

# Gloucester City Council

LICENSING ACT 2003

APPENDIX 4

## REPRESENTATION FORM – Responsible Authorities

**Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.**

### Your Details

<b>Your Name:</b>	Jaine Simner
<b>Name of the organisation you represent:</b>	Gloucestershire Constabulary
<b>Position held:</b>	Licensing Manager
<b>Postal Address of the organisation or body you represent:</b>	Gloucestershire Constabulary Headquarters 2 Waterwells Drive Quedgeley
<b>Post Code:</b>	GL2 2AN
<b>Daytime contact telephone number:</b>	01452 752816
<b>Email address: (optional)</b>	<i>If you would prefer to correspond via email, please enter your email address.</i> Jaine.simner@gloucestershire.pnn.police.uk
<b>Full correspondence address if different to above:</b>	

### Premises Details

<b>Name of premises you are making representation about:</b>	Minx		
<b>Full Postal Address of premises you are making representation about:</b>	12-16 Quay Street Gloucester		
<b>Post Code:</b>	GL1 2JS	<b>Application Ref. Number. (If known)</b>	

## ENVIRONMENTAL HEALTH

Gloucester City Council    Tel 01452 396396    Fax 01452 396340  
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**GLOUCESTER**  
**CITY COUNCIL**

**Representation details**

(Note: Your representation **must** relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to).

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	x	Public safety	x
The prevention of public nuisance		The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.  
**(Please continue on a separate sheet if necessary)**

**Please provide as much information as possible to support the application** (please read guidance note 3)

This report should be read in conjunction with the Review application submitted by Gloucester City Council

**Grounds**

MINX is situated on Quay Street Gloucester and operates under a premises licence.

The current premise licence was granted in November 2010

The venue was designed with a view to the licensing of sexual entertainment and although a Sexual Entertainment Venue (SEV) licence is not in place, conditions on the licence are more specifically directed at dancing particularly lap dancing and protection of the dancers and clientele. Current legislation restricts the performance of lap dancing/nudity in a licensed premise to one per calendar month.

On two occasions since 2013 officers have found the premise breaching frequency rules in respect of nudity. No prosecutions have been forthcoming.

On each licensed visit officers have identified one SIA doorman on duty not three as stated as a condition on the licence.

On each licensed visit no SIA doorman has been seen to monitor the designated area.

CCTV coverage throughout the premises is inadequate providing poor grainy images. The system does not appear to produce footage for 31 days and staff are unable to download material as required by the authorities. There is no coverage of independent booths in the designated areas or in the basement or dungeon themed room.

The Designated premises supervisor has been absent from all licensed visits and staff present at the premises are unaware of who is in charge or under who's authority licensed activities are taking place. The variation of Designated premises supervisor has not made any impact on the management.

Against all advice from both police and council licensing, the management have failed to meet important standards and conditions required for the licence and as such are failing to meet the public safety licensing objective leaving both staff and clientele vulnerable.

**Background**

Club MINX is situated at 12-16 Quay Street Gloucester and holds a premises licence. It is believed the club which is advertised as MINX Gentlemen's club was always set up with a view to holding a Sexual Entertainment licence.

The current licence has performance of dance which gives the premises the facility to operate as a lap dancing venue one night a month, eleven in a calendar year and at least twenty eight days between each lap dancing event.

In April 2012 Club MINX failed to apply for their Sexual Encounter venue licence. Between the 1<sup>st</sup> and 24<sup>th</sup> April two cheques totalling £4900 were provided to the local authority but no application for a new SEV accompanied the payment. The cheques which bounced were returned to the drawer. The venue continued to operate as a lap dancing venue utilising the available frequency as mentioned above.

There have been concerns over the management of the premises and visits have been conducted documenting breaching of the conditions of the licence.

On the 6<sup>th</sup> October 2012 following a joint licensing visit with police and council licensing officers, nude dancing was found in the VIP suite at the premises.

