

1982 ACT HEARING PANEL

19 JUNE 2013

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 3 POLICING AND CRIME ACT 2009 SECTION 27

APPLICATION FOR THE GRANT OF A LICENCE FOR A SEXUAL ENTERTAINMENT VENUE TENSHI 2 ROCHESTER 141 HIGH STREET ROCHESTER ME1 1EL

Report from: Perry Holmes, Assistant Director Legal & Corporate Services

Author: Alison Poulson, Licensing & Local Land Charges Manager

Summary

An application has been received for a sexual entertainment licence from Lovellrise Limited in respect of Tenshi 2, 141 High Street Rochester ME1 1EL

Representations have been received from a ward councillor, three members of the public, the city of Rochester society and the historic Rochester residents association and to date no agreement has been reached.

1. The application

- 1.1 An application has been received from Lovellrise Limited in respect of Tenshi 2, 141 High Street Rochester, which is currently used as a second hand furniture shop with storage to the rear.

The premises already hold a premises licence for the sale of alcohol, regulated entertainment and late night refreshment. This licence has not been used since a licensing hearing panel granted it in 2006.

Particulars -

- The venue is very long and it is proposed that this will be split into two venues with shared toilet facilities. The venue with main access from Rochester High Street will be a bar/café/restaurant.

The Sexual Entertainment Venue will have main access from Corporation Street shown edged in red on the attached plan at **appendix A** ("The Premises")

- The building is in very poor condition and will require full renovation. The Applicant has stated that renovation is not being proposed until the relevant licences have been obtained to determine whether as a business this will be viable.
- The application seeks the following hours/days to trade for the activities of lap dancing, pole dancing, table dancing and stripping (including full nudity)

| | |
|-----------|--------------|
| Wednesday | 2000 to 0300 |
| Thursday | 2000 to 0300 |
| Friday | 2000 to 0300 |
| Saturday | 2000 to 0300 |

- 1.2 The relevant additional documents required under section 6 of the application form have been supplied to the Licensing Unit as part of this application.
- 1.3 Plans showing the site location, site layout, (both of which have been verified by the licensing unit) can be found at **appendix A**;
- 1.4 The background-operating schedule & risk assessment with Crime Prevention Strategy and supplementary information can be found at **appendix B**.

2. Background

- 2.1 Medway Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), on 19 July 2000 with an effective date of 1 September 2000 and adopted the amended Schedule 3 on 13 January 2011.

When dealing with an application for a sex establishment licence, the panel are not acting as the licensing panel under the Licensing Act 2003 ("the 2003 Act") but are instead exercising the Council's functions under Schedule 3.

The Policing and Crime Act 2009 ("the 2009 Act") gives local communities a stronger say over the establishment and location of venues such as lap dancing clubs and similar establishments in their area, and gives Local Authorities more power to regulate sexual entertainment venues. The 2009 Act brought the licensing of venues such as lap dancing clubs in line with other sex establishments such as sex shops and sex cinemas.

Where the amended Schedule 3 of the 1982 Act has not been adopted sexual entertainment venues remain regulated under the 2003 Act and require a Premises Licence under Section 1 of the 2003 Act.

From April 2010 sexual entertainment venues may be regulated under the 1982 Act, where a local authority has resolved to adopt the revised Schedule 3 to the 1982 Act. This Local Authority resolved to adopt Schedule 3, as amended, on 13 January 2011 and must therefore consider this application under the provisions of the 1982 Act. The 1982 Act enables the Council to consider a wider range of matters in determining whether or not to grant a licence and gives the Council the ability to impose a wider variety of conditions e.g. relating to opening hours, advertisements and the visibility of the interior to passers by. The Council has the ability under the 1982 Act to refuse to grant or renew a Licence on the grounds that such a venue would be inappropriate having regard to the character of the area, the use of other premises in the area and can also have regard to the number of similar premises in the area.

Similarly, local residents are able to make written representations to the Council on these grounds, rather than being limited to making representations based on the four licensing objectives found in the 2003 Act (which are prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm).

With the new legislation, there are no “grandfather rights” for existing clubs. If they wish to continue trading they need to apply for a Licence under the new regime. A transitional period of 12 months was given to existing clubs to apply for a new Licence.

Existing clubs or those wishing to operate new sexual entertainment venues needed to make an application for a new licence to the Local Authority and are required to give public notice of the application in a local newspaper and at the premises. Any persons wishing to object to the application must give written notice within a statutory 28-day consultation period stating the general grounds of their objection.

Medway Council approved a revision of the Statement of Policy for Sexual entertainment Venues on 18 October 2012 setting a limit on the number of venues which may be licensed as sexual entertainment venues within an area surrounding the historic part of Rochester High Street.

3. Objections (Home Office Guidance)

- 3.1 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence (para 3.2 below). Objections should not be based on moral grounds or values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12.

Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

3.2 A licence **must not** be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

A licence **may be** refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
- (d) that the grant or renewal of the licence would be inappropriate, having regard;
 - (i) to the character of the relevant locality;
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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

4. Relevant Representations

4.1 Comments and observations have been received from a Ward Councillor, three members of the public, the City of Rochester Society and the Historic Rochester Residents Association stating in the main that: -

- this type of venue would be inappropriate for the character of the area

- the location is unsuitable for this type of business

Copies of the above providing full details of the comments and observation received can be found at **appendix C**.

- 4.2 If any representations are withdrawn prior to the hearing they cannot be taken into account.

The hearing will be advised verbally of any subsequent withdrawals between the dispatch of this agenda item and the date of the hearing.

5. Further Information

- 5.1 The locality, character and layout of the premises –

Locality

The premises are located in historic part of Rochester.

The venue is placed on Rochester High Street, with access from Corporation Street between

- Printers Shop
- Adult Education Centre

There are numerous licensed premises (Licensing Act 2003) in the vicinity of the premises that also form part of the nighttime economy.

There are shops/businesses that operate during the day immediately around the premises.

There are residential properties above the shops/businesses in the High Street and residential properties opposite on Corporation Street. However, some of the residential properties in Corporation Street will be demolished to make room for the new Rochester Train Station

The premises are located in an area where numerous festivals are held throughout the year organised by the Council Events Team on the basis of increasing tourism in this historic area.

Further types of buildings near to the location of the premises: -

- The nearest church is in Crow Lane.
- The nearest school is Kings School, Boley Hill / Crow Lane.
- The nearest public recreation space is in Crow Lane
- The nearest historic buildings are Rochester Cathedral and Rochester Castle.

There is one licensed sex establishment already in the vicinity of these premises. There are other premises in Rochester that are providing

relevant entertainment that will be limited to 11 per calendar year through the exemption.

Character

The current venue is a second hand furniture shop with entrance from Rochester High Street. Part of the rear of the building is being used as storage. The building is in very poor condition and will require full renovation. Renovation is not being proposed until the relevant licences have been obtained to determine whether as a business this will be viable.

It already holds a premises licence for the sale of alcohol, regulated entertainment and late night refreshment. This licence has not been used since a licensing hearing panel granted it in 2006. The layout of the shop does not represent the plans associated with the premises licence.

The venue is very long and it is proposed that this will be split into two venues with shared toilet facilities. The venue with main access from Rochester High Street will be a bar/café/restaurant. The Sexual Entertainment Venue will have main access from Corporation Street. Therefore, the Sexual Entertainment Venue is not directly accessible from the High Street.

Layout

There is no parking facilities on site and public car parks would need to be used by customers.

The main entrance to this venue will be from Corporation Street.

The venue has a large outside yard area, which is estimated at 25m from the public highway. A quarter of this area will be used as a smoking area without customers blocking the street and another quarter will be used as a bin store, the rest of the area will be kept clear for customers to enter/exit the premises.

