

Public Document Pack

Licensing Committee

Thursday, 25th April, 2013
at 9.30 am

PLEASE NOTE TIME OF MEETING
Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cunio (Chair)
Councillor Parnell
Councillor Thomas
Councillor Mrs Blatchford
Councillor B Harris
Councillor Vassiliou
Councillor Laming
Councillor Lewzey (Vice-Chair)
Councillor Lloyd
Councillor Spicer
Councillor Tucker
Councillor L Harris
Councillor Fitzhenry

Contacts

Democratic Support Officer
Sharon Pearson
Tel: 023 8083 4597
Email: sharon.pearson@southampton.gov.uk

Head of Legal, HR and Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2012/13

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

DISCLOSURE OF INTEREST

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website at
www.southampton.gov.uk/council/meeting-papers

1 **APOLOGIES**

To receive any apologies.

2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 **STATEMENT FROM THE CHAIR**

4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 28th February 2013 and to deal with any matters arising, attached.

5 **DRAFT POLICY, CONDITIONS AND APPLICATION FORM FOR SEX ESTABLISHMENTS**

Report of the Head of Legal, HR and Democratic Services for the Committee to approve the draft policy for the grant, renewal or transfer of a Sex Establishment Licence and the draft conditions for sex establishments for consultation, attached.

Wednesday, 17 April 2013

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 February 2013

Present: Councillors Cunio (Chair), Parnell, Thomas, Mrs Blatchford, Vassiliou, Lewzey (Vice-Chair), Lloyd, Spicer and L Harris

8. **APOLOGIES**

The Committee noted that apologies had been received from Councillors B Harris, Tucker, Laming and Fitzhenry.

9. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 5th November 2012 be approved and signed as a correct record. (Copy of the minutes appended to the agenda and circulated with the signed minutes).

10. **GAMBLING ACT 2005 - LARGE CASINO COMPETITION - ADVISORY PANEL AND DRAFT APPLICATION PACK**

The Committee considered the report of the Head of Legal, HR and Democratic Services requesting approval of the draft Application Pack for use in the large casino licensing process, the composition of the Advisory Panel, the terms of reference for the Licensing Committee and Advisory panel and a storage protocol to be used at stage 2 of the process, attached.

The following was noted:-

- that most of the appendices were statutory requirements and the two main issues for consideration were appendix 15, terms of reference for Licensing Committee and Advisory Panel and appendix 17, membership of the Advisory Panel;
- that it was essential that all members of the Advisory Panel were experts in their field and that wherever possible internal officers would be considered, but this would be dependant on their expertise and availability to be seconded to and commit totally to the casino process;
- the Advisory Panel would evaluate each of the applications against the Evaluation Criteria and Scoring Matrix and it would be the Licensing Committee's responsibility to which application offers the greatest overall benefit to the City; however, if there was only one application a premises licence would be awarded at stage 1 of the process and there would be no need for stage 2 or an Advisory Panel;
- that money had been ring-fenced in the gambling budget to cover costs which would cover the recruitment of any outside specialists if required; this money could only be utilised for gambling expenses;

- that applicants had to pay an application fee of £10000 prior to stage 1 of the process as well as an annual fee when the application was granted;
- appendix 6 and 7 – whether a person is “sufficiently close to the premises” is to be determined by the Council in accordance with guidance on this point;
- appendix 13 – 2.5 - “on-site security provision” to be added.
- that any communication with applicants must be channelled in writing to a single point of contact and a single email address to ensure a proper record of communications; and if committee members were contacted by members of the public in relation to the casino application process, they should refer them to the single point of contact;
- that planning permission was not required prior to the application being granted and planning and licensing applications were separate;
- appendix 15 – for ease of reference, the full name “licensing committee” to be used throughout;

RESOLVED

- i. that the Committee approved the content of the Application Pack for use in the large casino licensing process, as well as the information Storage protocol;
- ii. that the Committee approved the overall composition of the Advisory Panel who would assess applications and report to the Committee in due course; and
- iii. that authority be delegated to the Head of Legal, HR and Democratic Services, after consultation with the Chair of the Licensing Committee, to:-
 - make any amendments or take any further action necessary to finalise the Application Pack prior to implementation;
 - commission appropriate specialist advisors to comprise and maintain the membership of the Advisory Panel; and
 - publish any statutory and other notices required as part of the large casino licensing process.

