Legal Officer
Jacqui Kennedy, Head of Regulation Support Services
Annette Wright, Licensing Officer (General), Environmental and
Consumer Services
Louisa Nisbett, Democratic Services

Invitees:- Cass Carrington - Licensee, Spearmint Rhino
Councillor Nott, Chairperson, Licensing Sub-Committee
Andrew Potts, Hammond Suddard Edge
Philip Whitehouse, Vice President, Spearmint Rhino
Mr M Yusuf - Managing Director, Legs Eleven Leisure Midlands
Limited

Councillor Chapman welcomed all the attendees to the meeting and explained that the purpose of the meeting was to gather evidence regarding the policies and procedures of public entertainment licensing in relation to lap dancing.

NOTES OF THE LAST MEETING

It was requested that on page 2 of the notes under ACTION TO BE TAKEN item 2, the British Institute of Innkeeping should be replaced with Hammond Suddard Edge. Subject to this amendment the notes of the last meeting were approved.

FURTHER SUBMISSIONS

Councillor Nott stated that he would be interested to see the written submissions. He then made the following points

- Establishments were not licensed as lap dancing clubs but were given an entertainment's licence.
- The Licensing Committee would not be aware of the intended use of the licence by the establishment, but picked up on it through inspections and work done by officers for the Licensing Committee.
- In the process of approving an entertainment's licence some issues, such as morality for example were not considered in the Committee's deliberations, however, with regard to sex establishments issues such as whether the establishment was appropriate for the area were taken into consideration.
- Councillor Nott was of the view that it would be sensible if applicants were issued with lap dancing club licences if they were to be used for that purpose, rather than public entertainment licences.
- If a separate licence or application were a requirement, attempts should be made to keep to the same set of conditions, with the lap dancing licence being a sub process.

Councillor Chapman agreed that the public perception of lap dancing premises was of concern and the licensing of them should be considered separately if it had an impact. He added that some sort of action nationally could be argued for.

Mirza Ahmad informed that he was currently looking at the conditions of licence with Chris Price, Public Law and Property. The preferred approach was of an uniformed licence with specific sections in the licence that could be deleted by officers.

Andrew Potts, Hammond Suddard Edge made the following points:-

- He had 6 years experience involvement in lap dancing clubs. The clubs all ran perfectly satisfactorily and there had been no problems with public disorder at all.
- His view is that when a public entertainment licence was applied for, the purpose of the use of licence should be disclosed.
- The Licensing Committee dealt with applications satisfactorily.

Councillor Dawkins was concerned in particular about the moral element involved and highlighted in particular Improper Performances, under No 32 of the Licensing of Public Entertainments - Conditions of Licence.

- Mr Yusef from Legs 11 informed that in 1982 the club was not used for lap dancing however the Licensing Committee approved the rules they would be operating under when they changed the purpose of use.
- Jacqui Kennedy informed that a lot of licensing rules had not been revised since 1982, a report had been submitted to the Licensing Committee in June and a draft report written.

Councillor Nott pointed out in the licensing of sex establishments and massage parlours it was clear what the special conditions were, for example the nature of the advertisements on the exterior of the building. He added that the Committee might want to look at how they would like the establishments regulated and how many of this type of establishments were in an area.

Mr Yusef continued that:-

- When they changed the use of their club to lap dancing they did not have to change the licence.
- He did not think lap dancing clubs should be in residential areas.
- All of the invitees were concerned at the number clubs that were opening with inexperienced operators and who did not have a set of rules to work to.
- In response to a question from Councillor Dawkins both clubs said they advertised for girls and arranged amateur nights, however, they employed girls from quality backgrounds and operated under defined rules, which were there for the protection of the staff.
- Most objections against the clubs were borne out of ignorant prejudices.
- They operated within the law and the police were welcome to visit at any time.
- There should be structured reasonable zoning for clubs.

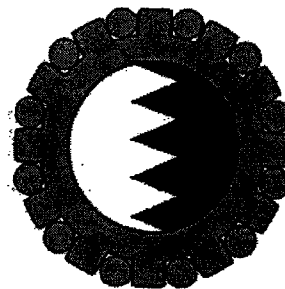
In summing up it was agreed that the main issues were -

- (vi) the need to identify and control lap dancing establishments separate from general public entertainment licensed premises;
- (vii) to look at what conditions were able to be imposed regarding control of location and including standards of morality etc; and
- (viii) Mirza Ahmad and Jacquie Kennedy to write a draft report to the Committee on how best to move forward with the issues.