It is proposed by the plan to put in a lobby area with a reception desk/cloakroom to assist with reducing noise escape. The doors entering into the Sexual Entertainment Venue will be blacked out so that the public cannot see into the venue from the highway.

Once the customer enters the venue there will be tables and chairs around the area, a stage with a pole will have performances of relevant entertainment. There will be a bar/servery serving drinks. 7 private booth areas and 2 disabled booth areas for private performances, which will be closely monitored by the floor manager, who will be positioned at the desk to the private booths.

Toilet facilities will be shared by the other area and will operate on an electromagnet door system. The area to the toilets will also be blacked out so the public from the other venue will not be able to see into the sexual entertainment venue.

The times of operation

The times applied for relevant entertainment are:

Wednesday 20:00 to 03:00
Thursday 20:00 to 03:00
Friday 20:00 to 03:00
Saturday 20:00 to 03:00

Officers have advised the applicant that under the Licensing Act 2003 a full variation will be required to be applied for as there will be structural alterations of a considerable nature and the licence conditions would be required to be amended. It was also determined that the application would need to seek for the hours to be increased to correspond with the sexual entertainment venue hours, should this licence be granted.

The suitability of the applicant

The freeholder and applicant of the premises is Lovellrise Limited

The following are named in the application as the persons responsible for management of the establishment.

- Aaron Stone (Operations Manager of Casino Rooms)
- Joseph Stone (Director of the company who liaises over policy and procedures with operation managers)
- Ross Hutchins (Manager)

Experience

Aaron Stone

Mr Aaron Stone has informed us that he has been in the licensed trade for 25 years and held a justices licence, converted to a personal licence following changes in legislation since 1990.

- In 1990 he started as a manager at a Snooker Club in Maidstone and also at the Casino Rooms, which was at that time also Snooker.
- He also worked at the Circus Tavern in Essex in the running of cabaret events and adult entertainment.
- In 1992 he took over the Casino Rooms, which was converted into a multi-purpose entertainment venue.

Mr Aaron Stone has/is:

- A personal licence holder with Medway Council and has undertaken the new BIIAB Levels 2 Award for Personal Licence Holders. He is also the designated premises supervisor (DPS) under the Licensing Act at the Casino Rooms.
- A current SIA Door Supervisor licence holder
- Qualified First Aider.

- Attended Health and Safety courses.

Mr Aaron Stone also participates on a voluntary basis on the following: -

- Founding Chairman of the Safer Medway Partnership since 2006
- Board member of the Medway Alcohol Partnership
- Provides a trade point of view on the Strategic Executive Group chaired by Councillor Mike O'Brien.
- Board member of the Business Advisory Group, which looks at Crime Prevention, held at Kent Police Force Headquarters.

Mr Aaron Stone has confirmed that these meetings are held every 2-3 months on a voluntarily basis during the daytime and do not impact on the operations of the Casino Rooms.

Joseph Stone

Mr Joseph Stone has informed us that he has been in the licensed trade for 6 years and worked up through the different positions at different venues.

- Worked at Amadeus for 6 years.
- Worked at Circus Tavern for 4 years.

Mr Joseph Stone has/is:

- Holds a personal licence.
- Holds a current SIA Door Supervisor licence.
- First Aider.

Mr Joseph Stone's role is now Director of the company and liases with the different operations managers at a number of licensed venues that include adult entertainment.

Steven (Ross) Hutchins

Mr Steven Hutchins has informed us that he has been in the licensed trade for 15 years and worked up through the different positions at different venues.

- Worked at venues (pubs, night clubs, family entertainment such as bowling) in Westminster, Leicester, Cardiff, Enfield, Croydon, Brighton, Kingston and Northampton.
- Worked for First Leisure between 1998 and 2003
- Worked at venues in Medway since 2000
- Worked for the Stones since 2003.
- Since 2003 been involved in relevant entertainment with Circus Tavern in Essex and Casino Rooms, Rochester.

Mr Hutchins has/is

- Holds a Personal licence
- Holds a current SIA Door Supervisor licence

- Holds a SIA CCTV licence
- First Aider
- A Magistrate (not involved in any licensing issues)

Mr Hutchins role is very varied as Operational Management he provides consultancy work on licensing and business operations throughout the Stones portfolio.

Should the panel decide to grant this application attached at **appendix D** are suggested conditions that officers would recommend the panel to impose.

6. Policy Considerations

- 6.1 Local Government (Miscellaneous Provisions) Act 1982.
Policing and Crime Act 2009.
The Council Policy on Sex Establishments

7. Risk Management

- 7.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003. Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

8. Financial and legal implications

- 8.1 There are no direct financial or legal implications at this time, other than the possibility of a challenge by way of appeal of the decision by either the applicant or objectors, should either have the requisite grounds to do so. Legal advice will be given to members as appropriate at the meeting. However, whatever the decision of the Panel, this must be based on the evidence placed before it and the Panel must decide what weight to attribute to this information.
- 8.2 The area within which these premises are located has been designated as only being allowed 2 Sexual Entertainment Venues. The other current Sexual Entertainment Venue Licence is held by APS Casino Properties Ltd. As 2 distinct legal bodies will hold the two Sexual Entertainment Venue Licences (if the application is granted), and each Sexual Entertainment Venue licence is of 12 months duration, there are no legal issues with regards to competition within the area.

9. Recommendations

9.1 That the Panel considers and determines this application.

10. Background documents

None

Lead officer contact

Mrs. Alison Poulson, Licensing & Local Land Charges Manager
Telephone: 01634 332774 Email: alison.poulson@medway.gov.uk

GRI EVERARD LTD
 Chartered Surveyor
 Rodney Wood,
 Penenden Heath,
 Kent ME20 2JZ
 Email: enquiries@grieverard.com
 Tel: 01622 862957

APPENDIX A

Client: _____
 Job: **143 HIGH STREET
 ROCHESTER, KENT**
 Date: **MAR 2013**
 Drawn by: **GME**
 Scale: _____
 Sheet: _____ of _____

| KEY | |
|-----|-----------------------------|
| (C) | CONCRETE |
| (R) | RENDERED |
| (S) | SOIL WITH ELECTRICAL ACTIVE |





Tenshi 2 – Rochester

Lovellrise Limited

141 High Street

Rochester

Kent ME1 1EL

Background
Operations Schedule
&
Risk Assessment with
Crime Prevention Strategy

April 2013

Contents

- Background
- Club Description
- Location
- Management Structure
- Day to Day Operations Schedule
- Guidelines for Safe Operation
- Dancer Code of Conduct including Dancer Welfare Policy
- Customer Code of Conduct
- Risk Assessments & Crime Prevention Strategy
- Supplementary current photos of licensed area
- Supplementary Information
 - Toilet facilities
 - Management of Smoking
 - Access Control
 - Other additional information

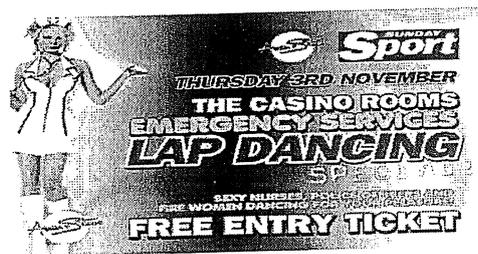
Background

The Casino Rooms (home of Tenshi Rochester) & The Circus Tavern (home of Tenshi Essex) has historically played host for many forms of entertainment in the last 18 years ranging from the PDC World Darts to Freddy Starr and is more regularly known today for its nightclub and function events.

In the late 1980's the UK was introduced to 'American Style' Table dancing which grew in popularity and many premises played host to this form of entertainment.