Agenda Item 5

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	DRAFT POLICY, CONDITIONS AND APPLICATION FORM FOR SEX ESTABLISHMENTS		
DATE OF DECISION:	25 APRIL 2013		
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Jamie Hollis	Tel: 023 8083 3468
	E-mail:	jamie.hollis@southampton.gov.uk	
Director	Name:	Director of Corporate Services	Tel: 023 802371
	E-mail:	mark.heath@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
N/A			

BRIEF SUMMARY

The Council has previously adopted legislative provisions enabling the regulation of sex establishments, including sexual entertainment venues.

At its meeting of 11 July 2012, Council delegated authority to the Head of Legal, HR and Democratic Services to prepare a draft policy, standard licence conditions, and an application form for the licensing of sex establishments to be referred for consideration by the Licensing Committee. This report seeks approval of the draft policy and application form, and approval to undertake consultation in relation to the draft standard licence conditions.

RECOMMENDATIONS:

- (i) That the Committee approve the draft policy and application form for the grant, renewal or transfer of a Sex Establishment Licence subject to any amendments the Committee wish to make, authority for which is delegated to the Head of Legal, HR and Democratic Services; and
- (ii) That the Committee approve the draft conditions for sex establishments for consultation, subject to any amendments the Committee wish to make, authority for which is delegated to the Head of Legal, HR and Democratic Services.

REASONS FOR REPORT RECOMMENDATIONS

1. The provisions of the Local Government (Miscellaneous Provisions) Act 1982 which pertain to the regulation of sex establishments have been adopted by the Council, and most recently, the amended provisions relating to sexual entertainment venues. Now that the provisions have been adopted, it is necessary to introduce a licensing policy and application form in relation to sex establishments generally, as well as a pool of licensing conditions to be imposed upon individual licences as necessary.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. The Council should implement a policy, application form and conditions for sex establishments in order to support and underpin the statutory licensing process contained within the Act.

DETAIL (Including consultation carried out)

3. **Adoption of legislation:**

Sex establishments can be regulated under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), provided the appropriate provisions of that Act have been adopted by Council as licensing authority for the area. The definition of sex establishments traditionally included sex cinemas, hostess bars and sex shops, but was widened by section 27 of the Policing and Crime Act 2009 to include sexual entertainment venues.

4. The Council originally adopted Schedule 3 of the 1982 Act insofar as it related to sex shops and sex cinemas in 1983, and subsequently readopted the provisions with effect from 3 July 1995.

5. A report was considered by the Licensing Committee on 14 July 2011 regarding the adoption of the power to licence sexual entertainment venues as provided for in the amended 1982 Act. A public consultation was subsequently carried out, and a further report was considered by the Committee on 22 March 2012, which resolved to recommend Council formally adopt the new powers. Council adopted the powers at its meeting of 11 July 2012, and delegated authority to the Head of Legal, HR and Democratic Services to prepare a draft policy (including application form) and standard conditions to be adopted by the Licensing Committee in due course.

6. **Sex Establishment Policy:**

A draft sex establishment policy has been prepared and is attached at appendix 1 to this report. The policy provides definitions of the types of establishments which fall within the remit of the policy and the licensing regime generally, sets out the requirements for holding a licence and grounds for refusal, and provides information on the application and appeal process.

7. The draft policy is a reflection of the current statutory licensing regime, home office guidance, and good practice from other local authorities.

8. **Sex Establishment Application Form:**

A draft application form for the grant, renewal or transfer of a sex establishment has been prepared and is attached at appendix 2 to this report.

10. Unlike other licensing regimes, there is no prescribed application form for an application under Schedule 3 to the 1982 Act. However, such an application must be in writing and contain the details set out in paragraph 10 of Schedule 3 along with such other details as the Licensing Authority may reasonably require. The draft form at Appendix 2 is proposed to be the recommended application form for applicants, although an application could still be valid if made without the form provided the required details are submitted. There must also be provision for submission of applications electronically.