DATE OF THE NEXT MEETING

The date of the next meeting was arranged for Tuesday 11 December, 2001 at 1500 hours.

The meeting ended at 1130 hours.



**NOTES OF A MEETING OF THE
LICENSING AND PUBLIC HEALTH
(OVERVIEW AND SCRUTINY GROUP)**

Tuesday 11 December 2001 at 1500 hours
VIP Room (Council House)

PRESENT:-

Chair:- Councillor John Chapman
Members:- Councillor Nigel Dawkins
Officers:- Mirza Ahmad, Chief Legal Officer
Jacqui Kennedy, Head of Regulation Support Services
Annette Wright, Licensing Officer (General), Environmental
and Consumer Services
Howard Thomas, Public Health Division, Environmental and
Consumer Services
Louisa Nisbett, Democratic Services

NOTES OF THE LAST MEETING

The notes of the last meeting held on 8 November 2001 were approved.

**DRAFT REPORT FOR THE REVIEW OF PUBLIC ENTERTAINMENTS
LICENCE - TABLE AND LAP DANCING ESTABLISHMENTS**

Reference was made to the draft report of the Licensing and Public Health Sub Group to the Regulatory Overview and Scrutiny Group for the Review of Public Entertainments Licence - Table and Lap Dancing Establishments. In response to a query it was confirmed that at present an application could not be turned down because the applicant refused to disclose the purpose of the public entertainment licence.

Jacqui Kennedy referred to the London Borough of Hillingdon adding that Table and Lap Dancing Clubs were not identified through the Licensing process, however, permission was required from the Local Authority for a change of use of licence. She continued that the London Borough of Hillingdon was now identifying premises as a way of keeping a record of use of public entertainment licences.

It was felt that National Legislation for the disclosure of use of licence for table and lap dancing purposes should be lobbied for. Mirza Ahmad stated that an Act of Parliament would take a considerable time. In response to queries from Councillor Dawkins the Group were informed that each application was judged on its individual merits. It was felt that the only control of such establishments, in the absence of national legislation, was for the Licensing Committee to have the authority to grant a public entertainment in these circumstances, subject to special conditions. Following a request from Councillor Dawkins, Annette Wright undertook to look into whether it was possible to extend the rules for advertising, similar to those stipulated for sex establishments, to table and lap dancing clubs.

Councillor Dawkins expressed his concern that condition 32. of the standard conditions of licence relating to improper performances was being overlooked. Mirza Ahmad informed that the conditions were being reviewed. It was agreed that the report would be amended taking the comments made into consideration and including more information regarding the London Borough of Hillingdon Case.

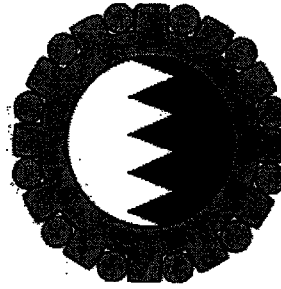
PLACARD AND FLYPOSTING

Howard Thomas, Public Health Division, Environmental and Consumer Services was in attendance to give a presentation on Placards and Flyposting in the Ward and submitted a document to the Group outlining the problems and showing photographic evidence. He referred to the relevant legislation adding that even if the culprit was caught in the act, officers had no powers of arrest and the culprit was given 48 hours for removal. Mr Thomas informed that the City Council needed to corporately set up a strategy on flyposting to address the problem. He continued that the removal of flyposting and placards, after leaving them up for a while as evidence was limited by resources. He also informed the group that Local Authorities were experimenting using the newly appointed Street Wardens to assist with the problem. Mirza Ahmad referred to the review of the Integrated Enforcement Policy to commence in the New Year and suggested that the issue be looked into as part of the review.

DATE OF THE NEXT MEETING

The date of the next meeting was set for Friday, 18 January at 1430 hours. Councillor Chapman said the review of Table and Lap Dancing Clubs would be concluded at the next meeting and work would commence on the Licensing of Massage and Special Treatment Establishments.

The meeting ended at 1558 hours.



**NOTES OF A MEETING OF THE
LICENSING AND PUBLIC HEALTH
(OVERVIEW AND SCRUTINY GROUP)**

Friday 18 January 2002 at 1430 hours
Room 2 (Council House)

PRESENT:-

Chair:- Councillor John Chapman
Members:- Councillor Nigel Dawkins
Officers:- Mirza Ahmad, Chief Legal Officer
Jacqui Kennedy, Head of Regulation Support Services
Annette Wright, Licensing Officer (General), Environmental
and Consumer Services
Louisa Nisbett, Democratic Services
Dave Smith, Democratic Services

APOLOGIES

An apology was submitted of behalf of Councillor Nicola Henry.

