

To: Councillor Edwards (Chair)  
Councillors Woodward, Grashoff, Jones,  
Rowland and Skeats

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16 September 2019

Your contact is: **Richard Woodford - Committee Services**

**NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 24 SEPTEMBER 2019**

A meeting of the Licensing Applications Sub-Committee 3 will be held on Tuesday, 24 September 2019 at 6.30 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>WARDS</u> <u>AFFECTED</u>	<u>Page No</u>
<b>1. DECLARATIONS OF INTEREST</b>		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
<b>2. MINUTES</b>		<b>3 - 4</b>
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meeting held on 28 August 2019.		
<b>3. QUESTIONS</b>		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
<b>4. APPLICATION FOR THE VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE - LGL ENTERTAINMENT LIMITED, 108 FRIAR STREET, READING</b>	<b>ABBEY</b>	<b>5 - 68</b>

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A report asking the Sub-Committee to consider an application for the variation of a Sexual Entertainment Venue Licence (SEV) made by LGL Entertainment Ltd on 18 June 2019.

**5. EXCLUSION OF PRESS AND PUBLIC**

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act”

- 6. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE**
- BOROUGH WIDE 69 - 136**

**Present:** Councillor Edwards (Chair);  
Councillors Woodward (Vice-Chair) and Rowland

**Apologies:** Councillors Grashoff, Jones and Skeats

### 7. MINUTES

The Minutes of the meeting held on 31 July 2019 were confirmed as a correct record and signed by the Chair.

### 8. APPLICATION FOR THE VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE - LGL ENTERTAINMENT LIMITED, 108 FRIAR STREET, READING

The Sub-Committee agreed to defer consideration of this item to the next meeting, at the request of the applicant.

### 9. EXCLUSION OF PRESS AND PUBLIC

**Resolved -**

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of Item 10 below as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

### 10. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application for the grant of a three-year private hire vehicle driver's license and an application for the revocation or suspension of a three year hackney carriage vehicle driver's licence.

A summary of the circumstances of each case was appended to the report.

MJ had written to the licensing authority to explain that he was unable to attend the meeting, and it was agreed to defer consideration of his application to a future meeting. EA was present at the meeting and answered questions from the Sub-Committee.

**Resolved -**

## LICENSING APPLICATIONS SUB-COMMITTEE 3 MEETING MINUTES - 28 AUGUST 2019

That the Hackney Carriage Vehicle Driver's Licence of EA be suspended for a period of 14 days, with effect from the end of 21 days' notice of the decision being given to the driver, for the reasonable causes pursuant to section 61 of the Local Government (Miscellaneous provisions) Act 1976 outlined below:

- (a) the nature of the offences, as detailed in the report;
- (b) his breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
- (c) his confirmation at the hearing that he had failed to respond to correspondence from the licensing authority regarding the incidents set out in the report.

(The meeting closed at 7.21 pm)

# Agenda Item 4

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

<b>TO:</b>	LICENSING APPLICATIONS SUB-COMMITTEE 3		
<b>DATE:</b>	24 SEPTEMBER 2019	<b>AGENDA ITEM:</b>	4
<b>TITLE:</b>	APPLICATION FOR THE VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE -LGL ENTERTAINMENT LIMITED, 108 FRIAR STREET, READING, RG1 1EP		
<b>LEAD COUNCILLOR:</b>	COUNCILLOR JAMES		
<b>SERVICE:</b>	PLANNING DEVELOPMENT & REGULATORY SERVICES	<b>WARDS:</b>	ABBEY
<b>LEAD OFFICER:</b>	J S CHAMPEAU	<b>TEL:</b>	0118 9372239
<b>JOB TITLE:</b>	SENIOR LICENSING AND ENFORCEMENT OFFICER	<b>E-MAIL:</b>	licensing@reading.gov.uk

#### 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To allow you to consider an application for the variation of a Sexual Entertainment Venue Licence (SEV) made by LGL Entertainment Ltd on 18 June 2019. The operating hours stated within the application are 2100hrs until 0500hrs the following day - 7 days a week. The application should be considered in line with the representations received; the Council's SEV policy and any matters that the committee may deem as relevant as well as in accordance with Schedule 3 of the Local Government Miscellaneous Provisions Act 1982.

#### 2. RECOMMENDATION

- 2.1 That you consider the application as detailed in the report in line with the representations received; the Council's licensing policy in respect of SEV's and any other relevant matters. The application should be considered in accordance with the relevant legislation which, in this instance, is Schedule 3 of the Local Government Miscellaneous Provisions Act 1982.
- 2.2 That when determining this application, a full statement of reasons is given explaining the decision and that any decision taken has due regard to the Public Sector Equality Duty as specified within Section 149 of the Equality Act 2010.

**2.3 That the requested extension to permitted hours only take effect when all other permission have been granted.**

### **3. POLICY CONTEXT**

- 3.1** Reading Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which came into effect on the 1 April 1983. This permitted the Council to regulate the number, location, operating terms and conditions for sex establishments (sex shops & sex cinemas).
- 3.2** Reading Borough Council has also adopted the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which came into force on the 1 September 2010. This permits the Council to regulate the number, location, operating terms and conditions for Sexual Entertainment Venues. This resolution was passed at the Full Council meeting of 29<sup>th</sup> June 2010 and is attached at [Appendix JC-1](#) of this report.
- 3.3** On the 27 October 2010, Reading Borough Council approved the policy, terms, fees and conditions for Sexual Entertainment Venues. A copy of the Sexual Entertainment Venue Policy is attached as [Appendix JC-2](#) to this report.
- 3.4** The Local Authorities (Functions and responsibilities)(England) Regulations 2000 does not confer power to an Authority's Executive to licence Sex Shops and Sex Establishments under Section 2 and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. As set out in Section 3 of Part 3 of the Council's constitution, the Council has delegated this function to the Licensing Applications Committee, and that Committee has in turn delegated it to the Head of Planning, Development and Regulatory Services. The Council has empowered the licensing sub-committee to determine such matters as stated in its terms of reference.

### **4. BACKGROUND**

- 4.1** Section 27 of the Policing and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) 1982 to allow the Licensing Authority to licence "Sexual Entertainment Venues", where "relevant entertainment" is provided before a live audience, for the financial gain of the organiser or the entertainer. "Relevant entertainment" is defined as "any live performance or any live display of nudity" provided solely or principally for the purpose of stimulating any member of the audience.
- 4.2** Prior to the introduction of this new legislation, the only control over sexual entertainment venues was the requirement to obtain a Premises Licence under the Licensing Act 2003, in the same way that a pub or nightclub must be licensed to sell alcohol and provide entertainment. No special provisions were made in the 2003 Act for Sexual Entertainment Venues.
- 4.3** The new legislative controls available to the Licensing Authority strengthen the role that local communities can play in deciding whether a Sexual Entertainment Venue is inappropriate for the locality.

4.4 The legislation brings the licensing of Sexual Entertainment Venues in line with other “Sex Establishments” such as “Sex Shops” and “Sex Cinemas” and recognises that local people have legitimate concerns about where such premises are located.

## 5. THE PROPOSAL

5.1 LGL Entertainment Limited have applied for the variation of a Sexual Entertainment Venue Licence to permit lap dancing at 108 Friar Street, Reading. They seek to extend their hours to:

Monday to Sunday 2100hrs until 0500hrs. The premises currently has a licence for a sex establish, pursuant to the Local Government(Miscellaneous Provisions) Act 1982 see Appendix JC3 The premises currently has a licence pursuant to the Licensing Act 2003 which permits regulated entertainment and the sale of alcohol from 1100hrs until 0300hrs with a closing time of 0400hrs.

5.2 A copy of the application form and operating policies are attached as Appendix JC-4.

5.3 Consultations have been carried out on the application and a number of representations/comments have been received from:

- (i) Reading Borough Council planning team - **Appendix JC-5**
- (ii) Thames valley Police - **Appendix JC-6**

**NB: Paragraph 10 (17) of Schedule 3 of the LGMPA 1982 states that the authority shall not - without the consent of the objector - reveal his/her name to the applicant.**

## 5.4 Options available to the Committee

- (i) That the Licensing Committee approves the application to vary with the Councils standard terms and conditions - Appendix JC-7
- (ii) That the Licensing Committee approve the application and may vary the applications operating times and impose additional terms and conditions.
- (iii) That the Licensing Committee refuse the application (see paragraph 8 Legal Implications)

## 6. CONTRIBUTION TO STRATEGIC AIMS

### 6.1. Community Safety Implications

6.1.1 The Local Government (Miscellaneous provisions) Act 1982 permits the Authority to control the location of premises that require a Sex Establishment Licence and impose terms, and conditions. When considering applications, the Authority can take into consideration matters such as:

- (i) The suitability of the applicant;
- (ii) The location of the proposed premises;

(iii) The number and character of premises in a locality;

(iv) The layout of the proposed premises;

(v) Any other matter that it deems relevant.

## **6.2 Sustainability**

**6.2.1** Persons may apply for Sexual Entertainment Venue Licences as such premises do serve a section of the community. However, it is vital that mechanisms are available to allow control of such venues, in order to protect the public; maintain the use of the amenities in the locality and to sustain and promote business in the vicinity.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

**7.1** Community engagement in respect of licensing matters occurs on an ongoing basis through the Neighbourhood Actions Groups, Notice in a local paper, Notice on the premises, Antisocial Behaviour Action Groups and the Reading Borough Council website.

## **8. LEGAL IMPLICATIONS**

**8.1** Local Authorities have the ability to control the licensing of Sexual Entertainment by adopting Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982. Reading Borough Council has adopted Schedule 3 and has been licensing Sex Shops for some considerable time.

**8.2** Paragraph 8 of Schedule 3 to the Act provides that a Local Authority may grant or renew a licence for a Sexual Entertainment Venue on such terms and conditions and subject to such restrictions as may be specified.

**8.3** Paragraph 13 of Schedule 3 to the Act enables a Local Authority to attach standard conditions to a licence for sexual entertainment venues.