11. **Sex Establishment Licensing Conditions:**

Schedule 3 to the 1982 Act gives the licensing authority the power to make regulations prescribing standard conditions applicable to licences for sex establishments. Conditions are effectively terms, conditions or restrictions placed upon a licence when it is granted, renewed or transferred. Standard conditions may include, but are not limited to:

- Opening and closing hours;
- Displays and advertisements on or in sex establishments;
- Visibility of the interior of a sex establishment to passers-by;
- Any change in use from one kind of sex establishment to another.

12. The licensing authority may also specify other conditions specific to individual premises, dependent on the type of activity undertaken and the type of premises. These may include, but are not limited to:

- Specifying minimum distances between the audience and performers;
- Control of access to changing room facilities;
- Control of private viewings.

13. A series of draft conditions are attached as appendix 3 to this report, and are presented to the Committee for initial comment and amendment prior to being released for consultation. Consultees include the trade and the public, and the results of the consultation will be presented to the Committee in due course before final adoption.

14. This report also seeks authority for the Head of Legal, HR and Democratic Services to make any amendments to the draft conditions as a result of initial consideration of the conditions by the Committee prior to embarking on consultation.

RESOURCE IMPLICATIONS

Capital/Revenue

15. Additional officer time in administering the licensing regime and any associated costs should be offset by additional fee income from applications. The level of fees would be kept under regular review.

The cost of enforcement is not able to be met from the income derived from fees charged.

Property/Other

16. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

17. The Local Government (Miscellaneous Provisions) Act 1982 as amended, gives licensing authorities the ability to regulate sex establishments with the adoption of Schedule 3 to the Act.

Other Legal Implications:

- 18. Section 17 of the Crime and Disorder Act 1998 places a statutory duty upon the Council to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 19. The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. Any action undertaken by a Council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality – the need to balance the rights of the individual with the rights of the community as a whole.

POLICY FRAMEWORK IMPLICATIONS

20. None.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	
------------------------------------	--

SUPPORTING DOCUMENTATION

Appendices

1.	Draft Sex Establishment Policy
2.	Draft Sex Establishment Application Form
3.	Draft licensing conditions

Documents In Members' Rooms

1.	None.
----	-------

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
--	----

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Home Office Guidance	
----	----------------------	--



Sex Establishment Licensing Policy

1. Introduction

- 1.1. Southampton City Council as Licensing Authority has a statutory duty to administer the licensing regime in accordance with the law, not in accordance with any moral standpoint and therefore will not take into account any unrelated considerations that would call into question the validity or vires of any subsequent decision(s) made. All decisions will be based on the facts of an individual case and having regard to any policy in force. Southampton City Council recognises that Parliament has made it a lawful activity to operate a licensed sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 1.2. This policy document relates to the administration of applications for licences for sex establishments. Sex establishments will fall into one of the following categories:
 - Sex shops
 - Sex cinemas
 - Sexual entertainment venues

2. Background Information

- 2.1. The licensing authority recognises that the entertainment industry in Southampton is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer. Commercial occupiers of premises have legitimate expectations for an environment that is attractive and sustainable for their businesses.
- 2.2. The city also has a substantial residential population, whose amenity the licensing authority has a duty to protect. In some areas local residents are affected by an increase in the concentration of entertainment uses and longer hours of operation.
- 2.3. Southampton is the south coast's regional capital with a population of over 236,600 in an area of 50 square km. The dynamic and vibrant city is forward-looking, balancing steady growth as a prosperous commercial centre with a high quality of life for its citizens. Southampton has been voted one of the most pleasant places to work in the UK, and is the gateway to a wide range of world-class features from the Solent with its maritime opportunities to the new national park in the New Forest.
- 2.4. Southampton boasts the south's largest concentration of major companies and is home to some of the UK's biggest brands, from Ordnance Survey, Carnival, Skandia Life to HSBC. Commercially, Southampton's success is also notable. The West Quay shopping centre opened in 2000 and in the years since, Southampton is 15th nationally in the table of shopping destinations. IKEA opened its first UK city centre store in 2009. Additionally, it is home to two universities, the University of Southampton and Southampton Solent University and has a student population exceeding 35,000.
- 2.5. Southampton is the largest city in southeast England outside London, and is seeing expansion in important emerging sectors, including media and creative industries, business and financial services, marine engineering, tourism and defence applications. Southampton has a rich heritage, with a famous seafaring history as an important Roman

and then Saxon port. The Old Town is surrounded by some of the best-preserved medieval walls in the country. Monuments commemorating links with Henry V, the Pilgrim Fathers and RMS Titanic can be found around the city.

