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5 October 2012

Dear Sirs

**Re: Local Government (Miscellaneous Provisions) Act 1982**  
**Privilege, Crowtree Road, Sunderland**

Thank you for your letter of 24<sup>th</sup> September which we have copied to our client.

[REDACTED]

[REDACTED] Our client has twice complained to your licensing team about the activities at Privilege as early as March this year and that in turn lead to a number of telephone calls to our client from various members of your team. Our client's complaint was quite specific mentioning not only that Privilege were trading too frequently for a bar without an SEV Licence but also that the entertainment provided was in breach of the conditions on their existing Premises Licence in that it went beyond the visual stimulation associated with this type of entertainment and actually involved a considerable amount of physical contact well beyond the definition of lap dancing.

[REDACTED]

However, having seen no noticeable decline in the frequency that Privilege had lap dancers featured throughout April and May, and when it became apparent that Privilege were again recruiting performers for the current football season in August, our client made a further complaint [REDACTED]

**DIRECTORS:** HB Jenyns, RJ Ivanec BSc  
**CONSULTANT SOLICITOR:** Alison Skene LLB - Accredited Specialist Resolution (First for Family Law),  
**PROBATE & LICENSING EXECUTIVE:** JC de Jersey Harvard MA (Cantab)  
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[REDACTED]

[REDACTED]

Upon receipt of a copy of your letter of 24 September our client again made enquiries at Privilege the following day, which we think will have been 30 September. It was noted that there had been some improvement in the more obvious aspects of the Licence conditions in that there was a door supervisor on duty and a price list at the entrance of the premises but nevertheless the overly physical nature of the entertainment provided by some of the dancers, both with themselves when they were on stage and with customers with private dances, were still very apparent. On enquiry being made of the premises' bar staff as to whether the premises were licensed as an SEV the bar staff advised it was.

Our client points out that Privilege Bar is advertising that they have lap dancing on every Sunderland home and away weekend match days and this advertising is done both inside the bar and also on a huge 8' x 12' banner attached to the exterior of the building which was put back up several weeks ago.

[REDACTED] As some, and possibly all, aspects of the original complaint were made over 6 months ago and are still occurring to this day our client considers that it's complaints, together with the remarks concerning preferential treatment are both justified and accurate [REDACTED]

The only weekend Sunderland match before the Hearing on the 15 October is this Saturday, 6 October. Your Authority has sufficient time to arrange to monitor the activities at The Privilege Bar and we very much hope that you will do so. We trust you will also review the CCTV footage of the private dance and stage performances to satisfy yourselves whether the entertainment provided last Saturday is at a visual rather than physical level. Our client's feeling, based upon its previous enquiries, is that at least some of these performances will have been noted by the management as being unacceptable and there may well be evidence of reprimands or other disciplinary action given to the performance to prevent a recurrence. It may even be that you are able to arrange for relevant CCTV footage to be available for consideration at the Hearing on 15 October.

[REDACTED]

[REDACTED]

[REDACTED] Our client's complaint against Privilege is that they have blatantly disregarded the regulations and have, therefore, obtained an unfair advantage over [REDACTED] other licensees in the city, by trading and being seen to trade other than in accordance with the law.

Please confirm that our client's objections and that this letter will be placed before the Committee for consideration on 15 October.

Our client is unable to attend the Hearing and does not consent to its name and address being revealed to the applicant.

Yours faithfully

@forths solicitors

ETH Leisure Limited  
8 – 10 Crowtree Road  
Sunderland  
SR1 3EB

8 October 2012

Mr I Cavanagh  
Senior Licensing Officer  
Sunderland City Council  
City Services  
Jack Crawford House  
Commercial Road  
Sunderland  
SR2 8QR



Dear Mr Cavanagh

**Re: Local Government (Miscellaneous Provisions) Act 1982  
Application for Grant of a Sex Establishment Licence for Privilege,  
Crowtree Road, Sunderland**

I write with reference to your letter dated 04 October 2012 in furtherance to our application for a licence relating to the provision of entertainment, as specified above and in particular respond accordingly to the three (3) written objections enclosed therein.