Moving to the 1990's this then developed to what is more commonly known as 'Lap dancing'



The Casino Rooms and The Circus Tavern have historically operated in the adult entertainment market and from the start the operator has had a wealth of experience in this sector in the entertainment industry as demonstrated in this document.

We are currently looking to expand our portfolio with the proposal of a grant of an SEL for part of 141 High Street Rochester.

Our companies currently already hold one license in the area which is restricted to a total of two with local council policy.

We have invested heavily in the development of Tenshi at the Casino Rooms and with the non renewal of the license at the Queen Charlotte pub we feel that there is enough demand in the area to ask for a grant of the 2nd SEV license in the area.

The 141 Premises is currently used as retail and holds a premises license under the Licensing Act 2003 with all forms of dancing but has yet to be developed for operations.

With the new regulations in force now adult entertainment could be provided without restriction for 11 events a calendar year. Our proposal is to allow entertainment on a regular basis.

We seek flexibility to be licensed to allow Lap Dancing, Pole Dancing and Strip Shows of both a male and female nature.



We aim to apply the same management style and procedures from our other venues for use in this application. Many of these operational rules and guidelines have developed from Metropolitan Police procedures.

Club Description

The premises are currently used for retail split between 2 traders. With the already granted premises license we are looking to develop and refurbish the property.

The premises are laid out of a ground floor.

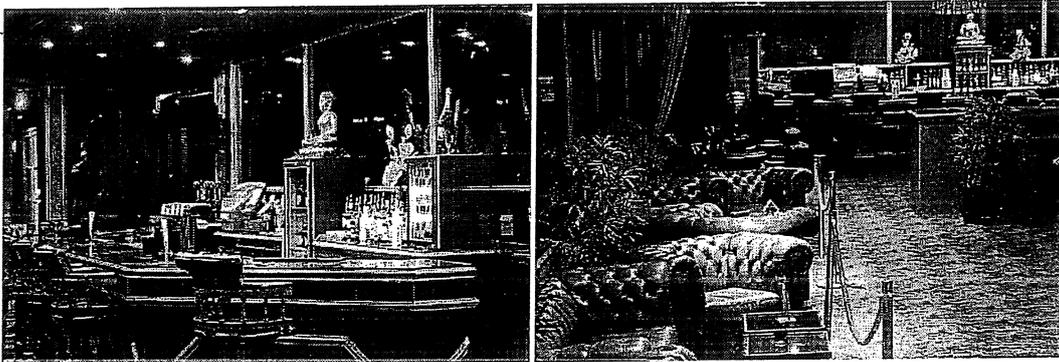
This ground floor is proposed as shown on the plan to be split usage, with Bar and Cafe on the Rochester High Street side and SEV usage to the rear with access from Corporation Street.

We currently trade a purpose built venue at the Circus Tavern in Essex know as 'Tenshi'. This is licensed to APS CT Properties Limited of which Mr. J Stone is a director.

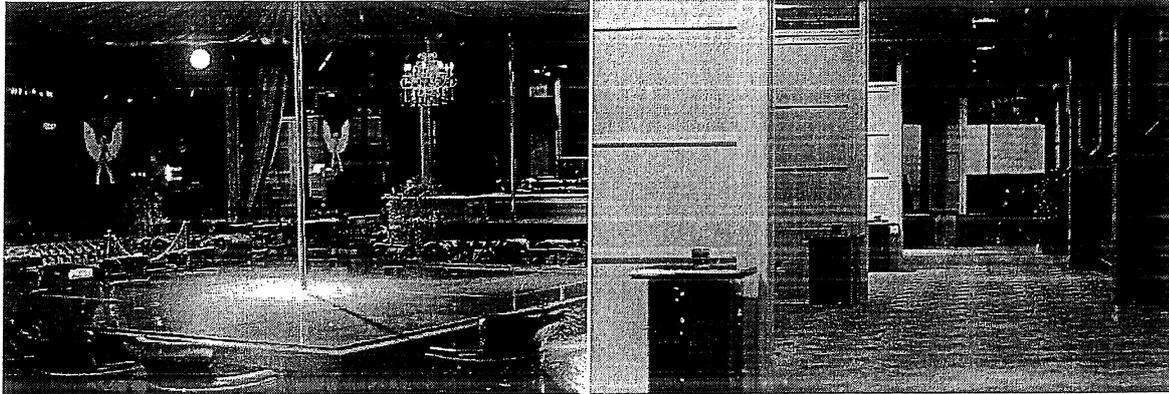
Our objective subject to the grant of the SEL would to use the Rear of 141 High Street for dual purpose use.

- ***Tenshi Essex***

Tenshi Essex operates as one of the premier Gentlemen's clubs in the UK. The Club prides itself on providing a high standard of furnishing and fittings. This reflects the quality of the custom we aim to achieve.



The main floor area consists of a pay desk and cloaks facility, 2 Bar areas, a dance stage, DJ Box, performers changing area with private toilets and smoking area , Male and Female Toilets and dance booths.



The venue is subject to CCTV throughout the premises. This included the dance booth areas that are subject to individual cameras.

This CCTV is available for 31 days and is always available for Police and Local Authority representatives to view.

The performers as detailed have private secure changing facilities including toilets to ensure that no unsupervised contact can occur with patrons.

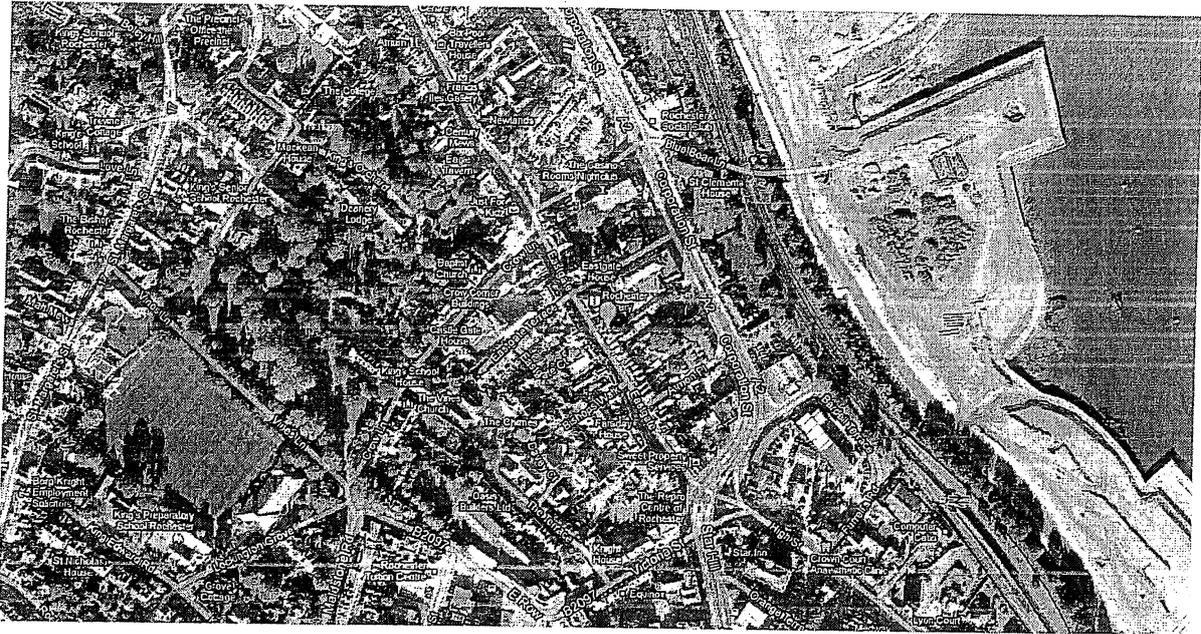
The trading area has no exposed windows or areas where persons in the vicinity could see licensable activity taking place similar to the proposal for 141 High Street.

