

**Report of the Principal Officer
(Licensing) to the meeting of the
General Licensing Regulatory
Board to be held on the 23 May 2012**

B

Local Government (Miscellaneous Provisions) Act 1982
Application for the Grant of a Sexual Entertainment Venue Licence

The Applicant	Wildcats 32 Wellington Street Barnsley South Yorkshire S70 1SW
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1.0 Purpose of the Report

1.1 To place before Members an application for the grant of a Sexual Entertainment Venue licence in respect of Wildcats, 32 Wellington Street, Barnsley S70 1SW.

2.0 Recommendation

2.1 That the license in respect of the above premises be approved in accordance with the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

3.0 Background

3.1 The premise, Wildcats Private Gentleman's Club has been in operation from 32 Wellington Street for six years and is currently licensed by the Council under the provisions of the Licensing Act 2003.

3.2 There have not been any significant changes to the neighbourhood within the vicinity of the premises since the licence was granted by the General Licensing Regulatory Board in 2006.

3.3 A copy of the application, code of conduct for managers, performers, staff, security staff and customer rules are attached as Appendix 1.

3.4 When Members adopted the provisions of the Police and Crime Act 2009, they also determined the limit of premises that would fall within specific wards, based upon the number, type and location of the premises already in operation.

3.5 Schedule 3 of the Act allows appropriate authorities to refuse an application on two grounds:

- At the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or
- That a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premise

3.6 The decision regarding what constitutes as a 'relevant locality' is a matter for the Council to decide. As such, at a meeting on 10 January 2011, the Council decided that each individual ward in the borough should be dealt with as a 'relevant locality'.

3.7 The appropriate number for each locality (Ward), other than those contained in the table below, will be nil:

Ward	Sex Shops	Sex Cinemas	Sexual Entertainment Venues
Central	1	0	1
Stairfoot	1	0	0

3.8 Members are minded to note that the 'Sexual Entertainment Venue' allocated in the Central Ward was primarily reserved in respect of Wildcats, in anticipation of the premise licence holder submitting an application for a Sexual Entertainment Venue Licence, in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

4.0 Consultation

4.1 In accordance with the statutory requirements, notice of this application has been published in a local newspaper and no objections/comments have been received by the Licensing Section.

4.2 South Yorkshire Police have raised no objections to the application.

5.0 Compatibility with European Convention on Human Rights

5.1 Approving the application, as recommended, will not involve interference with Convention rights. Should any other decision be contemplated, there may be a potential interference with the rights of the applicant under Article 1 of Protocol 1 (Protection of Property) and, in that event, further advice will be given at the meeting.

6.0 Crime and Disorder implications

6.1 There are no implications for crime and disorder in the community arising from the proposals of this report.

7.0 Financial Implications

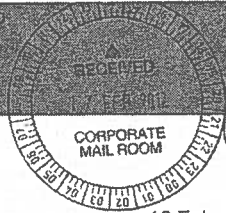
7.1 Nil.

8.0 Background Papers

8.1 A copy of the papers evidencing the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 will be made available at the General Regulatory Licensing Board meeting.

Officer Contact: Mrs. Kate Liddall **Tel:** 01226 774258 **Date:** 8 May 2012

PopplestonAllen



Codes

Licensing Department
Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
South Yorkshire
S70 9FB

Date: 16 February 2012
Our ref: NW/PAW/P38150-11
Doc Ref: 2144087543
Your ref: n.walton@popall.co.uk
E-mail: 0115 9487410
Direct line:

SENT BY SPECIAL DELIVERY

Dear Sirs



Wildcats, 32 Wellington Street, Barnsley
Sexual Entertainment Venue Licence

We act for Yorkshire Security Solutions Limited and have been requested to issue an application for a Sexual Entertainment Venue Licence. We therefore attach:-

1. An application form;
2. Appendix 1 (Introduction and Conditions)
3. Code of Conduct for Managers
4. Code of Conduct for Performers
5. Code of Conduct for Staff
6. Code of Conduct for Security Staff
7. Customer Rules
8. Plan of premises;
9. Certified copy of the Applicant's passport;
10. Disclosure Scotland, Basic Disclosure (please note this Basic Disclosure was applied for and issued on 25/11/2011. My client was not aware that a Basic Disclosure has a shelf life of 28 days and a further Basic Disclosure has been applied for and will be forwarded to the Licensing Authority as soon as it becomes available);
11. Fee of £3,950.