- 2.6. 2.4 million people live within an hour's drive, with over half a million within the "travel-to-work" area. Southampton's position in the centre of the south coast offers a wealth of advantages. Southampton is the region's cultural heart with a nationally renowned art gallery and first class venues for opera, theatre, music and cinema. Southampton is the south's principal media centre: the BBC and radio and regional newspapers are all based in the city region. There are plans for significant new performance, exhibition and studio space in the city's "Cultural Quarter" which has been awarded an Arts Council grant of £7.5 million. The Council is also moving forward with long-standing plans for a multi-use entertainment, conference and leisure venue in the city and significant improvements to the waterfront adjacent to Royal Pier and Mayflower Park.
- 2.7. The city and Port of Southampton is at the heart of the country's international cruise industry and enjoys a growing market with over 1.5 million cruise ship passengers passing through the port annually.
- 2.8. Southampton lies at the very centre of the south coast's communications network, providing excellent links to national and international destinations through Southampton International Airport and the Port of Southampton. The city maintains a strong international profile and has forged close commercial and cultural ties with European and Far Eastern centres.
- 2.9. At the time of drafting this policy, four licensed sex shops are operating in the city.

3. Definitions

- 3.1. For the purposes of this policy, the following definitions will apply:
- 3.2. **Sex Shop** (*paragraphs 4(1) &(2), Schedule 3 of the 1982 Act*)
 - 3.2.1. Any premises, vessel, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:
 - Sex articles; or
 - Other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
- 3.3. No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.
- 3.4. **Sex Article** (*paragraphs 4(3) & (4), Schedule 3 of the 1982 Act*)
 - 3.4.1. Anything made for use in connection with, or for the purpose of stimulating or encouraging:
 - Sexual activity; or
 - Acts of force or restraint which are associated with sexual activity; and anything to which the sub-paragraph below applies.
 - This sub-paragraph applies:
 - To any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - To any recording of vision or sound, which is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or

encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

3.5. **Sex Cinema** (*paragraphs 3(1) & (2), Schedule 3 of the 1982*)

3.5.1. Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - Sexual activity; or
 - Acts of force or restraint which are associated with sexual activity; or
 - Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,
- But does not include a dwelling-house to which the public is not admitted.

3.5.2. No premises shall be treated as a sex cinema by reason only –

- If they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation.
- By their use for an exhibition to which section 6 of the Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the former Cinemas Act 1985.

3.6. **Sexual Entertainment Venue** (*paragraphs 2A(1) &(2), Schedule 3 of the 1982 Act as amended by section 27 of the 2009 Act*)

3.6.1. Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer.

3.6.2. Relevant entertainment is defined as:

- Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).

3.6.3. In terms of considering what constitutes “relevant entertainment” each case shall be judged on its merits but guidance produced by the Home Office suggests that the definition of relevant entertainment would apply to the following forms of entertainment as they are most commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

3.6.4. However, the above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should merely be used as an indicator for certain types of entertainment as ultimately decisions to licence premises as sexual entertainment

venues shall depend on the content of the entertainment provided and not the name it is given.

3.6.5. The following are not sexual entertainment venues for the purposes of this policy:

- Sex cinemas and sex shops;
- Premises which provide entertainment on an infrequent basis. These are defined as premises where:-
 - No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - No such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State;
- Private dwellings with no public admittance.

4. Mandatory Grounds for Refusal of an Application *(paragraph 12(1), Schedule 3 of the 1982 Act)*

4.1. The 1982 Act sets out 5 mandatory grounds for refusing a sex establishment licence which are set out below:

4.1.1. That the applicant:

- Is under the age of 18;
- Is for the time being disqualified from holding a sex establishment licence;
- Is not a body corporate, and is not resident or has not been resident in an EEA state for six months preceding the date of the application;
- Is a body corporate which is not incorporated in an EEA state;
- Has, in the period of 12 months preceding the date of the application, 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.