- ***Tenshi Rochester***

Tenshi Rochester is scheduled to open to the public at the end of April 2013. This venue has a dual use similar to the proposal for 141 High Street.

We aim to use our development experience from this venue to 141 High Street in such was as the use electronic door management systems, alarm system and the use of CCTV.

Location



The property that proposes to host Tenshi 2 is located 141 High Street in Rochester.

Although the premises are located in the centre of a historic town we intend to use the rear access from Corporation Street. This access is also set back from the main road.

The venue is located on its own footprint and has the benefit of substantial car parking near the property.

The venue is placed in around a mix of commercial and residential property. It is our intention to live harmoniously with neighbours and we have always welcomed feedback from the public towards any concerns.

Management Structure

- ***Joseph Stone – Director***

Mr. Stone has been the director of the applicant company for over 6 years. He has actively worked in the licensed sector and holds a personal license. He has also previously worked as General Manager for a large licensed premise with a capacity of 2270. He is currently also the director of several companies that operate venues which were licensed for adult entertainment under the licensing act of 2003. Mr. Stone currently directs 2 companies holding SEV licenses.

- ***Aaron Stone – General Manager***

Mr. Stone has worked in the licensed sector from a young age from the bar to company director. He brings a wealth of experience to the application as he has managed adult entertainment from the point of its inception in the UK Market at both the Circus Tavern in Essex and the Casino Rooms in Rochester. He is currently the holder of personal license, a front line SIA License and a First Aid certificate and responsible for day to day operations at the Casino Rooms.

He is a key figure in the relationship between the police, local authority, licensed and retail businesses as the Chair of the Safer Medway Partnership and is also a member of several key multi agency committees that determine the management of the licensed sector in Medway.

Furthermore he is the designated premises supervisor for several venues in the immediate vicinity in Rochester High Street that were licensed for adult entertainment under the licensing act of 2003. Mr Stone is currently listed in the management of the Tenshi at the Casino Rooms.

- *S.Ross Hutchins – Operations Manager – APS Group*

Mr. Hutchins has worked in the licensed trade since 1998 with a range of experience from bars to nightclubs with capacities in excess of 3000.

He brings a wealth of operational experience to application having managed dancing of an adult nature under the Licensing Act 2003 and also in granting of licenses and a recent renewal. His has also assisted Bedford council with codes of conduct and dance welfare policies of recent.

He is currently the holder of a Personal License and also a SIA License for Door Supervision and also CCTV and also received awards for Crime Reduction partnership work from the Home Office.

Mr. Hutchins is part of the management operation for Tenshi Rochester at the Casino Room and also plays a part in the business management of Tenshi Essex.

Day to Day Operations

Operating Schedule

Relevant Entertainment- Lap Dancing, Pole Dancing, Strip Shows
(Male or Female)

Hours of operation- Wednesday to Saturday 20:00 to 03:00

SEL License Manger to be present at all times during operations.

- The premises would normally commence trade around 9pm except for special events.
- Performers are expected to arrive prior to opening to minimise outside contact with patrons.
- All performers must sign the attendance register prior to changing and any new performers must complete induction explaining the house rules, codes of conduct and the provision of documents to support eligibility to work.
- The premises are inspected by the Duty Manger prior to opening including checking of CCTV systems.
- A Security Industry Authority approved door supervisor greets all patrons and directs their attention to rules of conduct and patrons are asked to pay subject to their agreement to terms.
- Patrons may approach the bar areas to purchase drinks and waitress service is available at peak times.

- Patrons may stand at the bar area or be seated in the seating provided around the stage area.
- Performers will dance on the main stage area to music as called by the DJ and directed by the Duty Manager.
- Performers may interact verbally with patrons in the main floor area. Patrons who request a personal dance are escorted to the dance bay area which is covered by monitored CCTV and staff.
- On completion of a dance the performer and patron will return to the main floor area immediately.
- This operation will continue until closing time where patrons are asked to leave.
- Once the patrons have cleared the car area performers are escorted to transport.
- The venue is then secured.
- During the operation the Duty Manager is either present on the operational floor area or monitoring the areas on CCTV.

Guidelines for Safe Operation

- 1) Lap Dancing and Pole Dancing will only take places in the areas as approved by plans from the local authority.
- 2) Patrons are only permitted in areas as licensed by the local authority.
- 3) No Person under 18 shall be permitted and a Challenge 25 policy will be in force only accepting government approved photo ID.
- 4) No person under 18 will be permitted to work at the premises.
- 5) No solicitation or prostitution is permitted in the premises or its immediate perimeter. Any indication that this is occurring Council CCTV operators and/or police will be informed.
- 6) No displaying or advertising of the activities regulated by the SE License will be visible from the outside of the premise except exemptions specified in the local authority policy. Further more staff are not permitted to 'tout' verbally for customers.
- 7) 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.
- 8) Access will not be permitted to any other areas of the building by passing through SE licensed areas during operation.
- 9) All windows and openings will be blocked from public view from the external areas of the premises.
- 10) The duty manger will ensure that on all external access doors that closers are operational to ensure that public view in external areas is restricted

11) The SE License will be clearly on display available for inspection at all times during operations.

12) 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.

13) CCTV preview monitors will be available in the reception area to assist with licensing inspections.

14) Performers may not stand in the lobby area nor may it be permitted for them to be visible in any way from the exterior of the premises.

15) The duty manager will be named on a sign for each operational shift when SE license 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 any specific conditions outlined by the SE license.

17) The duty manager shall remain on the premises except in the case of an emergency or when relieved of duty by an alternative duty manager.

18) The duty manager will ensure that the appropriate levels of SIA approved door supervisors are present on a ratio of 1 to 100 for the purpose of monitoring the premises and its upstairs entrance.

19) The duty manager and SIA door staff will actively monitor the licensed area to ensure conditions of the SE license are upheld and the Dancer and Customer codes of conduct are complied with.

20) Signs in the entry area must display the customer code of conduct and all patrons entering the venue and these must be pointed out to patrons entering.

- 21) Any customer found to be breaching the code of conduct will be safely ejected from the premises and recorded in an incident register.
- 22) The premises will produce a 'Code of Conduct for Dancers' to be agreed in writing by Kent police. No changes may be made to this document unless agreed with Kent police.
- 23) The dancer's code of conduct will be displayed in the entrance area and customers arriving will be directed to review it.
- 24) All dancers will be subject to the code of conduct (as detail in separate section). This will include details of a disciplinary procedure to deal with breaches in the code of conduct.
- 25) 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 Manger immediately.
- 26) 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 license, proof of residence and eligibility to work in the UK.
- 27) Employment files to be retained for 6 months after the employment ends and to be made available to Police and relevant authorities upon demand.
- 28) A signed and dated copy of the Dancer's Code of Conduct and Disciplinary procedure must be retained on the employment file.
- 29) The Duty Manager shall not permit any dancer to perform if they are clearly under the influence of alcohol or drugs.
- 30) The license holder must retain a incident log at the premises to record any of the following:

- a. Ejections from the premises
- b. Refused admissions
- c. Refused Sales
- d. Breaches of Dancer Code of Conduct
- e. Inappropriate customer behaviour
- f. Failure of CCTV
- g. Incidents of Crime and Disorder
- h. Any complaint made by public, customer or dancer
- i. Any disciplinary action taken against dancers

This log must include the date, details of staff involved and brief summary of the incident.

31) The license holder will on a monthly basis inspect the incident log to ensure the quality of the record.

32) The incident log must be available at all times for Police or the local authority to inspect.

33) 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 local authority.