The dancer gave false details and no paperwork was available at the premises relating to the girl. Attempts were made to locate the dancer at a later date but she was never traced.

The person in charge of the premises at the time, Paulo LAUSADO was flustered when questioned by officers and unable to answer licensing questions. He was advised to get his management to contact the Gloucester Council Licensing department.

On the 24<sup>th</sup> January 2013 a joint partnership meeting took place at the venue to address serious concerns regarding the management of MINX.

Ross CONNOCK and Alan WHITEHEAD (Designated premises supervisor) were in attendance and both agreed the venue had failed in its management.

Various recommendations were made and agreed but never met.

A Designated premises supervisor variation was submitted in January 2013 but later withdrawn as the applicant was seen to be unsuitable.

Two further licensing visits were conducted within the month of February 2013 and evidence was found of lap dancing and nudity.

Mr WHITEHEAD and Mr CONNOCK were subsequently interviewed and reported for offences in relation to Section 3 Miscellaneous provisions act 1982 (operating a lap dancing venue without an appropriate SEV licence. Prosecution for Section 3 offences is the responsibility of Gloucester City Council and papers were prepared by Sgt Lovell and handed to the Council No further action was taken.

On the 30<sup>th</sup> September 2013 Gloucester City Council sent an advisory letter to Mr CONNOCK and WHITEHEAD regarding the breaches of conditions and advising them to apply for an SEV licence.

On the 20<sup>th</sup> December 2013 PC SIMNER attended MINX for a routine visit during the early evening. No nude dancing was taking place at the time but there were several scantily clad women on the premises. The Designated premises supervisor, Mr WHITEHEAD was not on the premises but Mr CONNOCK was spoken to regarding change of Designated premises supervisor and an application for an SEV. It was believed that Mr Whitehead was in poor health and spent considerable amounts of time out of the country. On this occasion Mr CONNOCK stated that it was too early to catch the girls dancing and there was no nudity. There was only one SIA registered door man on the door.

On the 29<sup>th</sup> January 2014 PC SIMNER and PC MANFIELD met with Philippa GOLDEN from the Council Licensing Department and Ross CONNOCK to discuss a way forward with MINX. Mr CONNOCK stated he would put himself as Designated premises supervisor and completed the necessary paperwork in the presence of the officers. Mr CONNOCK failed to disclose that he was subject to an ongoing fraud enquiry in Cornwall relating to a lap dancing venues.

Gloucestershire police licensing stated that they would oppose Mr CONNOCK as Designated premises supervisor and as a result Mr CONNOCK withdrew his application. Mr WHITEHEAD remained as Designated premises supervisor. Again the need to apply for an SEV licence was raised.

On the 22<sup>nd</sup> February 2014 PC MANSFIELD attended the premises and found the door on an automatic lock which had to be released via the intercom, delaying his entry to the premises. On a further visit PC MANSFIELD heard persons inside the premises shouting "Police" as he buzzed for entry. When asked about the lock Mr CONNOCK said it was because they had problems with travellers.

On the 13<sup>th</sup> and 15<sup>th</sup> March 2014 licensed premises visits were made to MINX as part of Cheltenham Races night time economy operation and on both occasions officers found nude dancing in private booths and VIP areas. No SIA qualified member of staff was seen to be monitoring the private dancing area and there was only one SIA doorman employed on the door. PC SIMNER spoke to Mr CONNOCK who was initially very aggressive both verbally and with his physical presence but accepted he was breaching the conditions of his premises licence in respect of frequency of lap dancing and minimum door staff. Mr WHITEHEAD was again not present as Designated premises supervisor.

Statements of evidence regarding the breaches were submitted to Gloucester City Council by Pc SIMNER and Pc MANSFIELD following the events of Cheltenham races with a view to prosecution.

Throughout this period Mr Alan WHITEHEAD was the licence holder and Designated premises supervisor for Club MINX but did not have close management of the venue having had a stroke in 2012.

