

Our Ref: Please ask for: Direct Dial: E:Mail
 DY/51/0835 JE/KD Mrs J Elliott 01384 815377 licensing.LDS@dudley.gov.uk

23 July 2010

Dear Mr Dhillon,

Local Government (Miscellaneous Provisions) Act 1982 Part II
Licensing of Sexual Entertainments Venues

Bandit Queen Gentlemens Club – 93 King Street, Dudley, West Midlands DY2 8NZ

On July 19th 2010 the Council resolved to adopt the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 Part II Licensing of Sexual Entertainment Venues.

The Council adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009 with effect from the 1st of September 2010. The Council also decided

That:-

1. there shall be no more than one Sexual Entertainment Venue in Stourbridge Town Centre and one Sexual Entertainment Venue in Dudley Town Centre.
2. any new applications for a Sexual Establishment Licence (Sexual Entertainment Venue) be determined by a Licensing Sub-Committee and that the Licensing Sub-Committee consider amongst other issues the issue of proximity of Sexual Entertainment Venues to schools, nurseries, youth clubs and religious establishments when determining an application
3. The fee for a Sex Establishment Licence (Sexual Entertainments Venue) shall be £3810.

The effect of this amended legislation is to introduce a new category of Sex Establishment called Sexual Entertainment Venue i.e.-

- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shows
- Peep Shows
- Live Sex Shows

And any premises offering these entertainments will require to be licensed as a Sex Establishment (Sexual Entertainment Venue) under the 1982 Act.

Mr D S Dhillon
 67 Croftdown Road
 Harborne
 Birmingham
 B17 8RE

I know turn to what this will mean for your club. If you wish to sell alcohol and or have regulated entertainments you will need to retain your Premises Licence under the Licensing Act 2003.

If you wish to remain as a gentleman's club offering the entertainment as outlined above you will also need to apply to the council for a Sex Establishment Licence (Sexual Entertainments Venue) under the Local Government (Miscellaneous Provisions) Act 1982.

I will now explain the implementation of this new legislation.

There is a transitional period of 12 months, within which there are '3 appointed days' which are explained in the table below:-

First Appointed Day	1 st of September 2010	Applications for a Sex Establish may be accepted by Licensing Authority
Second Appointed Day	1 st of March 2011	Applications made on or after the 1 st appointed day but on or before the 2 nd appointed day must be considered together. After the 2 nd appointed day the council shall decide what if any licences shall be granted. If a new application is granted it will take immediate effect.
3 rd Appointed Day	31 st August 2011	If an existing operator is granted a licence it will not take effect until the 3 rd appointed day.

As an existing operator you are allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application you may have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

Application forms will be available from the Licensing Office at 5, Ednam Road, Dudley DY1 1HL.

If I can be of any further assistance in this matter please let me know.

Yours sincerely,

Mrs J Elliott
Licensing & Service Improvement Officer

Our Ref
JE/MH

Your Ref

Please ask for
Mrs Janet Elliott

Direct Dial
01384 815380

Email: licensing.LDS@Dudley.gov.uk

18th August 2010

Dear Mr Dhillon

Local Government (Miscellaneous Provisions) Act 1982 Part II
Licensing of Sexual Entertainment Venues

Bandit Queen Gentlemens Club – 93 King Street, Dudley, West Midlands DY2 8NZ

Further to my letter dated the 23rd July 2010 in relation to the licensing of Sexual Entertainment Venues:

Please find enclosed an application form for you to complete and submit if you wish to continue offering entertainment as outlined in my previous letter

If I can be of any further assistance then please contact me

Yours Sincerely

Licensing & Service Improvement Officer

Mr D S Dhillon
67 Croftdown Road
Harborne
Birmingham
B17 8RE

SILKS

S O L I C I T O R S

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First Class
Mrs J Elliott
Dudley MBC
Licensing Department
DX: 741443
Dudley 7

Date : 29 October 2010

Our Ref : TJB/JEH/L15948-3

Your Ref: JE/MH

Doc Ref : 920751

SE

Dear Sirs

Bandit Queen Gentlemens Club - 93 King Street, Dudley, West Midlands DY2 8NZ

You will no doubt be aware from your records that we act for Bandit Queen Gentlemen's Club and we have now received further instructions from Bandit Entertainments Limited, the proprietor of that club.

Our instructions relate to the requirement that our client now applies for a sexual entertainment license following the adoption of provisions relating to such applications by Dudley Metropolitan Borough Council. We have in our possession your letter to our client of 18 August 2010 together with the form of application.

Whilst our client has no difficulty with pursuing the new application, our client has grave concerns regarding the annual fee which has currently been set by the Council at £3,810. We set out below the basis for our client's very serious concerns and would be obliged if you would bring this letter to the attention of the body responsible for fixing the fees with a view to the fee being reviewed and reduced to a more appropriate level.

Our client's concerns arise from numerous matters including the following.