Dancer Code of Conduct

- a) Dancers may not intentionally touch a customer during a performance.
- b) Dancers may not permit a patron/customer to touch them during a performance. The only contact may be during the exchange of cash or token as payment for the dance in advance.
- c) If a patron/customer attempts to touch or speak to a dance inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour the dancer shall stop the performance and inform the Duty Manager immediately.
- d) Only dancers engaged by the company can perform striptease/erotic dance.
- e) No striptease/erotic dance to take place at the bar or to standing customers.
- f) No photography or videoing to be permitted on the premises.
- g) There shall be no physical contact with other dancers during erotic dancing.
- h) Dancers to re-dress at the conclusion of dance.
- i) No dancers under the age of 18 years of age.
- j) Dancers shall not solicit for gratuities or payment for sexual favours or any act that would constitute prostitution.
- k) Dancers may not be in the company of a patron unless it is in an area of the premises that is open to the public.

- l) Dancers shall not perform if under the influence of alcohol or drugs.
- m) If a customer engages in the act of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises manager.
- n) Dancers may not intentionally perform any sexually explicit or lewd acts during performances.
- o) Dancers will use the dressing room area facilities to change into and out of performance outfits at the start and end of each shift.
- p) Dancers may only use the specifically dedicated toilet area.
- q) Dancers must arrive and leave the premises in suitable attire e.g. outdoor wear consisting of a coat or top and skirt or trousers so no element of performance costume is visible.
- r) All dancers shall comply with this code of conduct. Any failure to adhere to it shall result in the dancer becoming subject to the house Disciplinary Rules.

All Dancers will be made aware of 'Dancer's Welfare Policy' that will state at minimum:

- i. Any dancer concerned about the behaviour of a customer shall report the incident to the Duty Manager who will take immediate action to investigate and take appropriate resolution.
- ii. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the 'Code of Conduct for Customers' or otherwise causing alarm or distress to a dancer.

- iii. Any customer behaving inappropriately will be ejected from the venue.
- iv. Dancers shall be provided with free drinking water on request.
- v. Dancers will use the dressing room facilities for rest breaks as agreed with the Duty Manager.
- vi. Dancers will be escorted from their transport on arrival and departure from the premises.

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. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
8. No photography or videoing to be permitted on the premises this includes the use of mobile phones that is restricted to the lobby area only.
9. Any customer failing to adhere to the above will be ejected from the premises.

Risk Assessment & Crime Reduction Strategy

CRIME & DISORDER

| | |
|------------------------|--|
| RISKS | <p>Public Disorder/Violence/ASB Large Groups of patrons Use or supply of drugs in venue Theft Solicitation/Prostitution Drunkenness</p> |
| GROUPS AT RISK | <p>Staff/Customers/General Public</p> |
| CONTROL MEASURE | <p>Well Trained Management Team Venue staff and management at appropriate level to manage patrons Statically placed CCTV Regular Toilet Checks Staff training in relation to the dispense of alcohol Regular collection of glasses and bottles Appropriate First Aid facilities Use of Safer Medway/Council CCTV radio during operation Use of SIA Door Supervisors Operation of Challenge 25 policy for the dispense of alcohol Dance and Customer code of conduct Use of internal radio system Use of internal CCTV monitors to manage licensed areas Drug Awareness training for staff Searching of Customers as required Large Groups are asked to contact venue in advance and details retained from ID as condition of entry Incident report records and active exclusion of know or previous 'trouble makers'</p> |

PROTECTION OF CHILDREN FROM HARM

| | |
|------------------------|--|
| RISKS | <p>Under Age Entry ASB from Customers in area of building Under age Dancers</p> |
| GROUPS AT RISK | Persons Under 18 |
| CONTROL MEASURE | <p>Well Trained Management Team Venue staff and management at appropriate level to manage patrons Strategically placed CCTV Regular Toilet Checks Upon arrival SIA Door supervisors or Management will inspect ID of any person looking under 25. The only accredited ID would be acceptable. Staff training in relation to the dispense of alcohol including the operation of a challenge 25 policy Use of Safer Medway/Council CCTV radio during operation to report concerns Use of SIA Door Supervisors Dance and Customer code of conduct Inspection and copy records of any Dancer identity records Use of internal radio system Use of internal CCTV monitors to manage licensed areas Incident and refusal report records and active exclusion of know or previous 'trouble makers' or repeated attempts of underage persons to gain entry</p> |

PUBLIC NUISANCE

| | |
|-------------------------------|--|
| <p>RISKS</p> | <p>Excessive Noise Break Out Large Groups of patrons dispersing ASB/Noise from customers arriving and leaving premises Littering</p> |
| <p>GROUPS AT RISK</p> | <p>General Public/Nearby Residents</p> |
| <p>CONTROL MEASURE</p> | <p>Well Trained Management Team Venue staff and management at appropriate level to manage patrons Actively monitoring noise breakout during operation Ensuring all doors closed except for entry of exit. Use of SIA Door Supervisors to monitor perimeter of building area to ensure patrons arrive and leave quietly including queue if present. Any marketing material will carry the message to arrive and leave quietly. Refusing entry to those who are in a noisy manner and report to police/council CCTV as required Posters will be displayed on the exit route from the venue encouraging patrons to leave quietly and to respect our neighbours. A notice will display taxi numbers should the taxi rank be empty. Staff to check perimeter as required for rubbish collection. All staff to leave the premises in a quiet manner.</p> |

PUBLIC SAFETY

| | |
|------------------------|---|
| RISKS | <p>Poor House Keeping including Fire Safety</p> <p>Violence/ASB</p> <p>Personal Injury</p> <p>Uncontrolled dispersal</p> <p>Excessive alcohol consumption</p> <p>Slips, trips, falls including broken glass</p> <p>Drug use on the premises</p> |
| GROUPS AT RISK | General Public/Staff/Customers |
| CONTROL MEASURE | <p>Well Trained Management Team</p> <p>Venue staff and management at appropriate level to manage patrons.</p> <p>Regular inspections of the premises by staff including annual risk assessments and fire risk assessment.</p> <p>Use of SIA Door Supervisors to monitor premises and perimeter of building area to ensure patrons arrive and leave quietly including monitoring of queue if present.</p> <p>First Aiders and facilities available.</p> <p>Strategic use of CCTV.</p> <p>Daily inspection of validity of SIA Door staff Badges</p> <p>SIA Door supervisors to monitor dispersal of large groups of customers and will contact police/council CCTV should concern arise.</p> <p>Regular inspection or areas for spillages or broken glass by staff.</p> <p>Drug awareness training for staff.</p> <p>Regular toilet inspections.</p> <p>Dancer & Customer code of conduct</p> <p>Staff training in relation to dispense of alcohol and identifying drunkenness or excessive or rapid consumption.</p> |

Management of Smoking for Patrons and Performers

● *Patrons*

- a) Customers will be permitted to smoke in a designated area near the main Tenshi entrance.
- b) Customers who wish to exit to smoke will be stamped on their hand as security vetting procedure for re entry.
- c) SIA door staff from the Tenshi door area will supervise the smoking area to ensure primarily that public nuisance is not caused.
- d) Signage will be displayed reminding customers to keep noise to an absolute minimum while smoking. Ash can bins will also be provided to prevent littering. To assist maintaining clean streets staff will sweep the area used at the close of business.
- e) No drinks of an alcoholic nature may be removed from the SEL venue area nor shall they be consumed in the smoking area. This is to ensure that customers do not dwell in the area.
- f) SIA door staff and management will actively monitor smoking and ensure that all customers who have finished smoking are encouraged to re enter the venue immediately.
- g) SIA Door staff and management will at times as required consider limiting the number of patrons smoking outside the venue.
- h) Patrons re-entering the property will have their security stamp re inspected. Patrons may also be subject to additional voluntary searching should it be required.
- i) Only Tenshi patrons will be permitted to smoke in this area.