£3950.00
poppleston Allen
582818.

If there are any inadequacies in respect of this application, please contact the issuer of the application rather than reject the application and the issuer will attempt to resolve any issues that may arise prior to the Licensing Authority rejecting the application outright.

Yours faithfully

Poppleston Allen

Encs



SEX ESTABLISHMENT LICENCE

Application for GRANT / RENEWAL / VARIATION / TRANSFER

**Local Government (Miscellaneous Provisions) Act 1982
Section 2 and Schedule 3**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Please tick as appropriate:

- a) Application for the grant of a licence
- b) Application for the renewal of a licence
- c) Application for the variation of a licence
- d) Application for the transfer of a licence

x

Yorkshire Security Solutions Ltd

We

(Insert name/s of applicant/s – please read guidance note 1)

apply for the Grant of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (delete as necessary*)**

Part 1 - Premises Details *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises) WILDCATS 32 WELLINGTON STREET BARNSELY S70 1SW Tel 07526722968

DEVELOPMENT, ENVIROMENT & CULTURE DIRECTORATE

Part 2 - Applicant Details

Please state whether you are applying for a licence as :- (tick as appropriate)

- a) an individual or individuals * please complete section (A & C)
- b) a person other than an individual * please complete all sections
- i. as a limited company please complete all sections
- ii. as a partnership please complete all sections
- iii. as an unincorporated association or please complete all sections
- iv. other (for example a statutory corporation) please complete all sections

(A) Individual Applicant Details (Please read guidance note 3)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title <input type="text"/>
Surname		First names		
Date of birth				
Current postal address including post code				
Telephone number (if any)				
E-mail address (optional)				

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title <input type="text"/>
Surname		First names		
Date of birth				
Current postal address including post code				
Telephone number (if any)				
E-mail address (optional)				

(Continue on separate page if necessary)



(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	MR KEVIN SPENCER
Address including post code	YORKSHIRE SECURITY SOLUTIONS LTD THE GABLES, BARROWBY LANE GARFORTH LEEDS LS25 1NG
Registered number	07731411
Description of applicant (e.g. partnership, company, etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

(C) Description of Trading Activity

The premises will trade as:

(tick as appropriate)

a sex cinema a sex shop a sex encounter establishment

The premises will trade on the following days and between the following times:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	16:30	16:30	16:30	16:30	16:30	10:00	20:00
To	04:00	04:00	04:00	04:00	04:00	04:30	04:30

Please provide brief details of the intended operation of the premises:

Private Gentleman's club offering lap dancing, pole dancing and striptease shows



(D) Licensing History

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	No
Been refused the grant / renewal / transfer of a licence for a sex establishment?	No
Been the holder of a sex establishment licence when that licence has been revoked?	No
If 'Yes' to any of the above please provide details:	

Part 3 - Declaration

We YORKSHIRE SECURITY SOLUTIONS LIMITED
(Insert name/s of applicant/s)

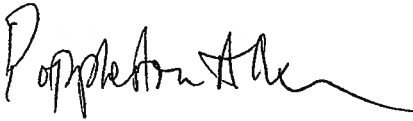
	Please tick each applicable box
• Enclose the fee (Please make payable to Barnsley Metropolitan Borough Council)	X
• Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable	X
• Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service	X
• Understand that if the above requirements have not been complied with my application will be rejected	X
• Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998.	X
• Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.	X



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(C) Signatures *(Please read guidance note 4)*