### **8.3.1 Paragraph 18**

(1) of Schedule 3 permits the holder of a licence under this schedule to apply to the appropriate Authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) the appropriate authority

(a) may make the variations specified in the application ; or

(b) may make such variations as they think fit; or

(c) may refuse the application.

(3) The variation that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of the sub paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

## **9. FINANCIAL IMPLICATIONS**



- 9.1 The costs associated with application process will be covered by the application fee and annual fee.
- 9.2 Any appeal against a refusal to grant or any imposed conditions could result in the council having to bear the legal costs to defend its action.

## 10. EQUALITY IMPACT ASSESSMENT

10.1 Under the Equality Act 2010 (section 149), a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11 Licensing Officer comments.

11.1 The application requests an extension in permitted hours, the planning department have indicate that the required permissions to trade are not in place for the hours requested, the existing premises licence issued under the licensing Act 2003 permit's the sale of alcohol until 0300hours and members of the public off the premises by 0400hours, if the committee are minded to grant the application to vary the SEV licence, a condition should be a placed on the licence requiring that all the required permissions are in place before the hours granted can be used.

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## 18. REGULATION OF SEXUAL ENTERTAINMENT VENUES

The Director of Environment, Culture and Sport submitted a report highlighting changes to the Local Government (Miscellaneous Provisions Act 1982, which if adopted by the local authority, required Sexual Entertainment Venues to be licensed.

The following motion was moved by Councillor Swaine and seconded by Councillor Skeats and CARRIED:

### Resolved:

- (1) That the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of The Policing and Crime Act 2009 to be adopted on the 1 September 2010, thereby requiring all Sexual Entertainment Venues to be licensed;
- (2) That the power to determine applications for Sexual Entertainment Licences, policy, fees, terms and conditions made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, be delegated to the Licensing Applications Committee and Licensing Applications Sub-Committee 3.

Appendix 10.2

## SEX ESTABLISHMENT POLICY FOR SEXUAL ENTERTAINMENT VENUES

### READING BOROUGH COUNCIL

#### 1. INTRODUCTION

- 1.1 Reading is the County Town of Berkshire. It is currently the third most diverse and one of the most cosmopolitan and dynamic communities in the South East. It lies at the heart of the Thames Valley, and is widely regarded as the 'Silicon Valley' of the UK. Over the last 10 years, Reading has also benefited from being one of the fastest growing and sustained economies in the country. Whilst the recent economic downturn had an impact, the effect was to a lesser degree than in some areas of the country. It is still home to 13 of the world's top 30 global brands, with the likes of Prudential, Microsoft and Oracle all based locally.
- 1.2 Whilst the borough of Reading covers some 4030 hectares and is also home to around 145,000 residents, the wider urban area has a population of around 275,000 with an even broader retail 'catchment area' of over 1.2m. This is a significant aspect of the Reading of today: a sub-regional capital attracting large numbers of workers, shoppers and visitors from a wide area, adding to its vitality and success. Over 13% of the population is made up from minority ethnic communities.
- 1.3 Reading has a University, which during term time, further increase the residential population by around 17,500 and a College of Further Education which increases the population during term time by a further 8,500, many of whom again contribute to Reading's economy.
- 1.4 The ongoing regeneration of the town centre and the arrival of The Oracle shopping centre, originally lifted Reading into the top ten retail destinations in the UK, and it has maintained this position until very recently. However, it is currently rated at 16 on most recent research.
- 1.5 One of the reasons that town centres like Reading are attractive to the public, is that they are areas offering an attractive, safe and vehicle-free environment with a wide variety of retail, food leisure and services on offer. The public are drawn to such areas because they know that they will have a pleasant and satisfying social experience that goes beyond just commercial activity. This is borne out by the quality and quantity of the businesses that pay significant amounts of non-domestic rates and a Business Improvement District levy to maintain and where possible improve that standard.
- 1.6 The Oracle is a large privately owned shopping complex to the south of the area. Because it is private, the quality of the pedestrian and

leisure experience can be said to be the most appealing in the town centre. When it originally opened, there were a number of large nightclub venues. However, recent years has seen a shift in the type of venue available, with a greater influence towards family entertainment, restaurants and specialised markets.

- 1.7 Whilst Reading is the largest and the County town in Berkshire, there are many other towns of substantial size, including from the east to west, Slough, Windsor, Maidenhead, Bracknell, Wokingham and Newbury, many residents of which regularly visit Reading for retail and social activities.
- 1.8 Reading’s vision for the shaping of its future has been carefully considered by seeking views from its residents, local businesses and all its partners, in order to ensure a thriving and balanced environment with a sustainable economy. Social premises should be varied so as to provide diversity and choice. They should be attractive and accessible to all.
- 1.9 The intention of the local authority is to create a well-balanced mix of alcohol and entertainment venues, thereby catering for the widest possible cultural and ethnic diversity.

## 2 THE PRESENT

- 2.1 The Local Government (Miscellaneous Provisions Act 1982 (“the Act”) introduced a licensing scheme to control sex establishments, that is to say, sex shops and sex cinemas.
- 2.2 Section 27 of the Policing and crime Act 2009 amends Schedule 3 to the Local Government (Miscellaneous Provisions) 1982. It introduces the new concept of “Sexual Entertainment Venue” and allows the Licensing Authority to licence such venues, where “relevant entertainment” is provided;
  - (a) before a live audience; and
  - (b) for the financial gain of the organiser or the entertainer.
- 2.3 Relevant entertainment means, “any live performance or any live display of nudity”, provided solely or principally for the purpose of stimulating any member of the audience.
- 2.4 Reading Borough Council has adopted the Act, and at present, there are two sex shops in the borough. One is located on Southampton Street, and one is located on Oxford Road. At present there are no licensed Sexual Entertainment Venues; however there is one premise that operates as a lap dancing club, which is located in the town centre on St Mary Butts. This premise will require a Sex Establishment Licence under the change made to the Local Government (Miscellaneous Provisions) Act 1982 in 2010.

- 2.5 A number of establishments that hold events, which involve full or partial nudity less frequently than once a month, may not require a Sex Establishment licence or may be except from the requirements to obtain a Sex Establishment Licence. Applicants are advised to contact the local authority for details.
- 2.6 The Act imposes a duty on a local authority to refuse a licence by reference to, amongst other things, the criminal convictions of applicants. It also empowers a local authority to refuse to grant or renew a licence by reference to the number of Sex Establishments, which the local authority considers appropriate for the locality of the premises, subject of the application and the character of the locality.
- 2.7 This document outlines a policy, which will guide the Council when considering applications for licences, bearing in mind the spirit and intent of the Act and case law decided since it was passed. The Council shall not follow this policy inflexibly but shall take all relevant factors into consideration in determining an application. Each case shall be decided on its merits.

### 3. **APPLICANTS**

Individuals, limited companies and firms may apply for licences.

### 4. **DURATION OF LICENCES**

Licences are generally issued on an annual basis but can be issued for a shorter term if deemed appropriate.

### 5. **CRIME AND DISORDER**

Under the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent, crime and disorder in their area. This policy will have regard to the likely impact of such licences on related crime and disorder in the borough.

### 6. **HUMAN RIGHTS**

The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- (i) Article 6, in relation to the determination of civil rights and obligations, everyone is entitled to a fair and public hearing ~~within a reasonable time, by an independent and impartial tribunal established by law;~~
- (ii) Article 8, in that everyone has the right to respect for his home and private life, including, for example, the right to a “good night sleep”;

- (iii) Article 1 of the first protocol, that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession.

## **7. DISABILITY DISCRIMINATION**

7.1 The Disability Discrimination Act 1995, introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees: -

- (i) with effect from December 1996, it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- (ii) with effect from October 1999, they have had to make reasonable adjustments for disabled people, such as providing extra help to make changes to the way they provide their services;
- (iii) with effect from 2004, they have had to make reasonable adjustments to the physical features of the premises to overcome physical barriers to access.

7.2 This policy will have regard to the likely impact of licensing of sex establishment on disability discrimination particularly when considering the operation and management of the premises.

## **8. IMPACT**

8.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on local residents. The Council will take the following general matters into account: -

- (i) type of activity;
- (ii) duration of proposed licence;
- (iii) proposed hours of operation;
- (iv) layout and condition of the premises;
- (v) the use to which premises in the vicinity are put;
- (vi) the character of the locality in which the premises are situated.

8.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:-

- (i) crime and disorder;
- (ii) cumulative impact of licensed premises in the area, including hours of operation;



- (iii) the character of the locality in which the premises is situated;
- (iv) public Safety;
- (v) prevention of Public Nuisance.

8.3 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that as appropriate. However, the Council will take into account: -

- (i) levels of recorded crime and disorder in area;
- (ii) evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents;
- (iii) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

## 9. LOCATION

9.1 Licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map. The table below is not exhaustive and we would consider representations from applicants as to why our view should be changed about a particular locality.

locality	Number of Sex Entertainment Venues (SEV)	Reason
Reading Town Centre (Appendix I)	Two	Varied Night time economy, Entertainment area, SEV would be appropriate in this area.
Caversham (North of the river Thames)	None	The whole area is mainly residential, with limited commercial or retail areas
Portman Road industrial Estate	One	Very Limited residential properties mainly small industrial units.
Wensley Road, Southcote Road	None	These areas are residential, with limited commercial or retail areas
Whitley Wood residential areas	None	The whole area is residential, with limited commercial or retail areas
Craddock Road and Acre Road Industrial areas	One	Very Limited residential properties mainly mixed

		industrial.
South East Reading (e.g. Orts Road, Kendrick Road and Palmer Park area)	None	The whole area is residential, with limited commercial or retail areas
Tilehurst Area (e.g. Tilehurst road, Oxford Road, Norcut Road School road)	None	The whole area is residential, with limited commercial or retail areas

## 10. FITNESS OF APPLICANT POLICIES

An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:-

- (i) previous knowledge and experience of the applicant;
- (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other borough;
- (iii) and any report about the applicant and management of the premises received from statutory objectors.

## 11. SUITABILITY POLICY

All licensees are required to ensure that the premises: -

- (i) comply with all health and safety law;
- (ii) are not a source of nuisance to residents in the vicinity.