● *Performer Smoking*

- a) Performers will be permitted breaks for smoking subject to approval of the Duty Manager.
- b) Performers must re dress to an appropriate level prior to leaving the building.
- c) Performers will be permitted to smoke to the side of the door area covered by CCTV and monitored by SIA door staff.
- d) Performers on duty may not use the patrons smoking area.
- e) Performers will re-enter the venue at the earliest opportunity.
- f) A maximum of two performs may have a smoking break at any one time.
- g) SIA door staff will ensure that performers do not actively engage in conversation with customers in the door entrance area except for the exchange of verbal greetings.
- h) Performers must advise the duty manager of their return from a smoking break.

Use of Toilet Area for Patrons

As shown on the drawing provided in the application male and female toilets are accessible from both Tenshi and Bar/Cafe areas which are controlled by electro magnetic locks.

Other Visual and Door Controls

The SEL area is connected to the Bar/Cafe area. To prevent customers entering the SEL area electromagnetic door locks will be fitted to the doors and be active during operation of the SEL. (These locks disengage to the fire alarm as a safety procedure)

Windows in connecting door areas to Bar/Cafe will be 'blacked' during operation of the SEL.

Should an emergency situation arise in the building SEL activity will cease immediately and patrons from both Tenshi and Bar/Cafe can use all exits as required or directed.

Venue Signage

The access for the SEL will be by the Corporation Street approach only. SIA door staff will greet patrons on arrival and will ensure that they wish to attend Tenshi and not the Bar/Cafe. Any patron who has arrived in the Tenshi Lobby in error would not be able to see SEL activity due to a lobby situation as shown on the plans and would be immediately re directed by staff.

Hours of Operation

The application is seeking hours of operation of 2000 to 0300 Wed to Sat. We currently have a 7 day license at our sister venue at Essex and 4 days at Rochester with regular private hire or corporate events in addition to our core trade.

The requested hours for operation are subject to market forces and customer demand. The hours applied for in the SEL application are less than what is previously granted under the Premises License for the venue. Under the newly changed regulations the venue is now currently permitted 11 events per calendar year of hours from 0900 to 0200 for adult entertainment in the full premises.

- SEL venues are not specifically marketed at any one consumer group nor are they specific to attracting 'young groups of males'. We have historically operated both male and female performers to a mixed audience of an extensively mixed age. Experience has shown as an historic operator of an SEL and adult entertainment venues often have a decreasing effect on crime.

francis, mandy

From: Kelly Tolhurst 1
Sent: 24 May 2013 14:21
To: licensing
Subject: Re: 141 High Street Rochester SEL Application
Follow Up Flag: Follow up
Flag Status: Red

Dear

Re: 141 High Street Rochester SEL Application Tenshi 2

I am writing to object to the application for a SEL license for 141 High street Rochester.

The reasons for my objection are as follows:

We already have 1 SEL venue on the Historic Rochester High Street (which has yet to open), and the proposed 2nd venue is only metres away from first Tenshi. I believe that a 2nd SEL venue in such close proximity to the 1st is completely unnecessary, and completely at odds with Medway Council and Local peoples vision for Historic Rochester High Street. The Medway local plan characterises the area under policy R8 as having "Specialist and Tourism related character". I believe that if this application is granted it would have a detrimental affect to the character of the high street, the surrounding nationally significant buildings, and would affect how the small high street is viewed from a tourism point of view, affecting how Rochester High street is viewed by potential visitors from outside of Medway.

The local policy states there should not be more than 2 SEL within the prescribed Rochester conservation area, however i believe the closeness of the proposed 2nd venue to the 1st should be taken in to consideration, and that the fact the policy states there must be no more than 2 is a vaild reason to grant the license. In fact it should be a reason to refuse.

The proposed premises is amongst a number of building where there is residential accommodation, and with potentially 2 SEL premises in the same location could have a detrimental impact on the residents safety, especially vulnerable residents, bearing in mind there are many families with young children living in the vicinity.

Due to the fact that the 1st venue is yet to open, and that the application for the 2nd venue is from the same organisation, i would question that there is no evidence as to how the premises would be run, there is no historical information available yet, neither positive or negative. We therefore do not know how the 1st venue will impact on the local area, let alone a 2nd venue.

I would also seriously question the advertisement of such a venue. It is clear from the 1st SEL that advertisement of the venue is far greater that what was initially thought by the local people. The applicant in regards to the 1st venue advertised the SEL venue without seeking the permission of the licensing authority as was stated in the conditions of the that license, and had to removed the said banner. I therefore am concerned that boundaries will be pushed by advertisement the venue on the high street, and this is not what local residents, businesses or I as ward councillor want.

We must support the the local people of Rochester, listen and act on their concerns, therefore i

28/05/2013

believe that this application should be refused.

Please can you confirm that you have received this representation against the above application.

Best Regards

Cllr Kelly Tolhurst
Member for Rochester West

francis, mandy

From:

Sent: 01 June 2013 18:36

To:

Subject: Tenshi 2, Rochester

Application for a 2nd strip club licence at Rochester Indoor Market, High Street, Rochester

I would like to object to the granting of this licence as this type of activity is completely unsuitable for a prominent premises adjacent to independent retailers. If granted this strip club would be very close to the Charlotte Bar. A strip club coupled with a premises selling alcohol until 5am could result in a considerable public nuisance when taken together.

Yours Faithfully

Marion Jenkins

04/06/2013

francis, mandy

From: Bob Last [
Sent: 09 May 2013 19:59
To: licensing
Subject: Representation Re. Application For Sexual Entertainment Venue in Rochester High Street
Follow Up Flag: Follow up
Flag Status: Red

Local Government (Miscellaneous Provisions) Act 1982. Part II
Schedule 3

Policing and Crime Act 2009, Section 27

Notice of Application for the Grant of a licence for a Sexual Entertainment Venue
Address of Premises to be licensed: Tenshi 2 at 141 High Street (Ground Floor – Rear Half),
Rochester, Kent, ME1 1EL.

Dear Sir,

As a long term resident of Rochester I wish to raise an objection to the above application of a licence for a Sexual Entertainment Venue.

I believe such an establishment will be totally out of keeping with the historic environment that is preserved in Rochester High Street.

It will impact upon the historical attraction of Rochester High Street which welcomes visitors of all ages, particularly the Dickens Festivals, to the majority of whom such an establishment would be out of place and most unwelcome.

Yours Sincerely,

Robert F.J. Last

9th May 2013

30/05/2013

francis, mandy

From: Wesley Aiken [
Sent: 23 May 2013 11:32
To: licensing
Subject: Sexual Entertainment License, 145 High Street, Rochester

Follow Up Flag: Follow up

Flag Status: Red

I have lived in Rochester for 33 years; 32 years at ME1 3 and for this last year at ME1 3. My main place of work (ME11RF) is less than 100 meters from the premises in question. I can be on the High Street an average of two times each day, five days each week.

It surely seems totally inappropriate to permit such a license to conduct sexual entertainment at 145 High Street. It's hard to convey in words, but it seems to me that the focus of attention on that area of the Street will then become this form of entertainment. Is this what the Council wants? I hope not.

I appreciate that the Queen Charlotte had such a license but even though it is only 65 meters away the 'environment' is so different even for such a short distance. For example, the road is much wider, so it is not so much in your face as is 145 where it is significantly narrower. The business was conducted in a basement so in one sense was 'hidden'. Number 145 is on ground floor level and so would be more obvious and once again 'in your face'. Also, the whole idea of Rochester as a tourist Town is not so obvious the closer one gets to Star Hill i.e. in the direction of the Queen Charlotte. Number 145 is so much closer to buildings which the public are more likely to be visiting.