5. Discretionary Grounds for Refusal of an Application *(paragraph 12(3), Schedule 3 of the 1982 Act)*

5.1. The 1982 Act also sets out four discretionary grounds for refusing a sex establishment licence. An application for transfer of a licence may be refused on either or both grounds i. and ii. set out below.

- i. The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- ii. If the licence were to be granted, 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 of such a licence if he made the application himself;
- iii. The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- iv. The grant or renewal would be inappropriate, having regard –
 - To the character of the relevant locality;

- To the use to which any premises in the vicinity are put;
- To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.2. Suitability of applicant

5.2.1. When considering the suitability or otherwise of an applicant, the Licensing Authority will have due regard not only to whether or not an applicant has been convicted of an offence but any other grounds which would call into question his/her suitability.

5.2.2. The Licensing Authority will wish to be satisfied that:

- The applicant is sufficiently trustworthy to operate the sex establishment in accordance with the terms and conditions imposed on any licence granted, as well as the law;
- The welfare of the performers at the licensed premises will be protected;
- That the safety of the public attending the premises will be provided for; and
- The needs and rights of persons/businesses living or working in the area, and indeed the area itself, are recognised and respected.

5.2.3. In those cases where an applicant has been convicted of an offence, the Licensing Authority will consider, on individual merit, the nature and seriousness of the offence and the time which has elapsed since the date of conviction.

5.2.4. Applicants should be aware that certain offences will give rise to particular concerns and in particular will include:

- Sexual offences;
- Offences involving prostitution, drugs, dishonesty or violence; and
- Licensing offences.

5.2.5. In considering the overall suitability of an applicant to hold a licence, the following factors will be taken into account by the Licensing Authority:

- Honesty and integrity of the applicant;
- Relevant experience of running similar sex establishments;
- Understanding of the terms and conditions relating to sex establishments;
- Reliability to run the premises in accordance with the licence;
- Track record of compliance in relation to other premises and/or licensing regimes;
- Intention to manage the premises himself or to employ others in that role;
- Existence or otherwise of a credible management structure to demonstrate the ability to comply with operating conditions incorporating such matters as:
 - Managerial competence
 - Presence
 - Employment of individuals who have sufficient experience in running such premises
 - Internal enforcement of rules (including training, monitoring, publication of rates for performers and customers)
 - Viable business plan
 - Demonstrate ability to act in the best interests of performers

- Preparation and enforcement of a written welfare policy for performers
- Procedures in place to ensure performers are adults and entitled to live and work in UK
- Demonstrate measures to protect the public (such as transparent rate of charges and prevention of solicitation)

5.2.6. In all cases, the Licensing Authority will give serious consideration to the observations of the Chief Officer of Police in relation to concerns expressed about the suitability of an individual applicant, body corporate or an individual officer of a company.

5.3. Suitability of the manager of the business or other beneficiary

5.3.1. The Licensing Authority will need to be satisfied that the proposed premises and activities are not a device to facilitate illegal activity and that those persons in ultimate control of the sex establishment can demonstrate that they will operate the premises in such a manner so as to promote the objectives of the legislation.

5.4. Number of sex establishments

5.4.1. Southampton City Council recognises that the Act allows discretion by the Licensing Authority to impose a numerical control on the number of sex establishments in a particular locality (including the provision that nil may be an appropriate number) and that this control can apply to both the overall number of sex establishments and also the number of each kind.

5.5. Character of the relevant locality

5.5.1. Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of what may or may not be an appropriate number of sex establishment licences within the locality.

5.5.2. In considering whether it is appropriate to grant a licence having regard to the character of the relevant locality, the Licensing Authority will take account of the following factors, together with such other factors as may be considered relevant in the individual circumstances of the case:

- The general character of the area (e.g. family residential, family leisure or educational area);
- The impact of the premises on the character of the area;
- The current use for night-time leisure activities including existing sufficient representation of sex-orientated uses;
- Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all;
- Raising the fear of crime in the locality should further sex-orientated uses be authorised;
- Effects upon regeneration and tourism in the area;
- Level of genuine demand (including the risk that excess supply would drive down standards and lead to problems associated with compliance with conditions.