## 12. PROPOSED OPERATION AND MANAGEMENT POLICIES

12.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.

12.2 In terms of management of licensed premises, the Council strongly encourages where possible and appropriate, will require that licensees: -

- (i) work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment; both within licensed premises and in the environs around them;
- (ii) particularly those whose premises are located in areas with the highest levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.

12.3 In terms of the management of licensed premises, the Council strongly encourages and where possible and appropriate will require all licensees to develop strategies and procedures to increase access for disabled people to the premises.

12.4 In terms of the employment of staff in licensed premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

**13. PUBLIC CONSULTATION**

The Council will normally consult local residents in relations to applications for grant, renewal or variation of the terms or conditions of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.

**14. LEGAL CONSULTATIONS**

Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated and to display a similar notice on or near the premises for 21 days beginning with the date of the application.

**15. CONSULTATION WITH STATUTORY AGENCIES AND OTHER ORGANISATION**

In most cases the Council will consult with all relevant services within the Council and the Fire Authority to ensure that all relevant information is available when considering an application.  
(Planning see item 1)

**16. CONSULTATION WITH WARD COUNCILLORS**

Relevant Ward Councillors will be notified in writing of all applications for grant, renewals and transfer of licences and the variation of conditions within their Ward, and also those on or near the Ward boundary.

16.1 In considering any application for the grant, renewal or transfer of a licence the Council is also obliged to have regard to any observations submitted by the Chief Constable of police and any objections received from members of the public in response to public advertisement of the application.

**17. OTHER POLICIES**

The Council may identify and apply other requirements from time to time, subject to consultation and proper notice.

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**18 PLANNING**

18.1 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to

avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, *their proposed use of the premises is lawful in planning terms*, including complying with any conditions that may be imposed upon a planning consent, prior to applications under this Act being submitted. Nevertheless, the Council recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority.

- 18.2 As outlined at paragraph 13.67 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (March 2010 version), there are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant **MUST** observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 18.3 Where a licence application is to be determined by the Licensing Applications Sub Committee, the Sub Committee in such cases will normally impose a condition to the effect that the licence will **not** become effective, until the relevant planning consent has been obtained.
- 18.4 Reading Borough Council is preparing its Local Development Framework. To date, it has adopted two documents and is working on a further document. The planning policy framework also currently relies on a number of saved policies from the Reading Borough Local Plan that was adopted in 1998.
- 18.5 The Local Development Framework consists of a number of documents, which are reviewed and modified to take account of ever changing demands. Currently these are:
- (a) Core Strategy (adopted Jan 2008) - sets out the spatial vision and strategic objectives, a spatial strategy and core policies related to the implementation of the strategy. (See web link below).  
  
<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=SX9452-A782EBD9>
  - (b) Reading Central Area Action Plan (Adopted Jan 2009) - policies and proposals for the central area of Reading. (See web link below).  
  
<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=SX9452-A782E4B3>
  - (c) (c) Sites and Detailed Policies Document - a pre-submission

draft was published for consultation during February 2010. It is likely that further consultation will be undertaken early in 2011 and the programme envisages adoption of the document towards the end of 2011/early 2012. This document includes specific site allocations for the Borough outside the Central Area and detailed policies to be used for determining planning applications. (See web link below).

<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=5X9542-A7849023>

**18.6** Until the Sites and Detailed Policies Document is adopted, various policies in the Reading Borough Local Plan have been saved and will remain part of the development plan. (See web link below). These include the following policies that are relevant to licensed premises:

- RET 3A: District and Major Local Shopping Centres (LP)
- RET 3B: Other Local Shopping Centres (LP)
- RET 5: Retail and Catering Users in Residential Areas (LP)
- RET 7: Petrol Filling Stations and Other Vehicle Related Uses (LP)

<http://www.reading.gov.uk/environmentplanning/planning/localplanningpolicy/General.asp?id=5X9453-A782A894>

**18.7** These main Local Development Documents (LDD's) are used in conjunction with national planning policy statements. Also, at the local level, there are a number of site-specific developments, briefs and supplementary planning and guidance documents, which are relevant to various parts of the Borough.

**18.8** The LDD's will seek to strengthen existing district and local centres. Whilst no definitive extensions to these centres have been agreed from a planning perspective, licensed premises in these areas will play an important role as part of this objective and within the role of the 24-hour economy in Reading. Planning permission for A3 (or similar) uses are therefore likely to be restricted within these areas rather than within other predominantly residential areas.

**18.9** The Reading Central Area Action Plan identifies in more detail issues relating to licensed premises, the 24-hour economy and the general organisation of retailing within the town centre.

**18.10** The key issues surrounding the determination of planning permission for A3 type uses are likely to remain as follows:

- 
- (a) Impact on residential amenity through noise, odour, disturbance, litter, etc.

- (b)** Impact on the viability of the Town Centre, defined district and local centres including the need to maintain reasonable levels of retail (A1) uses.
- (c)** Potential S106 contributions towards CCTV and City Safe.
- (d)** Each planning application will continue to be considered on its own merits.



**Licence for a Sex Establishment Ref: 111655**  
**Local Government (Miscellaneous Provisions) Act 1982**

This Licence is renewed:

To:  
**LGL Entertainment Ltd**

Of:  
**2 Goswell Hill, Windsor, SL4 1RH**

to use the premises situated at:

**Black Diamond**  
**108 Friar Street, Reading, RG1 1EP**

Permitted hours of trade:

<b>Monday</b>	from 2100hrs until 0300hrs
<b>Tuesday</b>	from 2100hrs until 0300hrs
<b>Wednesday</b>	from 2100hrs until 0300hrs
<b>Thursday</b>	from 2100hrs until 0300hrs
<b>Friday</b>	from 2100hrs until 0300hrs
<b>Saturday</b>	from 2100hrs until 0300hrs
<b>Sunday</b>	from 2100hrs until 0300hrs

An additional hour to be added on the morning of British Summertime

For the purpose of a sex establishment as defined in schedule 3 of the above Act. This Licence is renewed subject to the conditions made by this authority relating to the Licence, a copy of which is attached.

**A copy of this Licence and the conditions made by the Authority must be displayed inside the premises such that it can be easily read by customers. Failure to do so is an offence.**

This LICENCE is effective from: **05/12/2018**

This LICENCE expires on: **04/12/2019**

Date Issued: **22 November 2018**

Signed on behalf of the issuing licensing authority

*Giorgio Framalico*  
 Head of Planning, Development and Regulatory Services

Est. 1899





Local Government (Miscellaneous Provisions) Act 1982

APPLICATION FOR A GRANT/RENEWAL/TRANSFER/VARIATION \* OF A LICENCE FOR SEX ESTABLISHMENT

as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

To: Licensing Team, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU

We\*, the undersigned, apply for the above licence as per details set out below:-

1. If application is made on behalf of an individual, please state:

Full name ..... Permanent address ..... Age ..... Date of birth ..... Place of birth .....

2. If application is made on behalf on a corporate or incorporated body, please state:

Full name of body ... LGL ENTERTAINMENT LTD Address of principal office ... 2 GODWELL HILL, WINDSOR, SL4 1RH

Give full names and private addresses of all directors or other persons responsible for management of the establishment;

Name SIMON ANTHONY EDWARD BARTFIELD (RESPONSIBLE PERSON)

Age ... 46 ... Date of birth ... Place of birth ... LONDON

Address .....

Name LAURA GEORGIA CINES (DIRECTOR)

Age ... 33 ... Date of birth ... Place of birth ... STOKE

Address .....

Name .....

Age ..... Date of birth ..... Place of birth .....

Address .....

Name .....

Age ..... Date of birth ..... Place of birth .....

Address .....

Name .....

Age ..... Date of birth ..... Place of birth .....

Address .....

3. Have you any convictions recorded against you, or if a body corporate or unincorporated body, that body or any of its directors or other persons responsible for its management? If so, please state: NO

(If a renewal, since you last applied for a licence)

Date of conviction Offence Sentence (including suspended sentence)

N/A

- (a) All convictions must be disclosed. (b) Spent convictions, as defined overleaf, should not be included.

10/01/2013

41 37 41 41 41 41

- 4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?  Yes  No \*
- 5. If the application is made on behalf of a body corporate, is that body incorporated in the United Kingdom?  Yes  No \*

6. Full address of premises desired to be used as a sex establishment  Yes  No \*  
 108... FRANK STREET... READING... READING... IEP... BLACK DIAMOND

If this application relates to a vehicle/stall, give description and state, where it is to be used as a sex establishment  
 N/A

7. During which hours do you wish to trade? 21.00 hours until 05.00 hours

8. On which days do you wish to trade? Monday To Sunday INCLUSIVE

- 9. Are the premises to be used as a sex shop? ~~Yes~~ / No \*
- Are the premises to be used as a sex cinema? ~~Yes~~ / No \*
- Are the premises to be used as a sex encounter establishment? Yes / ~~No~~

10. Are you (or, if a corporate or unincorporate body, that body) disqualified from holding a licence for a sex establishment? NO

Have you ever been refused a licence for a sex establishment? ~~Yes~~ / No \*  
 If yes, please give details

11. ~~I~~We \* declare that ~~I~~We \* have checked the information given on this application form and to the best of my/our knowledge and belief it is correct.

12. ~~I~~We \* attach herewith my/our \* cheque for £10.00 being payment of the application fee.  
 Date 18.6.19 Signature [Signature]

Notes:

- (1) A copy of any application for a licence must be sent to the Chief Officer of Police for the area, not later than seven days after the date of the application.
- (2) Any person who, in connection with this application, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £10,000.

\*Delete as appropriate.

Dated: 26 November 2018

# **BLACK DIAMOND**

**108 FRIAR STREET  
READING RG1 1EP**

## **OPERATING POLICIES**

## DANCER CONDUCT

1. Dancers may never give out any personal information, including telephone numbers, or contact details away from the Club. Dancers may provide a customer with the days and the shifts they or other dancers work at the club.
2. Dancers may never accept telephone numbers, address or any other contact information from any customer, except in the form of a business card. Before leaving the premises, dancers must permanently surrender such cards to a member of management (without copying any information).
3. Dancers are never to be in the company of a customer except in designated dance areas.
4. Dancers must never perform a nude dance except in the designated dance areas.