On 4<sup>th</sup> April 2014 PC SIMNER visited Mr WHITEHEAD's home address in WELWYN GARDEN CITY to discuss his position. PC SIMNER found that Mr WHITEHEAD had left the premises in August 2013. The new resident stated Mr WHITEHEAD had said he would be living abroad. There was no forwarding address just a business card. PC SIMNER contacted Mr WHITEHEAD by email, he stated he was in America on business and suggested a meeting on his return. Mr WHITEHEAD has made no further attempt to contact officers.

Shortly after the 4<sup>th</sup> April 2014 Mr CONNOCK contacted PC SIMNER with a view to submitting an SEV application and licence variation. No paperwork was received.

On the 16<sup>th</sup> APRIL 2014 paperwork was submitted changing the Designated premises supervisor to Christine ROGERS.

On 10<sup>th</sup> July 2014 Mr CONNOCK was interviewed by Gloucester City Council officers having failed to attend a previous interview.

An application for an SEV was made by Mr WHITEHEAD to the council at this point but no payment for the application was received. No application was seen by the Police.

On 13<sup>th</sup> July 2014 licensing officers attended MINX for a routine licensing visit.

Officers were blocked entry at the door by a single member of door staff. The doorman was evasive. He stated he didn't know who the Designated premises supervisor was and didn't know who was in charge. It was explained by PC SIMNER to the doorman that officers had a right of entry to the premises and preventing entry would be an offence under the licensing act 2003, after which officers were allowed to enter. Mr CONNOCK appeared some 5 minutes later dressed in shorts with bare feet. PC SIMNER asked where the Designated premises supervisor was and Mr CONNOCK said she was off tonight. I asked who was in charge and after faltering for a minute stated "Well I am here anyway".

In October 2014 six months after the initial offences in March 2014 a decision was made by Gloucester City Council not to make any prosecution as the public interest test was not satisfied.

At this point an initial payment had been received by the Council for an SEV. An advert was placed in a local paper but in London rather than Gloucester. A notice was also displayed on the front of the premises.

On 24<sup>th</sup> January 2015 between 2355hours and 0025hours PC MANSFIELD and Darren BRICE Gloucester Council Licensing conducted a licensing check at MINX.

The Designated premises supervisor Christina ROGERS was not present. Ross CONNOCK was also absent. One member of SIA door staff was on duty. Although the upstairs dancing booths were in use there was no visual SIA presence as required in their premises licence. PC MANSFIELD asked to view the CCTV but neither person present was able to assist

On the 26<sup>th</sup> January 2015 a letter was sent to club MINX for the attention of Christina ROGERS a copy was delivered by hand to the club and another copy to Christina ROGERS home address in Bath. The letter related to production of CCTV. Enquires were made later the same week to locate Christina ROGERS who had moved address and failed to notify the authorities in her position as Designated premises supervisor..

On Friday 30<sup>th</sup> January 2015 Gloucester Council Licensing re visited MINX to see if concerns had been addressed. On arrival the Designated premises supervisor was again absent and Mr CONNOCK had left the premises earlier.

There was one registered member of door staff on duty and a DJ, and neither could give the name of a person in charge. A check was made of the premises and the basement visited. The area had no adequate lighting or smoke alarm. There was no CCTV covering the area. Several drinking glasses were on the floor implying that the area had been in use at some point in the past  
On leaving the premises it was also noted that there was no signage on display indicating that "Striptease style entertainment takes place on the premises."

A public notice was displayed on the entrance showing the 28<sup>th</sup> October 2014. Officers asked that this notice be removed.(Relating to previous application of SEV)

During the week beginning the 2<sup>nd</sup> February 2015 officers made several attempts to chase up the CCTV footage as previously requested.

On Thursday 5<sup>th</sup> February 2015 three letters were sent to Mr WHITEHEAD at MINX and two other addresses. Christina ROGERS was named on the letter to MINX. The letter was inviting Mr WHITEHEAD and Miss ROGERS to discuss issues around MINX and also identified the potential for a review. There has been no response from the letters.

