

CHELTENHAM LICENSING RESPONSE RE LAP DANCING ACTIVITY

This is a response to the Cheltenham Borough Council to outline exactly what takes place in Lap Dancing venues, and to outline the associated crime & disorder problems and Police involvement. This is set against a backdrop of the Council's need to consider whether or not to adopt the new legislation.

The New Legislation

The Policing and Crime Act 2009 came into force on 6th April 2010, and reclassified lap-dancing clubs as 'Sexual Encounter Venues'.

If adopted by the Council, these new measures will give local Councillors and local people a greater say over *where*, and *how many* lap-dancing clubs operate in their neighbourhoods.

Significantly, the new legislation affords the opportunity for control of such premises to be determined by Local Authorities, rather than relying on conditions drafted predominantly by Police Licensing Officers (under the Licensing Act 2003).

Lap Dancing Activity

Lap Dancing is an activity which is appropriately described under the new legislation as '*Sexual Entertainment*', as the main purpose (apart from the financial gain) of such activity is again appropriately described in the Act as being "*principally for the purpose of sexually stimulating any member of an audience*".

Typically, an attractive young female (18-35) will gyrate around in very skimpy 'bikini-style' clothing and will encourage customers to pay a sum of money to watch her teasingly remove the last couple of items of clothing and fully expose herself in a graphic display of total nudity.

In practice, premises have two distinct areas within the premises:

1. A general Bar area where customers will see a Lap Dancer in a skimpy outfit carry out a pole-dance and where girls approach customers.
2. A private area (often consisting of small booths with a net-curtain across the front), where on payment of a sum of money (£20 – £40) the customer will be treated to a one-to-one 3 or 4 minute 'dance' involving a full strip.

Various alternatives are on offer, such as hiring a booth and a lap-dancer for an hour for £300.

Strict Rules are applied (by Condition on the Licence) to control Sexual Entertainment, and to reduce the occurrence of crime & disorder.

General Problems associated with Lap Dancing.

The Lap Dancing industry attracts various crime & disorder problems:

- Lap Dancing is an extremely lucrative activity for both the Club operators and those employing the girls involved. It has been reported that Lap Dancers can earn up to £5,000 per week.
- Because there are very large amounts of money involved, the industry can attract attention by and the involvement of individuals within the criminal fraternity.
- Such individuals endeavour to tightly control such activity within their area, the use of threats and intimidation to protect their business interests have been recorded.
- Girls involved in the industry are generally employed by agencies, some of whom it is believed are involved in crime.
- As a result, there can be direct links to prostitution, drugs, pornography, the exploitation of girls, and employment of illegal immigrants.
- Pressure can be applied to owners/operators of Licensed premises to engage in Lap Dancing activity within their premises and, for those who offer these services, to use only girls that are 'approved' by the agency.
- Owner/Operators can be pressured to make use of 'minders' that 'come with the girls', in preference to their own regular, locally-employed Doorstaff, so that things are run in the way the controlling agency dictates.

History of Lap Dancing within Cheltenham

Lap Dancing has been a feature in Cheltenham for a number of years, especially during Race Week in March.

Prior to the introduction of the Licensing Act 2003, Sexual Entertainment in Cheltenham was regulated by Appendix B of the Council's Public Entertainment Licence Policy, although it appears that some Licensed premises regularly undertook Sexual Entertainment during Race Week (March) without the appropriate PELs being sought.

The introduction of the *Licensing Act 2003* in November 2005 made Public Entertainment Licences (and the corresponding Policies) redundant and therefore removed these controls.

During 2006, a venue in Cheltenham made a Variation to include Lap Dancing as a regular feature on its existing Licence. This was the first application for a permanent Lap Dancing Licence in Cheltenham. There were no resident objections, so it fell to the Constabulary and the Environmental Health department to determine whether or not the location was suitable for such a club, and to seek appropriate Conditions on the Licence (if any were to be applied).

- Conditions concerning the operation of the premises were drawn up by the Police Licensing Officer and the Council's Environmental Health (Noise Pollution) Officer regarding Noise Control.