During the performance:

- a. Customers must be seated in an upright position against the back of the booth with their hands by their sides before a dancer can commence a table dance. Customers must remain so seated during the entire dance. A minimum distance of 50cm is to be maintained during the performance.
  - b. There must be no physical contact between dancers and customers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance.
  - c. When dancing on stage, there is to be no physical contact between dancers on stage and the audience.
  - d. Dancers must not sit on or straddle the customer.
  - e. Dancers must retain one shod foot on the floor at all times and not place their feet on the booth seat.
  - f. Dancers may not use language of an inappropriate, suggestive or sexually graphic nature at any time.
  - g. Dancers shall immediately dress at the conclusion of the performance before leaving the designated area.
5. Customers are not permitted to dance at any time. Customers must remain appropriately clothed at all times. Neither customer or dancer may remove any of the customers clothing during a performance.
  6. If a customer attempts to touch, or speak to a dancer inappropriately, the dancer must immediately stop the performance and explain the relevant rules. If necessary, ask for assistance from and cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the Club.
  7. Dancers are never to engage an act of **prostitution** (the receiving of gratuities or payments for any form of sexual favour or offer as such).
  8. Dancers may not accept a customer's offer of payment in return for sexual favours (**solicitation**).
  9. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the dancer has no intention of carrying out the act.
  10. Dancers are never to intentionally meet any customers outside of the club.

11. Dancers are never to agree to meet a customer outside the club.
12. Dancers must never engage in any unlawful activity within the club.
13. Dancers may never leave the premises during a shift, except in the case of an emergency and then only with the express permission of the duty manager. In that event, dancers must sign out before leaving the premises. If a dancer leaves early, for any reason, the dancer will not be re-admitted during that shift.
14. Dancers will either leave at the end of a shift in a nominated taxi, or a member of security will make every effort to ensure they are escorted to their car or off the premises if requested.
15. At the end of the shift, dancers must not leave the premises until they have been cleared to leave by the manager.
16. No Dancers can perform if they are intoxicated.
17. Dancers must never consume, possess or be under the influence of any unlawful drug or substance.
18. Dancers are never to invite or knowingly permit dancer's spouse, boyfriend, girlfriend nor anyone else with whom dancers are romantically involved to enter the Club.
19. Dancers are required from time to time to participate in promotional activities and offers as designated by the Club manager:
20. Dancers are required from time to time to participate in stage and podium performances as designated by Club staff
21. For the purposes of safety and standards, the Club may employ the use of closed circuit cameras and radio communications throughout the premises.
22. Any dancer found to be in violation of any of these rules, without exception, will be subject to the disciplinary procedure.
23. **Dancers shall receive training upon the four licensing objectives with specific regard to the Identification and signs of intoxication and drug usage to enable them to make informed decisions to report incidents and customers to the staff and Managers.**

## GENERAL HOUSE RULES

1. **For smokers, you must be seen to wash your hands afterwards and freshen up. When you go out to smoke you must wear a knee length coat outside. All dancers must inform the floor supervisor or duty manager before going out to smoke.**
2. You must enter and exit via the correct entrance to the stage for all stage shows and must re dress before interacting with customers.
3. Themed nights will change each month and sufficient notice will be given prior to these nights. Please read all posters in the changing room, as all dancers must take part in these events.
4. All dancers must try to work a minimum of 3 shifts per week and this will include one weekend night. You must book your shifts a week in advance. You cannot just turn up to work; if you do you will be charged a specified additional house fee on arrival. 24 hours' notice needs to be given when cancelling a shift. If no notice has been given, you will be charged double the house fee when you next work.
5. All holiday must be confirmed with Management in advance before booking.
6. Dancers must sign in before entering the changing room; and pay house fee on arrival. House fees will change throughout the year but sufficient notice will be given prior to the change.
7. No mobile phones on the floor, no chewing gum. If you are caught you will be fined £50.
8. All dancers must declare any money on them prior to the start of a shift to management. Any money found in dancers possession not accounted for will be confiscated.
9. Dancers must also obey at all times the additional house rules. These are subject to change at any time and post in designated area.

## GUIDELINES FOR SAFE OPERATION

1. No Person under 18 shall be permitted and a Challenge 25 policy will be in force only accepting government approved photo ID.
2. No person under 18 will be permitted to work at the premises.
3. No solicitation or prostitution is permitted in the premises.
4. The premises will be subject to the presence of a Duty Management including staff and door supervisors at all times during operation. This includes the regular inspections of public toilet areas.
5. All windows and openings will be blocked from public view from the external areas of the premises
6. The SE Licence will be clearly on display available for inspection at all times during operations.
7. CCTV will be installed and in operation during the hours of operations as agreed with local Police. Prominent signs will remind customers of the use of CCTV
8. Performers may not stand in the lobby area nor may it be permitted for them to be visible in any way from the public highway.
9. The duty manager will be named on a sign for each shift.
10. All dancers will be subject to the code of conduct (as detailed in separate section). This will include details of a disciplinary procedure to deal with breaches in the code of conduct.
11. All managers, staff and security staff must sign to acknowledge understanding of the 'Code of Conduct for Dancers'. Any breaches should be reported to the Duty Manager immediately.
12. Duty Manager will check documents regarding proof of age and eligibility to work in the UK and retain photocopies in employment files signing and dating each copy, Employment files to include full facial photograph of all dancers, proof of ID e.g. Passport or driving licence, proof of residence and eligibility to work in the UK.
13. Employment files to be retained for 6 months after the employment ends and to be made available to Police and relevant authorities upon demand.
14. **The Duty Manager shall not permit any dancer to perform if they are intoxicated through alcohol or drugs.**
15. ~~The license holder must retain an incident log (Points A-C) and a separate log for (Points D-E) at the premises to record any of the following:~~
  - a. Ejections from the premises.
  - b. Breaches of Dance Code of Conduct
  - c. Incidents of Crime and Disorder

- d. Inappropriate customer behaviour
- e. Any complaint made by public, customer or dancer



- f. Any disciplinary action taken against dancers this log must include the date; details of staff involved and operational shift when SE licence is in use which will be displayed in the reception area to assist police or council officers inspecting the premises.
16. The duty manager will ensure that the premises operates in accordance with any specific conditions outlined by the SE licence.
  17. Management, security and staff will be asked to sign a declaration statement that they fully understand the dancers and customers codes of conduct and they will actively promote them by informing management of any breaches that they see.
  18. The duty manager will ensure that the appropriate levels of SIA approved door supervisors are present (for the purpose of monitoring the premises).
  19. The duty manager and SIA door staff will actively monitor the licensed area to ensure conditions of the SE licence are upheld and the Dancer and Customer codes of conduct are complied with.
  20. Signs in the entry area will display the customer code of conduct on entering the premises and all patrons will be informed of the code.
  21. Any customer found to be breaching the code of conduct may be safely ejected from the premises and recorded in an incident register.
  22. As a part of the inspection process, all dancers shall be asked to sign a code of conduct which they will be held responsible to adhere to. Any breaches of the code will result in disciplinary procedures.
  23. The dancer's code of conduct will be displayed in the entrance area and customers arriving will be directed to review it.
  - 24. The licence holder or a member of management will on the next working day after trading inspect the incident log to ensure the quality of the record, and that any action required has been carried out.**
  25. The incident log must be available at all times for Police or the local authority to inspect.
  26. The Duty Manager will ensure that all performers/dancers complete the register of attendance for each shift. This register must be available for inspection by the police and the local authority.
  27. Management, Staff and Dancers and Security will be trained and made aware of all conditions set out within the SEV licence.
-

## CUSTOMER CODE OF CONDUCT

1. Customers should be aware that CCTV is in force throughout the premises during operational hours. This may be reviewed by police and the local authority at any time in line with our statutory obligations.
2. Management reserves the right of admission to the venue.
3. Customers may not touch dancers during a performance.
4. Customers may not make lewd or offensive remarks to dancers.
5. Customers may not harass or intimidate dancers.
6. Customers may not ask dancers to perform any sexual favour.
7. No photography or videoing to be permitted on the premises this includes the use of mobile phones this is restricted to the lobby area only.
8. Any customer failing to adhere to the above will be refused access to the venue, service of alcohol and exclusion from the premises.

## OPERATIONAL STATEMENT

1. The venue will typically open around 9pm.
  2. Dancers will arrive early to avoid contact with customers outside the venue.
  3. A member of management will greet the dancers and mark them on the attendance sheet.
  4. Dancers will get changed into their work clothes.
  5. Door supervisors will greet and judge patrons to see if they are suitable to enter the premises.
  6. It is anticipated that the venue will not have more than approximately 65 patrons Thursday - Saturday and 20-30 Sunday - Wednesday.
  7. The target clientele will be gentlemen and ladies of 25 +.
  8. Patrons will be explained the general rules of the club.
  9. Patrons entering the venue will pay an entrance fee between £15 - £20. Patrons will meet a waitress on entrance and will be escorted to a table.
  10. Dancers can approach patrons once they have a drink to converse and sell private dances starting at £20 for a 3 minute dance and can go up to £400/£500 for an hour.
  11. Dances will take place in one of the private booths, VIP suites or public dance areas.
  12. There will be a continuous stage show throughout the night. Dancers will take it in turns to dance on the stage.
  13. The venue will typically shut at 4am.
  14. Door staff will usher patrons out of the venue and into cabs.
-

## WELFARE POLICY

1. When first starting all dancers will receive an induction to the club which will include:

- A full tour of the building.

- Awareness of fire exits and procedure.

- Dance policy, stage and podium requirements explained.

- Code of conduct fully explained.

- How and when they are paid.

- When they can take breaks.

- Who their point of contact is, should they have any personal or work related problems.