However despite these obvious differences between the two premises, there was still something about the 'environment' or appearance outside the Queen Charlotte which was out of keeping with how you want to present Rochester. I know this because of the hundreds of times I was past it. Surely this 'environment' or appearance will be even more pronounced outside 145.

While on this matter there is another point worth noting. The Queen Charlotte was pretty much a 'dead duck' business. My experience of the applicant for 145 suggests the sexual business will be aggressively marketed thus bringing it even more to the general public's attention. No-one can tell me it will be done discreetly. What then of all the hundreds of school children who visit Rochester often on a daily basis. Premises like these will gain their attention more than Rochester itself.

I would feel very sad and disappointed if the sexual license is granted. I want to play our part in making Rochester the attractive small town it is. I am convinced that the granting of this license, while not changing everything, would have a significant negative impact on the High Street. I urge you therefore not to grant it. There are other points I could raise, but I don't want to overload you with having to read lengthy emails or letters.

Yours sincerely
Wesley Aiken

francis, mandy

From: John Allison []
Sent: 23 May 2013 15:45
To: licensing
Subject: PROPOSED SEX ENTERTAINMENT VENUE IN ROCHESTER HIGH STREET
Follow Up Flag: Follow up
Flag Status: Red
Attachments: City of Rochester Society - Letter - Licensing Department.doc

Please find attached a letter objecting to the application for a new Sexual Entertainment Venue application by the management of the Casino Rooms, who are the freeholders of 141 High Street Rochester. A large number of the membership of the City of Rochester Society have expressed their alarm at this application and the effect it would have, if successful, on the character of Rochester High Street. This letter is being sent on their behalf. It also reflects my own thoughts on this.

John Allison

Chairman, City of Rochester Society

28/05/2013

The City of Rochester Society



Registered Charity No. 252603

01634 725954

e-mail: johnallison42@hotmail.co.uk

Licensing Department
Medway Council
Gun Wharf
Dock Road
Chatham, Kent
ME2 3TJ

By e-mail: licensing@medway.gov.uk

23 May 2013

Dear Sirs

Tenshi 2, 141 High Street, Rochester

I am writing to you in my capacity as Chairman to the leading amenity and civic society in this area, the City of Rochester Society.

I have been approached by a number of very concerned members regarding a new Sexual Entertainment Venue application which has been submitted to your licensing department by the management of the Casino Rooms, the freeholders of 141 High Street. I also understand from our Planning sub-committee that during the past year a change of use from that of an indoor market to "bar and restaurant" has been approved and granted for these premises.

I would request that my name, and that of the Society, are added to the considerable number of strong objections I am sure you have already received. This application by Lovellrise Limited must be rejected.

Preserving our local heritage is foremost amongst the Society's concerns. We are proud of the fact that our local High Street is a mixture of small shops and residential buildings – most of them occupied and busy despite the economic downturn. Rochester is a place which welcomes visitors of all ages and its many shops, cafes and restaurants cater for most family requirements and those of its many tourists.

There are plenty of public houses to cater for all tastes – we appreciate that occasionally the late-evening enjoyment of some of our younger inhabitants can become somewhat intimidating to older members of the community but, for the most part, problems are contained and we are proud of the diverse community in our High Street. Such a venue as the one proposed, in a family-centred High Street where people young and old can congregate in safety, is contrary to all that the inhabitants have worked for over many years.

It goes without saying that a limit of two such venues in Rochester town centre – a very sensible decision on the part of Medway Council - surely does not mean that two licences need to be in place!

I am sure that, on reflection, your department will agree that the inclusion of such a venue will be totally detrimental to Rochester High Street.

I look forward with interest to receiving your comments in due course.

Yours faithfully

J Allison

John Allison
Chairman
City of Rochester Society

RECEIVED 24 MAY 2013

Licensing Unit
Business Support Department
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR



Monday 20th May 2013

Dear Sirs,

**141 ROCHESTER HIGH STREET
APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENSE**

The Historic Rochester Residents Association (HRRRA) represents local residents living in the central area of the town. We, the HRRRA committee, believe that the grant of a licence for a sexual entertainment venue (SEV) at 141 High Street Rochester would be inappropriate to the character of, and incompatible with, the uses within the 'relevant locality', and that the application should be refused.

Before outlining the detail of our case in relation to the council's 'Statement on Policy in respect of Sex Establishments', we would like to highlight as background some broader aspects of council policy which pertain to the environment within which the premises are situated:-

- The Medway Local Plan characterises the area under policy R8 as having a "*specialist and tourism related character*".
- The premises are located within the *Historic Rochester* conservation area. A conservation area is defined in the Local Plan as "*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.*"
- The Historic Rochester Conservation Area Appraisal and Management Plan were adopted by the council in September 2010. The introduction to the appraisal observes that:
"*...the City's architectural and historic wealth derives from much more than these two splendid buildings (the castle and the cathedral). Laid out before them is the many-layered, multi-styled, multi-cultural, intimately scaled, trading, residential and literary city, of international significance in its own right. All this tangible and intangible heritage is what combines to give the City's conservation areas their unique*

character.”

Furthermore, the appraisal recognises under the heading of ‘Threats and Pressures’ to the High Street that *“Changeable economic activity discourages confidence and lack of pride, which can impede maintenance, degrade shop fronts, and encourage inappropriate alterations and uses.”*

- In the recently published Draft Core Strategy of the Local Development Framework, the area profile for Rochester states that:
“Rochester town centre is a nationally renowned historic settlement distinguished by its Norman Castle and Cathedral, which are located on high ground and dominate views from the surrounding area. Its built environment dates from Roman times and the High Street is of the highest architectural importance, containing architectural styles dating back to the medieval period.”

The strategy also notes the importance of Rochester to tourism in Medway, and that the council will *“seek to secure an improvement of the image and ‘brand’ of Medway to enhance its awareness (sic) as a visitor destination beyond the South-East”.*

In contrast to the image evoked by these policy documents, Rochester High Street has witnessed the growth of a culture of bars serving cheap alcohol, resulting in anti-social behaviour and noise pollution. We would argue that the image arising from this culture (and with which the town is associated) is inconsistent with that of an environment valued for its heritage and ‘special’ retail nature. We would urge the council to assess the licence application against the character of the environment as reflected in its policy objectives for the historic centre of Rochester rather than the culture of the bars, clubs and the night-time economy.

The criteria outlined in section 14.6 of the council’s “Statement of Policy in respect of Sex Establishments” provide a framework for evaluating the area around the applicant’s premises. We note that paragraphs 12(3) (c) and 12(3) (d) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 allow the licensing authority to refuse applications on grounds related to an assessment of the relevant locality. To make our case, we have carried out our own assessment of the portion of the conservation area (Character Area 1) within which the venue is located. We also make other observations on the wider environment to support our argument that this is an inappropriate location for a Sex Establishment. Adopting the relevant headings from section 14.6:

- The type of location

The venue is located within a mixed environment, in which the major uses include residential (see below), ‘special’ retail, and visitor attractions. As noted above, the environment is widely recognised as having significant heritage assets.

- The proximity of residential premises

It is generally not appreciated that, as well as being a visitor destination for shopping and sight-seeing, the High Street and its immediate environs is home for many people. Along the High Street itself there are approximately 200 residential addresses, a population of perhaps 500 people. We have carried out an assessment of the area around the venue lying within the conservation area. This figure does not include the flats along Corporation Street and Star Hill nor ‘Rochester Gate’, the

nearby sheltered housing development.

- The proximity of educational establishments

Parts of the King's School as well as Rochester Independent College are both located within 250m of the premises.

- Access routes to and from schools

In addition to the neighbouring schools, the High Street is a popular destination for local school-age children as well as groups of children on school trips from further afield, including from the continent. Large groups of students are a regular and welcome sight in the centre of the town, learning from its history and experiencing its rich heritage.