Signature of applicant/s or applicant/s' solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature/s	
Date	16 FEBRUARY 2012
Capacity	SOLICITOR FOR APPLICANT

(D) Contact Details *(Please read guidance note 5)*

Contact name	NICK WALTON
Contact postal address including post code	POPPELSTON ALLEN 37 STONEY STREET THE LACE MARKET NOTTINGHAM NG1 1LS
Telephone number (if any)	0115 9487410
E-mail address (optional)	n.walton@popall.co.uk

Appendix 1

WILDCATS, 32 WELLINGTON STREET, BARNSELY, S70 1SW

INTRODUCTION

Location of premises

The premises are located on Wellington Street on the cusp of Barnsley Town Centre. Wellington Street is accessed via the West Way (A628) and the junction 37 of the M1 motorway is approximately 2 miles to the west of the property. Wellington Street provides a number of night time economy premises including the Soviet Retro Bar, Chennells, the Shakespeare Public House, Factgold Ltd, Corner Pin, the 3 Amigos, Escapade and takeaway facilities from Franklin's, Wellington Street chippy and the Empire Fish Restaurant.

The premises comprise of a four storey brick built former warehouse building. The upper floors are currently unused. The first floor comprises of a series of private booths with a balcony area and club office.

The ground floor includes the main bar area and pole dancing facility together with a raised VIP area and private booth. There is also at this level a disabled WC.

To basement level are the ladies and gents WCs, the main beer cellar facility and club office and also the staff changing rooms.

CONDITIONS

Conditions which are consistent with the operating schedule of the premises to promote the Licensing Objectives:

1. Whilst entertainment consisting of striptease or nude dancing is taking place no persons under the age of 18 years of age shall be permitted within the premises and a notice shall be clearly displayed at the entrance to the premises stating that **"no person under the age of 18 shall be admitted"**.
2. Each area will be supervised and shall display signs advising customers of the rules and conditions of the licence.
3. Performers shall be aged 18 years or over.
4. A price list shall be displayed in a prominent position giving the price and times allowed for the dance routine.
5. Performers/dancers not performing will not remain in the public area in the state of nudity.
6. Any persons on the premises who can be observed from outside of the premises must be properly or decently dressed.
7. There shall be no physical contact between customers and dancers whilst dancers are performing except for the placing of tokens in a garter or into the hands of the dancer at the beginning or end of each performance.

8. Customers will remain seated whilst watching a performance.
9. House rules shall be displayed in the premises and on tables regarding the conduct of performers, staff and customers.
10. Any persons employed on the premises to work in the capacity as a Door Supervisor shall hold an SIA authorisation so to do.
11. No glasses or bottles will be taken from the premises.
12. CCTV will be provided and maintained throughout the premises.
13. The recordings shall be produced to a Police Constable or Authorised Officer of the Council upon request.
14. A representative of the Premises Licence Holder will become a member of the Pubwatch scheme.
15. Any persons who appear to be under the influence of alcohol or drugs will not be permitted access to the premises.
16. Receptacles will be provided for the disposal of glass or other sharp objects and such receptacles will be situated in an area to which the public do not have access.
17. Members of staff will be trained in first aid.

18. Regular safety checks and risk assessments will be conducted at the premises in accordance with current Health & Safety Legislation and records will be maintained and made available for inspection upon request.
19. The plan drawing number 6571-04C submitted in support of this application incorporates all proposals in respect of means of escape, fire detection and fire fighting equipment and emergency lighting.
20. Notices will be placed at exits to the premises reminding customers to leave the premises quietly.
21. Noise and disturbance shall not emanate from the premises.
22. Any queue to the premises will be monitored to ensure no person causes a nuisance.
23. The premises will adopt a strict proof of age scheme and staff shall receive suitable training.
24. Any entertainment within the premises will not be visible to persons under the age of 18 who may be outside of the premises.