2. Member of management will always be available each shift to listen to any personal or work related problems dancers may have
3. Management will take immediate action should a dancer raise concern over inappropriate behaviour by a customer. This could include a warning or the customer being excluded from the premises.
4. Full dressing room facilities with lockers will be made available.
5. Dancers will be allowed soft drinks free of charge.
6. Door supervision and management ensure the customer code of conduct is adhered and the dancer's safety and welfare is paramount.
7. A first Aider will always be on site during trading hours.

## SECURITY

- Gateway Security Services (UK) Ltd T/a Gateway Security Services will be providing the security at Black Diamond, Reading.
- The company has extensive experience supplying door supervisors within the licensed leisure industry.
- The company is fully insured to the sum of £10m pounds.
- Other accreditations and memberships held by Gateway Security Services
- Gateway Security Services always work closely with the local authorities and relevant authorities. They have experience providing security to lap dancing venues having worked with a venue in Guildford. The management have in excess of 30 years' experience in the security industry.

## EJECTION POLICIES

### Cooperative Patrons

Most non-violent ejections are due to unsuitable behaviour or intoxication. In these circumstances, door supervisors will ask the patrons politely to leave the venue.

They will escort the customers to the nearest fire exit. Door supervisors will immediately record any ejections in the incident log.

### Non-cooperative Patrons

If a customer refuses to leave the venue, a door supervisor may use reasonable and necessary force; this will be the last resort. 'Reasonable and necessary' equals the amount of force needed to overcome resistance according to a person's physical condition, build and perceived threat.

Reasonable force may be used to eject the customer out of the nearest fire exit. The door supervisors will come back into the venue and immediately record the incident in the log book.

### Drug and Violence Policy

Black Diamond will operate a zero tolerance on all drugs and violence related offences.

Those committing serious drug and violent offences will receive a life time ban from the club.

A full drugs policy will be written up in accordance to the inclusive and preventative policies Reading Police have in place.

### Search Policy

Random searches will be conducted on patrons entering the premises

All bags will be searched.

Random searches will be carried out on dancers and staff.

**Champeau, Jean**

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**From:**  
**Sent:** 09 July 2019 14:32  
**To:** Licensing  
**Cc:** f... d; Champeau, Jean  
**Subject:** RE: Black Diamond - Sex Establishment Venue - Variation

Dear Licensing

Planning comments are as follows:

- The property does not currently have planning permission for use as an SEV. Application ref. 181474 for change of use from a Bar (Class A4) to a Sex Entertainment Venue (SEV)(Class D2) was submitted on 21<sup>st</sup> August 2019 but a decision on this application has not yet been reached. Amended details are awaited from the applicant to address planning concerns with regard to the building frontage proposed, but have not yet been forthcoming.
- I note the licensing application seeks opening hours to 5am. The noise/management plan document submitted as part of the planning application is based upon opening hours to 4am with licensable activities to cease at 3am. Presently, if planning permission were granted it would be based upon this document. Later opening would need to be justified as part of an updated noise/management plan to accompany the planning application.

If anything further is required please let me know.

Kind Regards

Senior Planner  
 Planning Section | Directorate for Economic Growth and Neighbourhood Services

Reading Borough Council  
 Civic Offices, Level 1 North  
 Bridge Street  
 Reading  
 RG1 2LU

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



Please note that the advice contained within this email (and attachments – if applicable) is that of an officer of the Borough Council and is provided without prejudice to the decision of the Borough Council.

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**From:**  
**Sent:** 20 June 2019 15:52  
**To:**  
**Subject:** FW: Black Diamond - Sex Establishment Venue - Variation

2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Matt, I thought you would like this one... 181474/FUL (undetermined) appears to refer. Do we (need to) raise an objection?

Thanks

Rich

---

**From:** Planning Administration

**Sent:** 20 June 2019 15:41

**To:** Eatough, Richard

**Subject:** Black Diamond - Sex Establishment Venue - Variation

---

**From:** Smalley, Robert

**Sent:** 20 June 2019 15:30

**To:** TVP Licensing; Ayub, Mohammed (Councillor); Rowland, Karen (Councillor); Page, Tony (Councillor); Planning Administration; Environmental Protection; RBFRS

**Subject:** Black Diamond - Sex Establishment Venue - Variation

Dear Sirs/ Madams,

Please see the attached application. The consultation ends 16/07/2019.

Kind regards,

Robert Smalley

Business Support Officer

Licensing Department | Directorate for Economic Growth and Neighbourhood Services

Reading Borough Council

Civic Offices Bridge Street Reading RG1 2LU

(please note new office address)

0118 9373762 (9am to 1pm weekdays)

[Licensing@reading.gov.uk](mailto:Licensing@reading.gov.uk)

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <http://www.reading.gov.uk/taxilicences>

Licensed Premises: <http://www.reading.gov.uk/alcohol-premises-licence>

To access the licensing section of our website, please click this link: <http://www.reading.gov.uk/licensing>

**PLEASE READ - IMPORTANT INFORMATION - NO MORE ENTITLEMENTS TO DRIVE**

*From 01 February 2019 we implemented changes to the way private hire, hackney carriage and school transport driver licence renewal applications were processed, as approved by the Licensing Committee on 11 April 2018. In addition, you are no longer required to contact the DBS for a disclosure. Please follow the link below for full information*

<http://www.reading.gov.uk/taxilicences>

**[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)**



Classification: OFFICIAL

**THAMES VALLEY POLICE**

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Borough Council Licensing

Authority

Subject :

Ref : Black Diamond Application, 108 Friar Street Date : 27 July 2019 Tel.No.

**Thames Valley Police Observations**

To whom it may concern

Thames Valley Police (TVP) wish to submit the following observations for the consideration of the licensing sub-committee in relation to the application for a variation of a sex establishment submitted for "Black Diamond" in relation to the extension of hours 2100 till 0500 hours.

On the 28<sup>th</sup> June 2019 TVP carried out a joint licensing inspection with Reading Borough Council enforcement officers at Black Diamond, Friar Street, Reading in relation to both their premises licence and SEV licences.

Consequently TVP are supplying the following information regarding the findings of those inspections with regards to the SEV element of that inspection as the licensing sub-Committee may find beneficial them when considering this variation request.

During the inspection it was observed that the processes the premises had adopted in terms of the general open floor management of customers was good, as well as the processes aimed at taking bookings for dances, including the payment methods and transfer to the booths which appeared generally thorough.

However, concerns were identified with regards to the conduct of the dancers within the booths and whether or not their conduct remained consistent with the rules set out within the SEV licence conditions as below:

*11. Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. That 50cm is to be measured from the front legs of the chair/sofa that the customer sits upon. A line should be marked on the floor, 50cm away, and the dancer must remain the other side of the line so that the distance is clearly defined. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.*

*13. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance:*

This specific concern was identified when inspectors asked to view historic footage from within the booths to determine the dancers compliance relating to condition 11 and 13 above.

It was noted at the time that within booth 4 from 0100 hours onwards on 22/06/2019, and booth 3 from 0157 hours onwards on the same day that dancers were seen sitting on customers laps and touching them which reflected conduct that the Reading Borough Council may deem not in compliance with the licence conditions set out above.

TVP believe that it is for the Reading Borough Council to best determine the interpretation of these conditions and whether or not the conduct of dancers within the premises is in compliance with them, hence our rationale for supplying this information.

0 57 11/04/19 A  
Classification: OFFICIAL

Furthermore, having determined that there were concerns regarding the dancers conduct TVP sent both a letter and data protection request to the SEV licence holder requesting further footage, and any supportive records that can be provided to show due diligence from the operator with regards to ensuring that the conditions should and were complied with.

We had hoped to have been able to view the footage prior to this observation to determine if the dancers actions signified general practices throughout the business or were singular incidents reflective of subjective behaviour on the part of individual dancers.

However unfortunately although the footage was provided within reasonable timescales by the applicant, TVP have been unable to view the footage as of the date of this submission as it is currently held by the Reading Borough Council licensing enforcement department and we have yet not had sight of it.

However, we hope that it shall be made available shortly and that a report of the contents of the footage may be available to all parties prior to any consequent hearing in relation to this variation application as well as any relevant footage being able to be shown as examples of either good or bad practice.

It may be of benefit also for the Sub-Committee to be aware that there appear to be a number of inconsistencies between the conditions of the SEV licence that was issued by the Council and the applicants internal operating policies that they submitted as part of their initial SEV application in December 2017.

We have included a copy of this at Appendix TVP1 and draw your attention to the first page of the policy within the dancer conduct section at 4b,c and d which as an example details the allowance for dancers to touch a customer as long as it is above the chest.

Finally we have included a copy of the letter sent to the SEV licence holder detailing the result of the recent inspection, copy of the data protection request and copy of the response in relation to that letter supplied by Poppleston Allen Solicitors.

We can confirm that we have not yet met with representatives of the premises prior to submitting this observation and have informed Poppleston Allen that we intend for the Reading Borough Council to lead on any such process as the SEV licence has been issued by the Council and the conditions and their interpretations are best determined by them in this circumstance as the issuing authority.



5787

PC 5787 Simon Wheeler

## Appendices

Appendix TVP 1 – Black diamond operating policies

Appendix TVP 2 – Letter sent on 13<sup>th</sup> July 2019 to SEV licence holder in response to inspection.

Appendix TVP 3 – Data protection request form.

Appendix TVP 4 – Reply received in relation to TVP inspection letter on 16<sup>th</sup> July 2019.



TVP 1

**BLACK DIAMOND**  
**108 FRIAR STREET**  
**READING RG1 1EP**

**OPERATING POLICIES**

## DANCER CONDUCT

1. Dancers may never give out any personal information, including telephone numbers, or contact details away from the Club. Dancers may provide a customer with the days and the shifts they or other dancers work at the club.
2. Dancers may never accept telephone numbers, address or any other contact information from any customer, except in the form of a business card. Before leaving the premises, dancers must permanently surrender such cards to a member of management (without copying any information).
3. Dancers are never to be in the company of a customer except in designated dance areas.
4. Dancers must never perform a nude table dance except in the designated dance area.