1. In 2005 when the Licensing Act 2003 required applications to be made for licenses for all forms of entertainment and the supply of intoxicants, our client pursued their application with full disclosure of the form of entertainment which would be provided at their premises and upon the information provided our client was granted a license under the 2003 Act. From the grant of that license, our client has in all respects complied with the requirements of the Licensing Act and at no time has it been necessary for the licensing committee to

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Counselors: J G SILK, LL.B., J B BURN, T J BYTHEWAY

Solicitors: S R FLOYD, LL.B., K WALTON, LL.B., P P THOMPSON, LL.B., I K MAHAL, LL.B., J R LEIGH, LL.B., R SANDHU, LL.B., C A WHYBROW, LL.B., M SCHOFIELD-WHITTINGHAM, B.A.

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ALSO AT: 45-52 HALESOWEN ROAD, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 9QB
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have any concerns regarding the administration of these premises or the entertainment that was provided at the premises under the license. The entertainment will be precisely the same under any new license that is granted.

2. Our client has caused no difficulties to the police during the time that these premises have been open and indeed, PC David Davies, the Police Licensing Officer, has confirmed that the police have less trouble from our client than any other venue in the Dudley area. We would also point out that our client won the LDA National Best Club Award in the year 2008/2009 which only confirms the high standard of administration and entertainment provided at this club.
3. Unfortunately it is right to say that the centre of Dudley has become a "wasteland" for entertainment venues as a result of which, few people visit the centre of Dudley in the evening and indeed numerous venues in the centre of Dudley have closed as a result of the lack of business. No doubt the Licensing Committee will be fully aware of premises closing in their area. The problem for our client is that they are now losing substantial amounts of money although they hope to remain in business in the belief that business will improve over a period if efforts are made to re-energise the centre of Dudley.
4. Both our client and ourselves find it difficult to understand how this fee can be justified having regard to the annual fees for other licenses administered by the Local Authority. It appears that the administration of any new license would be no greater than the necessary administration of the current license our client holds under the Licensing Act and indeed, if one considers other forms of license administered by the Local Authority such as private hire vehicle and vehicle drivers' licenses and hackney carriage licenses, it would appear that there will be substantially less administration than of those licenses. When one then considers the fees required on those types of license it appears that the fee now required for this new license is grossly excessive.

As we indicate above, we would be obliged if this letter could be produced to the body responsible for fixing the license fees in this case and if you require any further information, or you require our client or ourselves to attend to make our client's views known in person, we would be happy to make that arrangement.

We look forward to hearing from you.

Yours faithfully

Silks

Silks Solicitors

Direct Email : tjb@silks-solicitors.co.uk

Our ref
TH/JE/MH

Your ref
TJB/JEH/L15948-3
DOC REF 920751

Please ask for
Tim Holder

Direct dial
01384 815327

1 November 2010

Dear Sirs

BANDIT QUEEN GENTLEMEN'S CLUB – 93 KING STREET DUDLEY

Thank you for your letter dated 29 October 2010, the contents of which are noted.

I hope to be in a position to provide a more substantive response by the middle of this month.

Yours faithfully

Tim Holder
Senior Solicitor

SILKS
DX:20876 OLDBURY 2

Our ref
TH/JE/MH

Your ref
TJB/JEH/L15948-3
DOC REF 920751

Please ask for
Tim Holder

Direct dial
01384 815327

November 2010

Dear Sirs

BANDIT QUEEN GENTLEMEN'S CLUB – 93 KING STREET DUDLEY

Further to my previous letter dated 1 November 2010, I am now in a position to provide a more detailed response to your initial correspondence.

As you may be aware, DMBC has responded to the recent changes in licensing legislation by adopting the appropriate requirements of the Policing and Crime Act 2009, which give local authorities the power to regulate sexual entertainment venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This means that premises such as the Bandit Queen are now categorised as sexual entertainment venues and fall under the same licensing regime as sex shops.

The licensing fees applicable to sex shops are, for the current year, £3810 (please see attachment 1 demonstrating the rates from 2001 to 2010). Although we understand that these fees are significant, they remain considerably less than those imposed by neighbouring authorities.

We appreciate your comments in respect of your client's compliance with the Licensing Act 2003 and the laudable achievements in his management of the premises, particularly in such an adverse economic climate; unfortunately, the licensing regime brought in by the Policing and Crime Act 2009 imposes additional licence fees in respect of sexual entertainment venues over and above those currently due under the Licensing Act 2003.

The Licensing Sub-Committee adopted the legislative changes in May 2010; I will however, forward your correspondence to the Licensing Officer for Member's consideration at the first available opportunity, as per your request.

Yours faithfully

Tim Holder
Senior Solicitor

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DX:20876 OLDBURY 2

Attachment 1

Sex Establishment Fees	£
2001	2836
2002	2893
2003	3009
2004	3129
2005	3192
2006	3288
2007	3420
2008	3557
2009	3734.85
2010	3810