5.6. Use of premises in the vicinity

5.6.1. Applications for sex establishment licences may be refused where the Licensing Authority considers that the grant of a licence would be inappropriate having regard to the use of other premises in the vicinity. Whilst the term “vicinity” is not defined in the 1982 Act, the Licensing Authority considers that “vicinity” will be a smaller area than “locality” as referred to in paragraph 5.4 above.

- 5.6.2. Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of the character of a locality or indeed what may or may not be an appropriate number of sex establishment licences within it.
- 5.6.3. When considering the type of uses which may be deemed to be inappropriate, due regard will be given to the suitability of the proposed location of the premises and will take into account relevant factors including, but not limited to, the presence of what may be regarded as sensitive issues (e.g. dwellings, places of worship, schools, youth clubs, community centres, women's refuges, libraries, parks or swimming pools).
- 5.6.4. Applicants are advised to consider the impact of their proposed application prior to considering whether or not they wish to operate a sex establishment business in an area and state in their application how they believe any potential impacts could be mitigated. The Licensing Authority reserves the right to take into account other issues or considerations that may arise at the application and consultation stage as well as during the licence period.

5.7. Layout, character or condition

- 5.7.1. When considering the issue of a licence in terms of its layout, character or condition, the Licensing Authority will give consideration to general factors such as:
- Provision of proper access for disabled people;
 - Safe in terms of its structure and overall standards of maintenance for the building;
 - Sufficient provision for surveillance and overall supervision;
 - Standard of fit out of the premises;
- 5.7.2. While the Licensing Authority will not refuse a licence merely because the premises do not have planning permission for use as a sex establishment, the authority will take into account the absence of planning permission to the extent relevant to the statutory grounds for renewal.

6. Application Process

- 6.1. Application forms are available from the Council's website at:
www.southampton.gov.uk/business/licensing/sexest/
- 6.2. Upon receipt of an application for the grant, renewal, transfer or variation of a licence, the Licensing Authority will consult, at minimum, with the following bodies/individuals and will have regard to any observations received from them:
- Hampshire Constabulary
 - Hampshire Fire and Rescue Service
 - Southampton Safeguarding Children Board
 - Southampton City Council's Planning and Development Manager
- 6.3. An application for the grant, renewal, transfer or variation of a licence must be formally advertised in two specific ways:
- Within 7 days after the date of application, the applicant must arrange for a public notice to be published in a local newspaper;
 - Where the application is in respect of premises, the applicant must also display a notice of the application on or near the premises in question. The notice must be placed in such a position so that it can be conveniently read by the public. The notice must be displayed for twenty-one days starting with the date of the

application.

- 6.4. The notice must include information relating to:
- Details of the premises to which the application relates;
 - Details of the applicant;
 - Type of sex establishment licence being applied for;
 - Whether the application is for the grant, renewal, transfer or variation of a licence;
 - Details of how persons may object; and
 - Closing date for representations.
- 6.5. The applicant must also send a copy of the application to the Chief Officer of Police for the local authority area no later than seven days after the date of application, unless the application is submitted electronically and in which case the Licensing Authority will serve notice on the Police.

7. Consideration of an Application

- 7.1. The Licensing Authority will have regard to all information provided by an applicant in support of an application.
- 7.2. Any person wishing to object to an application must give notice of their objection in writing, stating the general terms of the objection no later than twenty-eight days after the date of the application. Any person may object to an application. However objections must be relevant to the grounds set out in paragraph 12, Schedule 3 of the 1982 Act. Those grounds are set out in sections 4 and 5 of this policy. Objections based solely on moral grounds/values will not be considered.
- 7.3. The Licensing Authority will notify the applicant, in writing, of the general terms of any objection received within the twenty-eight day period allowed for objections.
- 7.4. The 1982 Act protects the rights of objectors to remain anonymous. The Licensing Authority will not reveal names or addresses of any objector to the applicant without their consent. However, general information such as the objector lives within a certain distance of the premises in question will be released in order to give the applicant an opportunity to rebut any concerns so far as geographical vicinity or locality is concerned.