### During the performance:

- a. Customers must be seated in an upright position against the back of the booth with their hands by their sides before a dancer can commence a table dance. Customers must remain so seated during the entire dance.
  - b. Dancers may only touch a customer above the customer's chest with only the dancer's hands.
  - c. Dancers must not sit on or straddle the customer.
  - d. Dancers must retain one shoed foot on the floor at all times and not place their feet on the booth seat.
  - e. Dancers may not use language of an inappropriate, suggestive or sexually graphic nature at any time.
  - f. Dancers shall immediately dress at the conclusion of the performance before leaving the designated area.
5. Customers are not permitted to dance at any time. Customers must remain appropriately clothed at all times. Neither customer or dancer may remove any of the customers clothing during a performance.
  6. If a customer attempts to touch, or speak to a dancer inappropriately, the dancer must immediately stop the performance and explain the relevant rules. If necessary, ask for assistance from and cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the Club.
  7. Dancers are never to engage an act of **prostitution** (the receiving of gratuities or payments for any form of sexual favour or offer as such).
  8. Dancers may not accept a customer's offer of payment in return for sexual favours (**solicitation**).
  9. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the dancer has no intention of carrying out the act.
  10. Dancers are never to intentionally meet any customers outside of the club.
  11. Dancers are never to agree to meet a customer outside the club.
  12. Dancers must never engage in any unlawful activity within the club.

13. Dancers may never leave the premises during a shift, except in the case of an emergency and then only with the express permission of the duty manager. In that event, dancers must sign out before leaving the premises. If a dancer leaves early, for any reason, the dancer will not be re-admitted during that shift.
14. Dancers will either leave at the end of a shift in a nominated taxi, or a member of security will escort them to their car or off the premises.
15. At the end of the shift, dancers must not leave the premises until they have been cleared to leave by the manager.
16. Dancers may only consume alcohol in moderation.
17. Dancers must never consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered GP.
18. Dancers are never to invite or knowingly permit dancer's spouse, boyfriend, girlfriend nor anyone else with whom dancers are romantically involved to enter the Club.
19. Dancers are required from time to time to participate in promotional activities and offers as designated by the Club manager.
20. Dancers are required from time to time to participate in stage and podium performances as designated by Club staff
21. For the purposes of safety and standards, the Club may employ the use of closed circuit cameras and radio communications throughout the premises.
22. Any dancer found to be in violation of any of these rules, without exception, will be subject to the disciplinary procedure.

### GENERAL HOUSE RULES

1. For smokers you must be seen to wash your hands afterwards and freshen up. When you go out to smoke you must wear a knee length coat outside. All dancers must inform the DJ before going out to smoke.
  2. You must enter and exit via the changing rooms for all stage shows.
  3. Themed nights will change each month and sufficient notice will be given prior to these nights. Please read all posters in the changing room, as all dancers must take part in these events.
  4. All dancers must try to work a minimum of 3 shifts per week and this will include one weekend night. You must book your shifts a week in advance. You cannot just turn up to work; if you do you will be charged a specified additional house fee on arrival. 24 hours' notice needs to be given when cancelling a shift. If no notice has been given, you will be charged double the house fee when you next work.
  5. All holiday must be confirmed with Management in advance before booking.
  6. Dancers must sign in before entering the changing room; and pay house fee on arrival. House fees will change throughout the year but sufficient notice will be given prior to the change.
  7. No mobile phones on the floor, no chewing gum. If you are caught you will be fined £50.
  8. All dancers must declare any money on them prior to the start of a shift to management. Any money found in dancers possession not accounted for will be confiscated.
- 
9. Dancers must also obey at all times the additional house rules. These are subject to change at any time and post in designated area.

## GUIDELINES FOR SAFE OPERATION

1. No Person under 18 shall be permitted and a Challenge 25 policy will be in force only accepting government approved photo ID.
2. No person under 18 will be permitted to work at the premises.
3. No solicitation or prostitution is permitted in the premises.
4. The premises will be subject to the presence of a Duty Management including staff and door supervisors at all times during operation. This includes the regular inspections of public toilet areas.
5. All windows and openings will be blocked from public view from the external areas of the premises
6. The SE Licence will be clearly on display available for inspection at all times during operations.
7. CCTV will be installed and in operation during the hours of operations as agreed with local Police. Prominent signs will remind customers of the use of CCTV
8. Performers may not stand in the lobby area nor may it be permitted for them to be visible in any way from the public highway.
9. The duty manager will be named on a sign for each shift.
10. All dancers will be subject to the code of conduct (as detailed in separate section). This will include details of a disciplinary procedure to deal with breaches in the code of conduct.
11. All managers, staff and security staff must sign to acknowledge understanding of the 'Code of Conduct for Dancers'. Any breaches should be reported to the Duty Manager immediately.
12. Duty Manager will check documents regarding proof of age and eligibility to work in the UK and retain photocopies in employment files signing and dating each copy, Employment files to include full facial photograph of all dancers, proof of ID e.g. Passport or driving licence, proof of residence and eligibility to work in the UK.
13. Employment files to be retained for 6 months after the employment ends and to be made available to Police and relevant authorities upon demand.
14. The Duty Manager shall not permit any dancer to perform if they are clearly under the influence of alcohol or drugs.
15. The license holder must retain an incident log at the premises to record any of the following:
  - a. Ejections from the premises.
  - b. Breaches of Dance Code of Conduct
  - c. Inappropriate customer behaviour
  - d. Incidents of Crime and Disorder
  - e. Any complaint made by public, customer or dancer
  - f. Any disciplinary action taken against dancers this log must include the date;



details of staff involved and operational shift when SE licence is in use which will be displayed in the reception area to assist police or council officers inspecting the premises.

16. The duty manager will ensure that the premises operates in accordance with any specific conditions outlined by the SE licence.
17. Management, security and staff will be asked to sign a declaration statement that they fully understand the dancers and customers codes of conduct and they will actively promote them by informing management of any breaches that they see.
18. The duty manager will ensure that the appropriate levels of SIA approved door supervisors are present (for the purpose of monitoring the premises).
19. The duty manager and SIA door staff will actively monitor the licensed area to ensure conditions of the SE licence are upheld and the Dancer and Customer codes of conduct are complied with.
20. Signs in the entry area will display the customer code of conduct on entering the premises and all patrons will be informed of the code.
21. Any customer found to be breaching the code of conduct may be safely ejected from the premises and recorded in an incident register.
22. As a part of the inspection process, all dancers shall be asked to sign a code of conduct which they will be held responsible to adhere to. Any breaches of the code will result in disciplinary procedures.
23. The dancer's code of conduct will be displayed in the entrance area and customers arriving will be directed to review it.
24. The license holder will on a monthly basis inspect the incident log to ensure the quality of the record, and that any action required has been carried out.
25. The incident log must be available at all times for Police or the local authority to inspect.
26. The Duty Manager will ensure that all performers/dancers complete the register of attendance for each shift. This register must be available for inspection by the police and the local authority.
27. Management, Staff and Dancers and Security will be trained and made aware of all conditions set out within the SEV licence.

## CUSTOMER CODE OF CONDUCT

1. Customers should be aware that CCTV is in force throughout the premises during operational hours. This may be reviewed by police and the local authority at any time in line with our statutory obligations.
2. Management reserves the right of admission to the venue.
3. Customers may not touch dancers during a performance.
4. Customers may not make lewd or offensive remarks to dancers.
5. Customers may not harass or intimidate dancers.
6. Customers may not ask dancers to perform any sexual favour.
7. No photography or videoling to be permitted on the premises this includes the use of mobile phones this is restricted to the lobby area only.
8. Any customer failing to adhere to the above will be ejected from the premises

## OPERATIONAL STATEMENT

1. The venue will typically open around 9pm.
2. Dancers will arrive early to avoid contact with customers outside the venue.
3. A member of management will greet the dancers and mark them on the attendance sheet.
4. Dancers will get changed into their work clothes.
5. Door supervisors will greet and judge patrons to see if they are suitable to enter the premises.
6. It is anticipated that the venue will not have more than approximately 65 patrons Thursday - Saturday and 20-30 Sunday - Wednesday.
7. The target clientele will be gentlemen and ladies of 25+.
8. Patrons will be explained the general rules of the club.
9. Patrons entering the venue will pay an entrance fee between £15 - £20. Patrons will meet a waitress on entrance and will be escorted to a table.
10. Patrons will be discouraged from ordering drinks at the bar.
11. Dancers will approach patrons, drink, converse and sell private dances starting at £20 for a 3 minute dance and can go up to £400/£500 for an hour.
12. Dances will take place in one of the private booths, VIP suites or public dance areas.
13. There will be a continuous stage show throughout the night. Dancers will take it in turns to dance on the stage.
14. The venue will typically shut at 4am.
15. Door staff will usher patrons out of the venue and into cabs.

## WELFARE POLICY

1. When first starting all dancers will receive an induction to the club which will include:
  - A full tour of the building.
  - Awareness of fire exits and procedure.
  - Dance policy, stage and podium requirements explained.
  - Code of conduct fully explained.
  - How and when they are paid.
  - When they can take breaks.
  - Who their point of contact is, should they have any personal or work related problems.
2. Member of management will always be available each shift to listen to any personal or work related problems dancers may have
3. Management will take immediate action should a dancer raise concern over inappropriate behaviour by a customer. This could include a warning of the customer being removed from the premises.
4. Full dressingroom facilities with lockers will be made available.
5. Dancers will be allowed soft drinks free of charge .
6. Door supervision and management ensure the customer code of conduct is adhered and the dancer's safety and welfare is paramount.
7. A first Aider will always be on site during trading hours.

## SECURITY

- **Gateway Security Services (UK) Ltd T/a Gateway Security Services will be providing the security at Black Diamond, Reading.**
- **The company has extensive experience supplying door supervisors within the licensed leisure industry.**
- **The company is fully insured to the sum of £10m pounds.**
- **Other accreditations and memberships held by Gateway Security Services**
- **Gateway Security Services always work closely with the local authorities and relevant authorities. They have experience providing security to lap dancing venues having worked with a venue in Guildford. The management have in excess of 30 years' experience in the security industry.**

## **EJECTION POLICIES**

### **Cooperative Patrons**

Most non-violent ejections are due to unsuitable behaviour or intoxication. In these circumstances, door supervisors will ask the patrons politely to leave the venue.

