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23 May 2019

Dear Sirs

OUR CLIENT: F FORTE DEVELOPMENTS LTD
RE: CONSULTATION – EASTBOURNE BOROUGH COUNCIL'S REVISED LICENCE ACT POLICY STATEMENTS 2019-2024

We act on behalf of our above named client who is the owner of both a Premises Licence and a Sexual Entertainment Licence in Eastbourne. Both licences are held in respect of 2a-2b Pevensey Road Eastbourne BN21 3HJ. Our client also holds Premises Licences in other boroughs and has done so for a number of years.

Our client has asked us to respond in relation to Section 16 of the draft policy which contains the Sex Establishment Policy. Section 16 of the draft statement simply refers back to the policy available from the council's website. Our comments below are on the current policy adopted on the 9th December 2015

Our client considers the current policy not fit for purpose. It is not in line with current industry practices in relation to conduct at sexual entertainment venues.

Our client believes that the Sexual Entertainment and Encounter Policy needs to be updated to reflect current standard practices. Further, updating the policy will allow sexual entertainment venues in Eastbourne to compete on a level playing field with those in Brighton, Hastings and the surrounding areas. The current overly restrictive nature of the policy prevents proper competition and therefore drives customers to neighbouring towns. This has a knock on effect on the night time economy in Eastbourne as those customers wishing to visit a venue with a Sexual Entertainment Licence will almost certainly spend the entirety of their evening in Brighton, Hastings or elsewhere, depriving the Eastbourne economy of the associated custom.

Eastbourne's night time economy is struggling with the recent closure of Atlantis on the pier, rumours that Cameos may be forced to close due to poor financial figures and other wine bars/pubs/similar changing hands recently due to a requirement for further investment and poor trade levels.

Appendix 2 of the current policy provides a list of numbered conditions which must/could be imposed with in relation to any licence of a property involving nudity etc.

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Special condition 24 provides that the only form of entertainment which is approved and may be provided at the premises is striptease entertainment in the form of pole dancing by club dancers only, in the following format:-

25. Full nudity is not permitted. The dancers/performers should at all times wear a G-string or similar piece of clothing which is not transparent on the appropriate part of the body in order to cover up the groin/genital area.
26. The approved striptease/pole dance entertainment should be given only by the performer/entertainers and no audience participation shall be permitted.
27. There should be no physical contact between the customer and dancer before, during or after the performance or when the performance is complete. All monetary transactions will take place in the reception/entrance area and shall be lieu of a ticket, covering the cost of the performance of pole dancing only.
28. Dancers shall only perform within a designated area to seated customers. No booth seating or performances shall be made at any time.
29. There shall be no simulated sex acts or use of props, save for the pole, as part of the performance.
30. There should be no physical contact between the dancers whilst performing.
31. There will be a minimum distance of one metre between the dancer and the seated customers at all times.

Several of these are overly restrictive. As a comparison to Brighton and Hove's policy whilst conditions 26, 27 (though a less restrictive version) and 30 are replicated either using the same wording or similar, conditions 24, 25, 28, 29 and 31 are not replicated. Brighton and Hove's policy provides for dancers to perform on a staged area or table side to seated customers. There is no requirement for the entertainment to be "pole dancing". There is no requirement for clothing covering the groin (ie full nudity is permitted). There is no requirement for monetary transactions to be carried out by way of a ticketing system. There is no restriction on simulating sex acts or use of props. There is no minimum distance of one metre between the dancer and the seated customer.

These conditions are overly restrictive and prevent the proper function of a sexual entertainment venue as a profitable venture. Eastbourne has rarely had a sexual entertainment venue and the most recent was not what could be described as a standard "strip club". Brighton and Hove on the other hand have and have had multiple sexual entertainment venues running for a number of years. As such their policy is built upon significant direct experience with such venues. If Eastbourne Borough Council retain the existing policy it is likely to prevent the successful operation of a sexual entertainment venue, both because the restrictions make the venue unattractive to customers and further the availability of alternative venues in the surrounding area with standard restrictions are more appealing.

Brighton and Hove's policy allows the individual venues to determine how monetary transactions take place and whether or not to offer full nudity.

Hastings' policy equally contains no similar restrictions to the Eastbourne policy and is in line with Brighton and Hove's policy.

Brighton and Hove and Hastings have had operating venues for a number of years and have not felt the need to impose the restrictions which are contained within the Eastbourne Borough Council policy. Clearly this evidence is that the restrictions are not necessary for the successful operation of a sexual entertainment venue and there is no evidence that the removal of these restrictions would contribute to crime and disorder, public safety, public nuisance or the protection of children from harm.

Our client would request that Eastbourne Borough Council reviews its policy in light of these comments to remove the unnecessary restrictions which is preventing the successful operation of sexual entertainment venues in Eastbourne as against the surrounding areas.

Yours faithfully
Stephen Rimmer LLP