8. Determining an Application

- 8.1. All applications where objections have been received or where consultees have raised concerns will be referred to the Licensing Sub-Committee for determination at a hearing and all parties will be given the opportunity to put forward their case at the hearing.
- 8.2. The Licensing Authority will consider each application on its individual merits.
- 8.3. The Licensing Sub-Committee will retire at the end of the hearing to make its decision on the facts of the case in private.
- 8.4. In most cases the Licensing Sub-Committee will deliver its decision and reasons at the end of the hearing. However, where it is considered proportionate and necessary to do so, the Licensing Sub-Committee may delay making a decision so as to allow for consideration of the respective cases put before it and so as to permit further time for a reasoned decision to be formulated. Any decision and reasons will be communicated, in writing, to the applicant and all other parties within 10 working days of the hearing.

9. Hearings

- 9.1. Hearings will be arranged as soon as reasonably practicable following the end of the consultation period. Applicants and other interested parties will be given at least ten days' notice of the proposed date for hearing and more where possible to do so.
- 9.2. All applicants will be given the opportunity to appear before and be heard by the Licensing Sub-Committee responsible for determining the application. Applicants will be entitled to be represented by a legal advisor or similar agent. Witnesses may be called with permission from the Chair of the Sub-Committee.
- 9.3. Persons objecting to applications will also be given the opportunity to appear at the hearing to discuss their objections.
- 9.4. The hearing will take place in public except where the public interest requires otherwise, although members of the public being disruptive will be required to leave the meeting.
- 9.5. All parties will be allowed an equal maximum period of time for the presentation of their case but it is expected that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

10. Appeals

- 10.1. A right of appeal exists for applicants in respect of the refusal of applications for the grant, renewal, transfer or variation of a sex establishment licence. A right of appeal is also available in relation to the imposition of conditions and revocation of licences.
- 10.2. However, appeals against mandatory refusals (see section 4 of this policy document) can only be lodged on the basis that the mandatory ground does not apply to the appellant.
- 10.3. Additionally, no appeal provisions exist in respect of refusals to grant or renew licences on the discretionary grounds of:
 - The number of sex establishments in the relevant locality;
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put;
 - The layout, character or condition of the premises.
- 10.4. The time limit for lodging an appeal to the Magistrates' Court is twenty-one days beginning with the date of notification of the decision. The commencement time for the purposes of this section will be from when the applicant receives formal written notification of the decision and reasons.
- 10.5. The 1982 Act also provides for further appeal to the Crown Court.

11. Duration of Licences

- 11.1. Licences for sex establishments may be granted for a maximum period of one year but the Licensing Authority may grant a shorter period of time if it thinks fit.

12. Licence Conditions

- 12.1. The Licensing Authority will impose standard conditions that are relevant to all licensed sex establishments. These may include, but are not limited to:
 - Opening and closing hours
 - Displays and advertisements on or in sex establishments

- Visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another.
- 12.2. The Licensing Authority has made Regulations as to standard conditions which are set out at Appendix A to this policy. Such conditions will be imposed unless they are varied in an individual case. Any applicant for such variation must set out the variation requested in the application, together with reasons why the variation is sought and how it intends to achieve the objectives of the standard conditions if a variation is permitted.
- 12.3. The Licensing Authority may also specify other conditions specific to individual premises dependant on the type of activity undertaken and the type of premises. These may include, but are not limited to:
- Specifying minimum distances between the audience and performers
 - Control of access to changing room facilities
 - Control of private viewings
 - Additional conditions may be imposed where appropriate and necessary.

13. *Waiving of the need for a Sex Establishment Licence* (paragraph 7, Schedule 3 of the 1982 Act.)

- 13.1. In certain circumstances the Licensing Authority may waive the need for a sex establishment licence. However, applicants should be aware that it is considered that the waiver system is not a substitute for the licensing regime but may be useful in certain borderline cases or where events are minor or temporary. Equally it may be an appropriate alternative solution where clarity or regularisation is considered necessary.
- 13.2. An application for a waiver can either be made as part of an application for a licence or on a separate basis. The Licensing Authority may grant a waiver if it considers that to require a licence would be unreasonable or inappropriate.
- 13.3. In those cases where a waiver is granted the Licensing Authority will confirm, in writing, to the applicant that such a waiver has been approved. The waiver can last for any such period that the Licensing Authority think fit but equally it can be terminated by the Authority at any time subject to a notice period of 28 days.
- 13.4. The Licensing Authority will consider such applications on an individual basis. However, the Licensing Authority considers that in normal cases, licences should be sought for licensable activities and waivers will be granted only in exceptional cases.