- The proximity of shopping centres

The premises are located amidst what the council describes as an area of 'special retail', in which a diverse range of small independent traders, along with coffee bars, restaurants and pubs provide a popular destination for families. The appeal of the High Street as a retail environment is inseparable from the qualities of its historic environment.

- The proximity of community facilities

Within the vicinity of the premises are located the town's library and adult education centre and Eastgate House.

- The proximity to historic buildings and tourist attractions

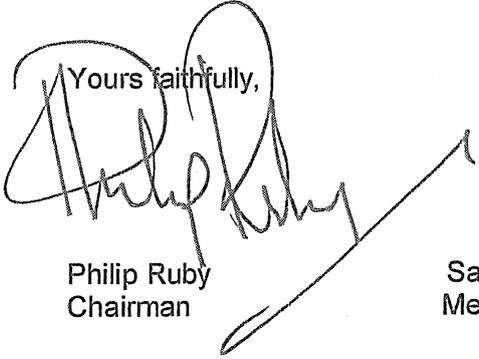
Whilst the premises are not immediately adjacent to the main historic buildings, they are situated within Character Area 1 as defined in the Conservation Area Appraisal. The whole of this area is considered to have particular historic significance, within which all buildings as well as their uses contribute to the character and image of the whole (see the 'Building Analysis' appended to the Conservation Area Appraisal).

We contend that, just because Medway Council has granted one SEV licence in Rochester High Street, and stipulated that they will not grant more than two within the conservation area, there is no good reason to consider granting another licence to the freeholders of 141 High Street. In this instance it is their letting arm that is applying for the licence, thus raising the expectation of the premises being leased to unvetted, and perhaps unsuitable tenants. (The same scenario as has happened – on the freeholder's own admission – at a recent hearing with regards to the premises at 186a High Street, which are owned by the same freeholder.)

Further, we maintain that granting another SEV would be going against both the spirit and letter of section 27 of The Police and Licensing Act. To paraphrase the then Home Office Minister, "the reclassification, if adopted by the local authority, will give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhood". Surely, therefore, one such club is sufficient, and granting further licences to one company will be seen by the residents and traders as just another instance of their council not listening.

In conclusion, we will also submit an 'on line petition' at the hearing as further proof of the strength of feeling amongst the residents of Rochester City Centre. This is available to view at <http://www.gopetition.com/petitions/no-to-another-sexual-entertainment-venue-in-rochester-.html>.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Philip Ruby', written over the typed name below.

Philip Ruby
Chairman

A handwritten signature in black ink, appearing to read 'Sarah Griffin', written over the typed name below.

Sarah Griffin
Membership Secretary

HISTORIC ROCHESTER RESIDENTS ASSOCIATION

APPENDIX D

Condition 1

Prior to the venue opening to the public the licensing authority will have conducted a site visit, the Licensing Authority if so satisfied, shall provide written confirmation that the physical layout of the premises is in accordance with the attached plan. The Licensing Authority shall, within that written confirmation, specify the commencement date that the Licence shall have effect and public may attend the premises, this being no later than 14 days from the date of the written confirmation.

Condition 2

The premises are as edged in red on the attached plan. Should any alterations to these plans be required then approval will be needed from the Licensing Authority prior to them taking effect. New plans must be submitted to the licensing authority, which then may result in a site visit, the Licensing Authority if so satisfied, shall provide written confirmation that the physical layout of the premises can be altered in connection with the amended plan.

Condition 3

Relevant Entertainment shall only take place on the premises in the designated area 'Tenshi 2'.

Condition 4

The licence or clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the Sexual Entertainment Venue licensed by this Licence ("the Premises").

Condition 5

The Licence Holder shall maintain a daily register when the Premises is providing relevant entertainment to be kept on the Premises and produced to an authorised officer of the Licensing Authority on request. The register to be completed each day within 30 minutes of the Premises opening for business and will record the name and contact details of any person who is to be responsible for managing the Premises in the absence of the Licence Holder and details of all staff employed at the Premises including performers.

Condition 6

A notice showing the name of the person responsible for the management of the Premises on that day to be prominently displayed within the Premises throughout the period during which he is responsible for its conduct.

Condition 7

The Licence Holder shall maintain good order on the Premises and in particular shall take reasonable steps to ensure that:

- No activities provided solely or principally for the purpose of sexually stimulating a person (whether or not for reward) are

undertaken or offered on the Premises other than those activities comprised within the relevant entertainment.

- No person present on the Premises unlawfully possesses and/or supplies controlled drugs.
- No person on the Premises engages in conduct likely to cause a breach of the peace while on the Premises.
- No person on the Premises engages in acts of violence against person or property and/or attempt or threat of such acts.

and if any of the above activities comes to the attention of the Licence Holder or a member of staff the Licence Holder shall take all reasonable and necessary steps to ensure the cessation of those activities promptly.

Condition 8

A management operation manual detailing all aspects of procedure when the Premises is operating Relevant Entertainment (as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982). The manual shall be produced and approved by the Licensing Authority. This document shall be kept up to date and any amendments shall be approved by the Licensing Authority in writing. The Licence Holder shall comply with the procedures set out in the approved operation manual. The manual shall contain:-

- dancer code of conduct
- day to day operations – Operating Schedule
- guidelines for safe operations
- customer code of conduct
- risk assessment and crime reduction strategy
- management of smoking for patrons and performers
- the use of the booths procedure induction forms relating to staff and performers

Condition 9

No person under the age of 18 shall be admitted to the Premises or employed within the Premises (including as a performer) while the Relevant Entertainment takes place.

Condition 10

A prominent clear notice shall be displayed at each entrance to the Premises advising customers that no person under 18 will be admitted to the Premises and that they may be asked to produce evidence of their age.

Condition 11

CCTV must be provided and operational at all times the Premises are open in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all entrances to and exits from the Premises including fire exits and all areas where the sale and supply of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped,

recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to police on demand. The Licence Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to the Police and Licensing Authority on demand. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the Licence Holder or other appointed individual (who shall be named in the management operation manual). An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. All television screens used for the purpose of monitoring the CCTV system must be positioned such that no images may be visible to any customer or member of the public.

Condition 12

The Licence Holder shall not exhibit or display in a physical format outside the Premises (or within the Premises so as to be visible outside the Premises) any advertising relating to any form of relevant entertainment without prior written approval from the Licensing Authority. Events/room booking for the Tenshi 2 area that operates using the premises licence (Licensing Act 2003) does not require approval for advertising events when no relevant entertainment is taking place, as long as the Tenshi logo of a female angel is not used as part of the advertising. However the name Tenshi with the Chinese writing is acceptable within any form of the advertising. Advertising relates to any display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, photographs, drawing, writing or any matter or thing (where illuminated or not). Any such displays, etc shall be exhibit in accordance with the consent given by the Licensing Authority. Any alterations to the Tenshi logo will also require written approval from the Licensing Authority.

Condition 13

Black out curtains/black out windows within all the internal doors that have entry/exit from and to the Tenshi 2 area to public areas to stop those who are in the building from seeing into the area providing adult entertainment.

Condition 14

In the event of the Relevant Entertainment being performed for private viewing, the customer shall be informed of the duration and price of the entertainment prior to the performance and such details shall be specified in a clearly visible notice at the desk entrance to the main dance booth areas numbered 1 to 7 on the main plans. Only disabled customers may use the 2 disabled booths displayed on the plan, which will be curtained off for the private performance.

Condition 15

Any person within the Premises who can be observed from the outside of the Premises must be properly and decently dressed. Performers shall not exhibit in the entranceway or in an area of the Premises open to the public that is not designated area for Relevant Entertainment.

Condition 16

Photographing or videoing of performances is not permitted, except for the sole purpose of crime prevention.