They will escort the customers without using any force to the nearest fire exit. Door supervisors will immediately record any ejections in the incident log.

### **Non-cooperative Patrons**

If a customer refuses to leave the venue, a door supervisor may use reasonable and necessary force; this will be the last resort. 'Reasonable and necessary' equals the amount of force needed to overcome resistance according to a person's physical condition, build and perceived threat.

Approved restraint holds may be used to eject the customer out of the nearest fire exist. The door supervisors will come back into the venue and immediately record the incident in the log book.

### **Drug and Violence Policy**

Black Diamond will operate a zero tolerance on all drugs and violence related offences.

Those committing serious drug and violent offences will receive a life time ban from the club.

A full drugs policy will be written up in accordance to the inclusive and preventative policies Reading Police have in place.

### **Search Policy**

Random searches will be conducted on patrons entering the premises

All bags will be searched.

Random searches will be carried out on dancers and staff.



PC 5787 Wheeler  
Abbey Inner NHPT

Reading Police Station  
Castle Street  
Reading  
Berkshire  
RG1 7TH

LGL Entertainment Ltd  
Goswell Hill  
Windsor  
SL4 1RH

Tel: 101 (07973231273)  
Email:  
simon.wheeler@thamesvalley.pnn.police.uk

**Saturday 13<sup>th</sup> July 2019**

**Licensing Act 2003**

**Premises Licence Number: LMV000331**

**Premises: Black Diamond**

**Premises Address: 108 Friar Street, Reading, RG1 1EP**

To whom it may concern

CC Simon Bayfield (Designated Premises Supervisor)

On Friday the 28<sup>th</sup> June 2019, along with Reading Borough Council enforcement Officer Anthony Chawama I visited your premises to conduct a licensing inspection in relation to the Licensing Act 2003 as well as your Reading Borough Council issued Sexual Encounter Venue (SEV) licence pursuant to the Local Government (Miscellaneous Provisions Act) 1982.

During the inspection we were assisted by the Designated Premises Supervisor (DPS) Mr Simon Bayfield.

At the conclusion of the inspection the following outcomes were recorded:-

1) Part B (Summary) of the premises licence was not fully displayed.

Please be aware that all sections of this document are required to be separated and displayed in full and available to be seen within a public area.

2) Part A of the premises was available to be seen but was an e copy on the computer rather than a paper based copy.

Advice was provided that a physical copy of the premises licence should be available as access to the e copy may not be available to all staff when the DPS is not available.

3) A section 57 notice was available.

4) A query arose surrounding whether a copy of the SEV licence is required to be fully displayed?

However within the Black Diamond Operating Policies document, submitted as part of the SEV application in December 2017 within the "Guidelines for safe operation" section it states, 6. The SE Licence will be clearly on display available for inspection at all times during operations.

5) Training; in relation to your premises licence condition 1 under the Protection of Children from Harm it states: *All persons authorised to sell alcohol shall be trained to the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum.*

It was confirmed and stated to us during the inspection that there are only three persons on site who serve alcohol including the DPS. One other is a Personal Licence Holder (PLH) and therefore has a higher standard of training than required, however the third seller has not been trained to the required standard.

Advice was provided in relation to improving in house training to include such elements as signs of intoxication, drug and vulnerability awareness and conflict management, which should be signed and in place prior to selling any alcohol and can be used to show due diligence in the short interim period whilst awaiting Level 1 training.

6) The premises operates a "Challenge 25" policy, however this was not supported by a written age verification policy.

Advice was provided in relation to the mandatory condition relating to age verification that a pro-forma version can be located via the gov.uk website which can be amended to reflect the premises actual policy ie Challenge 25.

Thames Valley Police feel that it is good practice to display the written age verification policy alongside other documents such as the premises licence summary, section 57 notice and written authorisation for staff to sell alcohol so that customers and inspectors from responsible authorities can easily determine both compliance and due diligence measures.

7) With regards to the written authorisation list for the sale of alcohol by non PLH staff it was noted that this was currently out of date and held the details of staff no longer employed and did not include the most recent employee.

Advice given to refresh this document each time a new employee (non PLH) starts employment as well as when employees cease working within the premises.

8) The DPS Mr Bayfield was asked to recall the four licensing objectives and could only recall two of them.

It was stated that they used to be displayed for staff to learn but this was no longer in place. Therefore advice was provided in relation to providing a means for all staff to be trained to both recall and have a clear understanding of the four licensing objectives and manners in which staff and the business as a whole can promote them.



9) Condition 3 c and e under the heading Prevention of Crime and Disorder require a duty manager countersignature within the register of door supervisors. This was not always apparent and it was noted during the inspection and advised that a duty manager must always sign the relevant sections of the register.

10) In order to check the CCTV system and compliance with your SEV conditions regarding dancer conduct we asked to view Booth 3 and Booth 4 circa 0100 hours onwards from the date 22<sup>nd</sup> June 2019.

During the viewing period the footage showed dancers touching and sitting on customers and carrying out conduct which may not be deemed by the Reading Borough Council in compliance with the premises SEV licence conditions, and therefore a potentially significant breach.

With this in mind we shall provide with this letter a data protection request for both footage and incident log records in relation to any recorded breaches of the Dance Code of Conduct or disciplinary action which may have occurred so that it can be determined whether or not the conduct of dancers within Black Diamond is supportive of the Councils SEV policy and the premises SEV conditions are not being breached and offences occurring.

In conclusion, it appeared during this visit that the general management of the premises floor and the SEV element from an operational perspective were well run. For example the systems in place to take bookings from customers, and manage the movement of customers to booths and in and around the general bar area and security methods were sound.

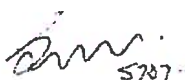
However, clearly there are some concerns surrounding the general conduct of the dancers within the booths which may not be compatible with your SEV licence conditions, and we advise you to address this immediately.

Furthermore in relation to the premises licence as set out earlier within this letter there are some breaches of conditions in relation to training provision and improvement of management processes to ensure the compliant completion and signatory of the door register each day, coupled with a number of good practice advisories to enhance proof of due diligence.

Please rectify all breaches and licensable matters outlined within this letter immediately and take steps to implement the advisories as you deem necessary.

If you inform myself and the council in writing/email once these actions have been implemented I should be happy to re-inspect and confirm the actions as completed.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Simon Wheeler', with the number '5787' written below it.

---

PC 5787 Simon Wheeler

cc. Jean Champeau

Reading Abbey Inner NHPT

Reading Borough Council

TVP3



**Request to external organisation for the disclosure of personal data to the Police**

Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d)

To:

Position (where known):

Organisation:

Address:

---

I am making enquiries which are concerned with:

- The prevention or detection of crime\*
- The prosecution or apprehension of offenders\*
- Protecting the vital interests of a person\*

I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters.

I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described above.

*\*Check mark as is appropriate*

**Information required:**

As part of a Thames Valley Police/ Reading Borough Council investigation into suspected offences relating to breaches of the Black Diamond, Sexual Encounter Venue (SEV) licence namely in relation to the conduct of Dancers that they are not adhering to the following licence conditions:

*11. Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. That 50cm is to be measured from the front legs of the chair/sofa that the customer sits upon. A line should be marked on the floor, 50cm away, and the dancer must remain the other side of the line so that the distance is clearly defined. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.*

*13. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance:*

Thames Valley Police require the provision of recorded CCTV footage covering all booth areas used for paid SEV/Dance performance between the following hours on the following dates:

Saturday 22<sup>nd</sup> June 2019 from 0100 hours to 0230 hours.

Sunday 23<sup>rd</sup> June 2019 from 0100 hours to 0230 hours.

Friday 28<sup>th</sup> June 2019 from 2330 hours to 0130 hours.

Sunday 29<sup>th</sup> June 2019 from 0100 hours to 0230 hours.

Saturday 6<sup>th</sup> July 2019 from 0001 hours to 0200 hours.

Sunday 7<sup>th</sup> July 2019 from 0100 hours to 0230 hours.

Furthermore, the Black Diamond Operating policies document states the following:

**Guidelines for safe operation**

11. All managers, staff and security must sign to acknowledge understanding of the "Code of Conduct for Dancers". Any breaches should be reported to the Duty Manager immediately.

15. The licence holder must retain an incident log at the premises to record any of the following:

b. Breaches of the Dance Code of Conduct.

f. Any disciplinary action taken against dancers this log must be include the date;

17. Management, security and staff will be asked to sign a declaration statement that they fully understand the dancers and customers codes of conduct and they will actively promote them by informing management of any breaches they see.

27. Management, staff and Dancers and Security will be trained and made aware of conditions set out within the SEV licence.

Thames Valley Police in relation to the above require production of copies of all written and signed records or proofs detailed in 11, 17 and 27 for the last twelve months (July 2018 – 13<sup>th</sup> July 2019 inclusive) in order to show that due diligence is being carried out in relation to ensuring that SEV conditions 11 and 13 are being complied with..

OFFICIAL (WHEN COMPLETE)

**Police Reference:**

**From:**

**Rank/Number/Name:**

PC 5787 Simon Wheeler

**Station:**

Reading Police Station, Castle Street, Reading, RG1 7TH

**Date/Time:**

13<sup>th</sup> July 2019

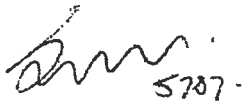
**Telephone Number(s):**

101 or 07973 231273

**Email address:**

Simon.wheeler@thamesvalley.pnn.police.uk

**Signature\*:**



*Please see Guidance Notes on following page*

## Explanatory Note

This form replaces the Section 29(3) Form which has become redundant by virtue of new data protection legislation. It is used by the police as a means of making a formal request to other organisations for personal data where disclosure is necessary for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. It places no compulsion on the recipient to disclose the information, but should provide necessary reassurance that a disclosure for these purposes is appropriate and in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

**Crime and Taxation** - The GDPR regulates the processing of personal data where it is done so for non-Law Enforcement purposes. Article 23 of the GDPR permitted the UK Parliament to create, via legislation, exemptions from particular elements within the GDPR which would otherwise compromise the public interest.