On Thursday 5<sup>th</sup> February 2015 PC MANSFIELD spoke with dancer linked with MINX. The dancer reported that the basement area had been used for a Halloween event and possibly once a week but not regularly since(a poster removed from behind the bar in the premises advertises a themed event in the dungeon) She confirmed that there had only ever been one doorman whilst she worked at MINX there was never anyone looking after the dancers and she described CONNOCK as a bully.

On the morning of Friday the 6<sup>th</sup> February PC SIMNER attended MINX to discuss the CCTV with Mr CONNOCK. Mr CONNOCK was unable to assist having limited knowledge of the system. CCTV for the 16 and 17<sup>th</sup> of January 2015 was unavailable.

It appeared that the system was unable to download any footage earlier than the 27<sup>th</sup> January 2015 approximately 10 days coverage, the system defaulted to the 27th on each occasion download was attempted.

Mr CONNOCK said he would seek assistance with the download and contact officers by the end of the

day. Mr CONNOCK failed to contact PC SIMNER on Friday instead sending an email on the morning of the 9<sup>th</sup> February 2015 stating he had spent considerable time trying to download the material and may have to call out manufacturers.

Mr CONNOCK has notified PC SIMNER that due to the number of cameras' and recording time the system can only store footage for approximately 10 days. He does however state that he can now download and burn footage.

Council officers have since requested that Mr CONNOCK provide CCTV footage for the weekend of the 6<sup>th</sup> and 7<sup>th</sup> February on various cameras, no specific time periods were given. An email was sent to Mr CONNOCK from the Council following this request as formal notice of their requirement. On the 18<sup>th</sup> February 2015 Mr CONNOCK produced a quantity of discs to Council Officers. The coverage recorded on the discs was from five cameras recording between 2130hours and 0430hours on the weekend of the 6<sup>th</sup> February into the early hours of Sunday 8<sup>th</sup> February 2015.

Footage from the CCTV has been viewed and is clearly of poor quality and difficult to view. It does highlight regular use of the upstairs private booths and girls can regularly be seen adjusting clothing fastening bras and dressing as they leave the designated area. On one occasion a male is seen fastening his trousers.

The footage indicates that there is only one SIA door staff on duty and that the individual booths are not monitored. Girls can be seen "looking out for each other" rarely entering the area alone. There is insufficient coverage of the booths to be able to cater for the dancer's safety and vulnerability particularly without a dedicated member of SIA staff.

At 0005hours on Saturday 21<sup>st</sup> February 2015 PC MANSFIELD attended MINX in company with Mr LOCKIER, from Gloucester Fire and Rescue to carry out an unannounced fire inspection. MINX had written notification regarding an inspection but no date had been provided. There was a long delay on the time lock to gain entry. As on previous occasions no Designated premises supervisor was present and only one SIA registered member of door staff was on duty. No member of staff had been assigned to monitor the booth area and look after the dancers. There were concerns with all of the fire extinguishers, the majority approximately 5 years out of date. The main fire exit appeared to be jammed shut and had to be forcibly opened, the latch was in a state of dis-repair. Neither employee present at the premises had received fire training and knew nothing about the fire panel situated in the foyer area. Although a smoke detector was fitted in the basement area the lid was missing and was totally unsatisfactory.

The fire officer states that there was insufficient evidence to shut the premises because the issues and defects raised could easily be remedied with joint working.

### **Crime and Disorder and Public Safety**

The Police believe that these licensing objectives are not promoted and that there are serious issues associated with this.

Whilst MINX does not attract the same volume of customers as other licensed premises in Gloucester, and there is not a particular problem with violent incidents taking place the nature of the business undertaken is associated with specific vulnerabilities such as potential sexual offending. The premises still advertises on social media as a Gentlemans Club open 4 evenings a week.

The Police believe that breaches of the premises licence and information obtained demonstrates that club management have over a prolonged period of time have failed to promote the public safety licensing objective. Licensing Act 2003 related obligations do not appear to be important to the Club Management and it recently came to light that they had actually failed to pay for their Premises

License until prompted by the Council.