NOTES OF THE LAST MEETING

It was agreed that the Words "building up a database" in the third paragraph of the Notes should be replaced with "identifying premises". Subject to this amendment the notes of the last meeting held on 11 December 2001 were approved.

**PUBLIC ENTERTAINMENTS LICENCE - TABLE AND LAP DANCING
ESTABLISHMENTS**

Reference was made to the draft report of the Licensing and Public Health Sub Group to the Regulatory Overview and Scrutiny Group for the Review of Public Entertainments Licence - Table and Lap Dancing Establishments which had been discussed at the last meeting and amended to include further information requested by Members.

Councillor Dawkins felt it would be inappropriate to submit the amended report to the Regulatory Overview and Scrutiny Committee without Members having time to properly consider the report. Jacqui Kennedy went through the details in the report advising the Committee that Annette Wright had spoken again to the London Borough of Hillingdon and Manchester regarding the licensing of this type of establishment and further details had been included in the report. Jacqui went through the progress of the Group up to the present date.

Councillor Chapman asked for some rewording of the report and for clarification regarding what powers the City Council had to introduce standard conditions to licences. He also queried the reasons behind the decision by Manchester and Hillingdon to add these conditions.

The Committee was informed that even though standard conditions could be added through the licensing process, applicants were entitled to challenge the decision if they considered them to be unreasonable. The reasonableness of standard conditions of licence had not to date been challenged. Mirza Ahmad clarified that in respect of sex establishments, the locality and number of premises in an area were considered, however he felt that location would be difficult to control in the case of Table and Lap Dancing establishments. It was confirmed that the City Council could not impose house rules.

During the discussion Mirza Ahmad explained that Lobbying would be a long, costly process and the chances of succeeding would not be high.

A discussion ensued on the grounds a licence could be refused. Mirza Ahmad responded that applications would have to be considered on their individual merits. Jacqui Kennedy informed that a restriction could be put on advertising as part of the special condition of licence. Councillor Chapman referred to the conditions of licence which was currently being reviewed. In response to a query by Councillor Williams, Annette Wright said there was no age restrictions on the Public Entertainment Licence however in a Massage Parlour or a Sex Shop the age restriction was 17 and it was agreed that it be a recommendation that the age restriction for Table and Lap dancing be the same.

It was suggested that raising the awareness of the Entertainment Licencee's National Certificate Qualification could be a footnote of the licence. Jacqui Kennedy undertook to update the report and E Mail a copy to Members.

UPATE ON MASSAGE AND SPECIAL TREATMENT PARLOURS

Mirza Ahmad reported that a public notice had appeared in the Evening Mail on 10 December and a Press notice circulated to Councillors on 9 December. No responses had been received to the notices. Councillor Williams undertook to pass on the information to people in his Ward who were interested in this issue and ensure a response was submitted. The deadline for the notice was extended for a couple of weeks to allow for this.

ANY OTHER BUSINESS

During a brief discussion it was agreed that the notices placed in the Evening Mail had not received much response and it was agreed that Mirza Ahmad should only place an advert in the Birmingham Voice for the Private Hire and Hackney Carriage Review.

It was agreed that the next meeting should be held on Monday 11 February 2002 at 1500 hours.

The meeting ended at 1559 hours.

Members of the Regulatory Overview and Scrutiny Committee

Councillor Yvonne Mosquito Chair

Councillor Len Clark

Councillor John Cotton

Councillor Jagdip Rai

Councillor John Chapman

Councillor David Williams

Councillor Nigel Dawkins

Members of the Public Health and Licensing Sub Group

Councillor John Chapman Chair

Councillor David Williams

Councillor Nigel Dawkins

APPENDIX 12

Evidence was given by the following individuals and organisations in response to Call for Evidence:

Councillor Bryan Nott	Chair Licensing Committee
Cass Carrington	Licensee, Spearmint Rhino
Philip Whitehouse	Vice President, Spearmint Rhino
Andrew Potts	Hammond Suddards Edge
Mr Metin Yusuf	Managing Director, Legs Eleven Leisure Midlands Limited.
Jacqui Kennedy	Head of Trading Standards and Licensing
Annette Wright	Senior Licensing Officer

Written Evidence was provided by:

John Melia	British Institute of Innkeepers
Sally Lowther	Member of the Public