Consequently Parliament used the Data Protection Act 2018 to set out exemptions from the GDPR which apply in some circumstances. They mean that some of the data protection principles and subject rights within the GDPR do not apply at all or are restricted when personal data is used or disclosed for particular purposes.

The most relevant exemption for Law Enforcement is that within the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 2 (Crime & taxation: general). This applies where personal data is disclosed by an organisation subject to the GDPR to the police for the purposes of *the prevention or detection of crime or the apprehension or prosecution of offenders*.

It restricts the application of the GDPR data protection principles and subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice *the prevention or detection of crime or the apprehension or prosecution of offenders*.

In effect the exemption means that an organisation can provide personal data to the police where necessary for the prevention or detection of crime or the apprehension or prosecution of offenders without fear of breaching the GDPR or Data Protection Act 2018.

**Vital Interests** – GDPR Article 6(1)(d) provides a lawful basis for organisations to disclose personal data to the police where the disclosure *is necessary in order to protect the vital interests of the data subject or of another natural person*.

Further guidance on the use of this form may be obtained from the force Data Protection Officer.

## Completion Guidance

Police officers or staff completing this form should type and tab between the fields on the form. The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Where a signature and/or counter signature are required the form will need to be printed off and signed manually. Some organisations may require a counter signature to be added to the form. Normally this should be the supervisor or line manager of the person completing the form, but may be a higher rank if reasonably required by the recipient.

**Wheeler Simon**

---

**From:** Imogen Moss <[REDACTED]>  
**Sent:** 16 July 2019 16:04  
**To:** Wheeler Simon  
**Cc:** [REDACTED]@reading.gov.uk; [REDACTED]  
 [REDACTED]@reading.gov.uk; [REDACTED]  
**Subject:** Black Diamond Inspection letter and Data Protection request

Dear Simon

We act on behalf of LGL Entertainment Limited and our client has forwarded your email correspondence of 13<sup>th</sup> July 2019 regarding the licensing inspection at Black Diamond, 108 Friar Street, Reading.

We are currently assisting the client with collating the information Thames Valley Police have requested including the CCTV. We would be grateful if you can confirm if you would prefer to receive the documentation and the CCTV together.

We can see that 12 months' worth of written records or proofs have been requested for the following:

1. Management, security and staff signing to acknowledge understanding of the 'Code of Conduct for Dancers';
2. Management, security and staff signing to acknowledge understanding of the 'Code of Conduct for Customers'; and
3. Management, staff, dancers and security will be trained and made aware of conditions set out within the SEV.

Our clients internal operating policies do not stipulate a 12 month timeframe for such records to be retained and as such we will be unable to provide 12 months' worth of these records. In line with data protection rules, records are cleansed at regular intervals. Our client will of course provide you with any records they do hold on file for the above.

In the meantime, we would be grateful if we could arrange to meet with you at your earliest convenience to allay any concerns you have and to discuss raising standards at the premises. We note that there are a number of discrepancies between the SEV licence conditions, the premises licence conditions and the internal operating policies, as such we would welcome the opportunity to discuss the streamlining and simplification of the three documents in order to provide an improved and coherent framework moving forward.

If you would like to send me your availability dates and we can schedule a meeting as soon as possible.

I look forward to hearing from you.

Imogen Moss | Solicitor

**Poppleston Allen**

E: i.moss@popall.co.uk | T: 0115 9349 173 | M: [REDACTED] | W: www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS



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SCHEDULE A

READING BOROUGH COUNCIL

REGULATIONS FOR SEX ESTABLISHMENTS

Reading Borough Council, in exercise of the powers conferred upon them by Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf, make the following Regulations:-

1. (a) In these Regulations the following expressions, that is to say: “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act;

(b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them, namely:-

- “The Act” means the Local Government (Miscellaneous Provisions) Act 1982
- “the Council” means Reading Borough Council
- “the Licensed premises” means any premises, vehicle, vessel or stall licenced under the Act
- “Licence holder” means a person who is the holder of a sex establishment licence
- “permitted hours” means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public
- “sex establishment licence” means a licence granted pursuant to Schedule 3 of the Act

**Conditions Applicable To Licences For Sex Establishments**

- 2. The licensed premises shall not be open on every Sunday, Good Friday, Easter Day, Christmas Day and every other public holiday and may otherwise be open only during the permitted hours prescribed in Regulation 3 hereof.
- 3. The permitted hours of opening, unless varied by special conditions, shall be as follows:-

Mondays	9.00am - 7.00pm
Tuesdays	9.00am - 7.00pm
Wednesdays	9.00am - 7.00pm
Thursdays	9.00am - 7.00pm
Fridays	9.00am - 7.00pm
Saturdays	9.00am - 7.00pm

4. The licensed premises shall not be used for any purpose other than the business of a sex establishment.
5. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier, or other person having at the time the care and management of the premises, that the same should not be open.
6. No person who is or appears to be under the age of 18 or is known by the licence holder or any servant or agent of his presence on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.
7. The licence holder:-
- (a) shall display a copy of his sex establishment licence and of these conditions and any special conditions imposed by the Council on the licensed premises in a conspicuous position;
  - (b) shall exhibit on those premises such notices in such form and in such position as may be prescribed;
  - (c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
8. No facilities shall be provided in a sex shop for:-
- (a) seeing any television broadcast or the replaying of any video tape or film or other like matter other than a television set for the simultaneous reception and exhibition of television programmes broadcast by authorised broadcasters approved by OFCOM The Office of Communications.
  - (b) hearing any sound broadcast tape or other like matter other than facilities for the reception of radio programmes broadcast by authorised broadcasters approved by OFCOM The Office of Communications.
9. No music, dancing, or other entertainment whether of a like kind or not shall be provided or permitted, other than as permitted by Regulation 8 of these Regulations, and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises.



10. The licence holder shall exhibit on the exterior of the licensed premises in a position visible to persons outside the premises a notice, in addition to his name, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "Licensed Sex Shop" or "Licensed Sex Cinema" (as the case may be) and such indication, if any, as he thinks fit to give of the times at which the licensed premises are open. No other notices, unless pursuant to these Regulations, may be exhibited.
  11. The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at all points of access to the licensed premises a notice stating that persons under the age of 18 years are not admitted thereto.
  12. The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.
  13. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
  14. The licence holder shall not display any advertisement which is visible to persons outside the premises, except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any article or thing intended for use in connection with or for the purpose of stimulating or encouraging acts of force or restraint which are or may be associated with sexual activity.
  15. The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.
  16. The exterior of the licensed premises shall be of a design and materials approved by the Council and both the interior and exterior of the licensed premises shall be kept in good repair and condition.
  17. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council.
  18. (a) The holder of a sex cinema licence shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Cinematograph Acts 1909-1982 as shall be applied by the Council by special condition to the sex establishment licence, giving reference to the said cinematograph licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these Regulations.
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- (b) No film shall be exhibited at the licensed premises which is likely to encourage or incite crime or to lead to disorder or to stir up hatred against any section of the public.

- (c) No fastenings of any description shall be fitted upon any booths set aside for the display of films.
- 19.
- (a) The licence holder shall not knowingly allow the licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes whether the objective of their so resorting or meeting is or is not prostitution;
  - (b) The licence holder shall not knowingly permit drunken or disorderly persons to assemble or remain on the licensed premises;
  - (c) The licence holder shall not tout or permit touting for business.
20. If the Council notifies the licence holder or occupier or other person having at the time the care and management of the premises in writing by delivering notice at the licensed premises that any particular sex article, poster, photograph, book, magazine, video film or tape advertisement or matter shall not be displayed, sold or supplied then the licence holder, occupier or other person having at the time the care and management of the premises shall forthwith cease to display, sell, or supply the said item.
21. No film or video material shall be exhibited, kept, sold, or supplied at the sex establishment, except such film or video material as bears a reproduction of the Certificate of the British Board of Film Classification.
22. The licence holder shall comply with all fire and safety requirements of the Council and maintain and keep available for use all specified fire fighting equipment and extinguishers.
23. The number, size and position of all doors or openings provided for the purpose of egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements:-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit";
  - (ii) Doors and openings, other than exists, which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private";
  - (iii) No access shall be permitted through the premises to any other premises adjoining or adjacent;
  - (iv) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours.

24. Applicants for the grant, renewal or transfer of a sex establishment licence or waiver thereof shall make their application on the form approved from time to time by the Council, returnable to the office of the Chief Executive together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable of Thames Valley Constabulary, not later than seven days after the date of the application to the Council.
  25. Applicants for the grant, renewal or transfer of a sex establishment licence shall advertise notice of their application in the form approved by the Council and in accordance with the prescribed dimensions by publishing the advertisement in a local newspaper circulating in the Borough of Reading not later than seven days after the date of the application. A copy of the advertisement as published and a certificate as to the date of publication shall be lodged with the Council forthwith.
  26. Applicants for the grant, renewal, or transfer of a sex establishment licence shall display a notice in the form approved by the Council and furnish two completed copies to the Council forthwith so that a copy may be sent to the appropriate public library. The notice shall be displayed at the premises to be licensed for twenty-one days beginning with the date of the application to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
  27. A constable or an authorised officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force.
  28. (a) The licence holder or some responsible person, being 21 years of age, or over, nominated by him in writing shall be in attendance at the licensed premises at all such times as the premises are open to the public and any nomination shall be produced to any constable or authorised officer of the Council and give the name and address of the person nominated.  
  
(b) All employees or persons having care and management of the licensed premises at any time shall be readily identifiable as such. The licensee shall maintain a register in which he shall recall each day the name and address of the person responsible for managing the premises from time to time and the names and addresses of those employed in the business. The register is to be completed each day and is to be open for inspection by any constable or authorised officer of the Council.
  29. All merchandise shall be clearly marked so as to show persons inside the premises the purchase price of each item.
  30. The licensee shall take all reasonable precautions to ensure the safety of the public and employees.
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# Agenda Item 6

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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