**Objection of Northumbrian Police – Sunderland Area Command**

In response to the specific requirements/conditions laid out in the eight (8) points contained in their letter of objection dated 28 September 2012, we hereby confirm that we have all such procedures and policies in place and therefore we are in agreement to have the specified conditions therein attached to any licence so granted.

**Objection of Cllr I W Kay – Millfield Ward**

We fully take on board the comments of Cllr Kay but in mitigation we would offer the following;

ETH Leisure are aware of the published proposals of the Council to develop the area as a public open space as part of the remodelling of St Mary's Way and the wider development of the former site of Vaux Breweries.

ETH Leisure have worked with the Council in order for the Council to take ownership of the site upon which "Privilege" and its sister venue, "Brogans" sit. This has been done in preparation for the development taking place and the proposals earmark this building for demolition in order to make way for this to happen. During its dealings



with the Council, ETH Leisure has been led to believe that the development of this particular area/site is not due to commence until the spring of 2014.

As a result, ETH Leisure and the Council have a Lessee agreement for the said premises in place until February 2014.

In light of the above facts and unless the Council's plans substantially change, we do not believe that the granting of a SEV license would hinder the Council's proposals or send any mixed signals to members of the general public or potential development partners as Cllr Kay has indicated. ETH Leisure does not overly advertise its intentions in providing this type of entertainment.

ETH Leisure would further state that in granting such a licence (which would naturally come to its conclusion when the Council proceeds with the demolition of the venue) it should not be considered as detrimental to the potential future of this area.

We would envisage that during the time taken to complete the development, the public's memories of the past would be overshadowed by thoughts of the future and we would respectfully request that the reasons stated in Cllr Kay's objection should not negatively affect our application.

#### **Objection submitted by Forths solicitors on behalf of their Client**

With regard to this letter of objection and its content ETH Leisure would state that this objection lends itself more to being an objection on commercial grounds rather than being an objection based on the grounds of crime and disorder, public safety or any other valid reason to be considered and consequently we believe that this objection has no grounds in merit.

For the avoidance of doubt and for the record the allegations of our company operating in an illegal manner are wholly unjustified and unfounded.

It is a material fact that ETH Leisure has continually consulted officers of the Council's licensing section in order to work through the relevant parts of the legislation and its particular application to our business activities at the time.

For the record, ETH Leisure has always followed the advice offered either verbally or that which has been given in writing by officers of the Council.

ETH Leisure has a history of providing such entertainment infrequently. We can confirm that we believe we have provided such entertainment within the meaning of the exemption set out in the Act, this being from the time we were invited to take part in the Council's consultation exercise, on 13 June 2011 up until the third appointed day on 7 March 2012.

It is vitally important that ETH Leisure take full advantage of the remaining period of time available to us at these premises, we have been an integral part of the Sunderland economy for over a decade.

It is a material fact that we continue to operate within the advice given by officers of the Council. Even though we continue to have the option to provide this type of entertainment in accordance with the exemption of the Act, we have not done so since 25 August 2012, whilst awaiting the outcome of our license application.

In furtherance of this point, we would draw your attention to the additional evidence of ETH Leisure acting in a responsible manner in that we have not taken advantage of the exemption in the Act in order to provide such entertainment more frequently in the past by using "Brogans" to do so.

In summary ETH Leisure has had in place all of the procedures to meet the standards contained in Sunderland Councils "Sexual Entertainment Venue Licensing Policy" as well as the conditions laid out by Northumbria Police for a number of years and the allegations in this objection have no foundation in fact.

ETH Leisure believes that in the absence of any absolute evidence of non-compliance on our behalf, this particular objection should not overly affect our application for the granting of the required licence.

I trust the above to be a satisfactory response to the objections raised. Should you wish to discuss these matters, please do not hesitate to contact us.

A handwritten signature in black ink, appearing to read 'J Sheriff', with a stylized flourish at the end.

**Mr J Sheriff**  
**For and on behalf ETH Leisure Limited**