The purpose of CCTV conditions and those pertaining to SIA door staff are there ensuring that there are adequate measures in place to not only prevent crime and disorder, but also to promote public safety. The nature of the 'entertainment' provided at MINX involves activity which is associated to sexual vulnerability.

It is the Police position that there are over a prolonged period of time, and despite numerous licensing visits continual breaches in terms of SIA door staff, whose task it is to deter crime/disorder and protect people working at the Club. Furthermore, CCTV coverage is lacking in that it does not capture what actually takes place inside booths and there is evidence which supports the view that a 'dungeon area' is on occasion utilised by customers/dancers and that the absence of CCTV in this area is particularly concerning. The inability to produce CCTV footage to the police timeously when requested to do so by the police in line with one of its mandatory licence condition is disturbing.

### **Prevention of Public Nuisance**

There have been issues re disposal of waste at the rear of the premises. Environmental health dealt with this matter.

### **Conclusion**

The Police have made numerous attempts to engage with Mr Connock and Mr Whitehead in relation to dealing with these premises and to ensure that the premise is operated appropriately and in accordance with its licence and the principles of the licensing act.

The Police have unfortunately now lost all confidence in the Club Management and have no faith in them. It is believed that 'lip service' is paid to advice given, and that the licensing objectives play either no or a minimal part in the management ethos and style.

The current Designated premises supervisor is frequently not present when Licensing Checks take place, and Mr Whitehead seems to operate remotely and at a distance from the Club. Both seem to have failed to update address changes to the authorities,

The staff working at the venue seemingly has little or no training on the licensing Act, responsibilities of Designated premises supervisor or conditions on the premises licence. The Police are of the view that this licensed premise is operating in a high risk manner and that short cuts are taken.

Ross CONNOCK, a person with minimal responsibility under the Licencing Act 2003, is believed to have disregard for the licensing conditions and has chosen to ignore his obligations. This is also the case with the Designated premises supervisor and Premise Licence holder. Mr Connock has now been found guilty of an offence of Fraud at Crown court. Sentencing delayed due to illness.

The Police are mindful of the likely impact of a successful Review of the Premises licence upon those who own and work at the premises. The Force has no natural bias against licensed premises which provide licensable activities which include striptease and similar entertainment.

However it is considered imperative that the entertainment provided should be within the confines of safety and accountability. It is important that those charged with running the premises are cognisant of the likely problems that may occur in such premises if door staff and CCTV are not actively maintained and deployed.

Those responsible for the premises appear to have countenanced the possibility of operating formally as a Sexual entertainment venue on a number of occasions but, for whatever reason have never obtained any such licence leading the police to perceive that the regulatory position of the premises is amorphous and that the premises is to an extent unregulated.

The CCTV at the premises fails in its requirement to monitor all areas used by patrons in that the booths inside the premises are not monitored at all giving rise to suspicion as to the precise activity occurring within.

The problems at the premises are such that the Police have been required over several months to commit significant resources to policing adherence to the licence and the apparent failure by Mr CONNOCK to even recognise the existence of such problems (let alone take appropriate steps to ameliorate or remedy them)leaves the Constabulary as a responsible authority with little option at this stage other than trigger a Statutory review of the premises licence in the hope that the licence sub-committee shall take appropriate steps to meet the concerns of the police

It is the view of Gloucestershire Constabulary that the premises licence be revoked under the licensing objective for Public Safety and prevention of crime and disorder

**Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account.**

***(Please continue on a separate sheet if necessary).***

Minx has had a history of non-compliance, its management choosing to ignore advice and warnings given by Police and Council officers. I do not feel that I could suggest suitable conditions to remedy my concerns.

<b>Signed:</b>	Jaine Simner	<b>Dated:</b>	19 <sup>th</sup> March 2015
<b>Position:</b>	Licensing Manager		