Further conditions which have been agreed between the operator and the Licensing Authority:

1. Coded door locks on performers changing room door to be covered by a CCTV system and the main toilet entrance.

2. CCTV to be installed covering all booths.
3. Company policy relating to CCTV to be adhered to including:
 - a) Two monitors to be installed, one in the Manager's office and one at the reception.
 - b) CCTV to be recorded digitally.
 - c) CCTV to be operational 24 hours a day.
 - d) Recordings to be kept for a period of 31 days. Monitoring to be viewable only by authorised staff.
 - e) Authorised staff to be trained in the use of the CCTV equipment.
4. Door supervisors to be SIA approved, frontline trained and present at the main entrance in the following number when premises are open to the public:
 - a) Sunday to Thursday inclusive, one
 - b) Friday and Saturday inclusive, two
 - c) In addition to the above all Duty Managers to be SIA non frontline trained and a minimum of one to be present on the premises whilst the premises are open to the public.
5. Duty Managers to be Personal Licence Holders as defined in the Licensing Act 2003.
6. No person under the age of 18 shall be employed or allowed to work on the premises.
7. Premises plans are to be provided to the Police and Local Authority showing the position of CCTV cameras.
8. A minimum of first aid trained staff to be present at all times during opening to the public.

9. A subscription to the town link radio system to be purchased and the system to be monitored and used appropriately.
10. All performers to be clothed to a minimum of a full bikini unless performing dancing on a stage or in a booth.
11. The section (Appendix 1 Perform a Code of Conduct) (Wildcat Company Operation Manual) to be adhered to at all times a copy of which to be supplied to the Local Authority and Police. The Operations Manual not to be amended without prior consultation to the Local Authority and Police.
12. Any and all outside advertising for the venue shall be tasteful and not contain nudity.

Code of conduct for Managers

Managers must ensure all policy's and licences are adhered to.

Check on Performers dancers on CCTV in the booth at least two dances for each performer to ensure rules are being followed

To ensure the safety of all customers and staff at all times.

Be honest and act with integrity

Be aware at all times what is going on in the club with Performers staff customers and Doorstaff.

Make sure all Due diligence documentation is up to date.

Code of conduct for Performers

You must always remain clothed in the Bar area

You must not allow customers to touch you during a performance.

You must not give your contact details out.

You must not take customers clothes off.

A dance is three minutes for £10 do not over charge customers.

If you feel threatened or there is a breach of conduct during the performance you must press the panic alarm provided in each booth.

A distance of 30cm must be kept between you and the customer during every performance.

If you are found to be drunk or drinking to get drunk you will be sent home.

You may be searched at any point in your shift for drugs, on finding any drugs you will be handed over to the police.

There is to be no violence towards customer's staff or other performers at any time

Any breach of the above will result in disciplinary action been taken.

Code of conduct for staff

Any suspicious activity is to be reported to a Manager

Challenge 21 is in place at this venue, ask for id and if unsure ask for id

Anyone who appears to be under the influence of drugs report them to the Manager/Doorstaff.

Check on Booths at regular intervals for glasses and any broken glasses.

Do not serve anyone who appears to be drunk and report them to a manger or member of doorstaff

There is to be no use of bad language towards customers or performers or other staff

Code of conduct for Security Staff

Random searches must be done on performers on entry to the club.

Random searches must be done on customers on entry to the club.

If any customers appear drunk you must refuse entry.

Challenge 21 is in operation at our venue please be aware of it and ensure it happens

Be polite to customers at all times.

Booths are to be checked at regular intervals and check on performers dancing.

Be aware at all times of what is going on in the venue, camera phones are not to be used and watch for girls or customers exchanging numbers.

Look out for customers trying to touch performers.

Please report anything suspicious to the Manager.

Customer Rules

Customers must be seated before dances and must remain seated during the performance

No propositioning of dancers is permitted

You must not give your contact details to any of the dancers.

Customers must remain fully clothed

There must be no touching of dancers during the performance except when paying the dance fee into the dancers hand.

Any breach of the above rules will result in the customer being excluded from the club