These Conditions were accepted fully by the applicant and were duly attached to the Licence.

In addition to the above application, there have been a couple of other 'lesser' applications from Licensed premises that wanted to be able to offer Topless Waitresses or Lap Dancing during Race Week as part of their permanent Licence.

Several other Town Centre based Licensed premises have used Temporary Event Notices (TENs) to permit such activity to take place during Race Week.

As a result, there has been a significant amount of Lap Dancing activity taking place in Cheltenham:

- *Throughout the year* at one premises
- At a number of premises *during Race Week*

It has fallen mainly to the Constabulary to regulate and monitor such activity.

In response to TEN applications (which cannot have Conditions attached) the Constabulary issued a letter detailing *Crime Reduction Measures* that applicants were asked to implement in order to ensure responsible operation and avoid Police Objection. These 'recommendation letters' have helped to keep checks and balances on TEN Lap Dancing activity.

In Cheltenham, we have had various incidents and problems that are (or are believed to be) associated with Lap Dancing activity over the last few years.

- Complaints from the Public of scantily-clad girls in the High Street approaching passing males in the early evening and inviting them to attend Clubs where they are employed.
- Reports of lap-dancers leaving licensed premises with customers and heading for stretch limousines parked nearby.
- Complaints of indecent posters displayed around the Town and in licensed premises.
- Complaints of indecent flyers being distributed and being left on the ground for children to find the next day.
- Complaints of an advertising vehicle with inappropriate images being driven around the Town Centre during the daytime.
- Confrontation between 'Agents' (involved with Lap Dancers) and local Doorstaff at a Nightclub.
- Confrontation between 'agents' and door staff at a Nightclub where minders were trying to get hold of a local venue manager for employing girls without their approval. During this incident a local doorman was hospitalised.
- An attempt to start a fire at a Nightclub.
- A petrol-bomb thrown at a basement window of a Nightclub following a dispute over Lap Dancing arrangements.
- Customers reporting thefts of wallets by Lap Dancers.
- Lap Dancers ejected from Clubs due to breaching rules e.g. allowing customers to touch them.
- Disputes between Lap Dancers and Owners/Operators over money.
- Dispute between customer and girl over services provided for money paid.

As a result of the potential for additional crime and the possible involvement of criminals at some Lap Dancing venues during Race Week, the Constabulary has provided a small number of dedicated Police Officers to make regular visits to all Licensed premises involved.

Summary & Recommendations

- Lap Dancing/Striptease activity is already taking place in Cheltenham. The Constabulary therefore supports the adoption of the legislation, as it will enable better controls over such activity.
- Adoption of the legislation places policies, controls and key decisions (such as whether premises are situated in a suitable location) back with the Licensing Committee rather than with the Police.
- Adoption of the new legislation will afford the Licensing Committee an opportunity to consider whether or not existing premises are appropriately located.
- The Licensing Committee will establish whether the Conditions set by the Constabulary and Environmental Health are appropriate and therefore suitable for inclusion as 'standard conditions'.
- Under the new legislation, premises that have previously undertaken Sexual Entertainment for 3 or 4 days during Race Week will now only be permitted to carry out this activity on one-day-per-month. There is, therefore, a possibility that some premises will apply for Lap Dancing on a permanent licence in order to be able to offer what they did before during the whole week of races, and to gain an edge over competitors.
- Whilst it is the Committee's place to determine what is and what is not a suitable location for such premises, the Licensing department of Cheltenham Division recommends that they should NOT be located within either a Residential Area or in the Central Shopping Area. (See Cheltenham Borough Local Plan Proposals Map adopted July 2006)
- The Constabulary recommends that applications be looked at on a 'case-by-case' basis.
- The Constabulary recommends that Sexual Entertainment Premises are not located near:
 - ❖ Places of Worship
 - ❖ Schools
 - ❖ Youth Clubs
 - ❖ Hospitals
 - ❖ Parks & Gardens
 - ❖ Places of Special Interest
 - ❖ Places of Public resort such as Libraries, Bus Station, Railway Station, Museums, Taxi Rank, Shopping Malls

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