14. *Exchange of Information*

- 14.1. The Licensing Authority will process personal information in accordance with the Data Protection Act 1998. Personal details will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold about you. The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 14.2. The Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1988 to exchange data and information with the Police and other partners to fulfil its statutory objective of reducing crime in the area.

15. Enforcement and Compliance

- 15.1. There are serious penalties for breaching the law relating to the control and supervision of sex establishment premises. Historically, Southampton City Council has taken robust action to prosecute individuals and businesses operating outside of the law and will maintain this stance in order to ensure protection of the public and to enforce this policy.
- 15.2. As a consequence, the Licensing Authority will establish protocols with other statutory agencies on enforcement issues. This is to enable the more effective deployment of staff who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aims of the protocol are to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

DRAFT

This page is intentionally left blank



Reference No.

		/					/						
--	--	---	--	--	--	--	---	--	--	--	--	--	--

Application for the grant, renewal or transfer of a Sex Establishment Licence pursuant to: Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

PLEASE READ THE FOLLOWING NOTES FIRST

1. All questions must be answered except where otherwise stated. If relevant questions are not answered, the application will be deemed inappropriate and returned to the Applicant.
2. Any person who, in connection with an application for the grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.
3. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to: **Licensing Team, Southampton City Council, PO BOX 1344, Southampton, SO15 1WQ. Telephone: 023 8083 3002**
Fax: 023 8083 4061
Email: licensing@southampton.gov.uk DX No: 115710 Southampton 17

Part 1 – THE APPLICANT

please tick ✓

Q1. Is the applicant:			
a)	An individual		
b)	A company or other corporate body		
c)	A partnership or other unincorporated body		
If the applicant is an individual, answer question 2. If the applicant is a company or other corporate body, answer questions 3 and 4. If the applicant is a partnership or other incorporated body, answer question 5.			
Q2. Answer only where the applicant is an individual:			
Full name of Applicant:			
Has the Applicant ever been known by a different name: (If "Yes" please provide the Applicant's former name below)		Yes	No
Former name of Applicant			

PLEASE GO TO QUESTION 5			
Q3. Answer only where the Applicant is a company or other corporate body:			
Name of Applicant:			
Where is the Applicant registered:			
Registered number of Applicant:			
Has the applicant previously been known by any other name and if so provide name below:			
Has the Applicant:			
		<i>please tick ✓</i>	
Been convicted of a criminal offence?		Yes	No
Been refused the grant or renewal of a sex establishment licence?			
Had a sex establishment licence revoked?			
Been served with a winding up petition?			
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.			
Names of the Applicant's Directors:			
Name:		Position:	
Are there persons responsible for the management of the Applicant other than the Directors?:		Yes	No
If yes, please provide details of their names:			
Please provide below the names of all persons with a shareholding greater than 10% in the Applicant:			

Is the Applicant a wholly owned subsidiary of another company or corporate body?	Yes	No
If yes, please provide below the name, place of registration and details of its Directors?		
Name:		
Place of Registration:		
Directors:		
PLEASE GO TO QUESTION 5		
Q4. Answer only where the Applicant is a partnership or other unincorporated body:		
Name of Applicant:		
Names of Applicant's partners:		
Are there persons responsible for the management of the Applicant other than the partners?	Yes	No
If yes, please provide details of their names:		
Has the Applicant ever been refused the grant or renewal of a sex establishment licence:	Yes	No
Has the Applicant ever had a sex establishment licence revoked?		
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.		
PLEASE GO TO QUESTION 5.		
Q5. Does the Applicant have a trading name different from that given in answer to questions, 2, 3 or 4 above? If so, please state the trading name below:		

Q6. What is the Applicant's trading address:

Post Code:

Daytime Contact Number:

Email address:

Q7. Will the business for which a licence is required be carried on for the benefit of a person other than the applicant:

If yes, please provide below the name of such person(s). If such person(s) are a company or other corporate body, state their place of registration and registered number, and the identity of all Directors, the Company Secretary and those with a shareholding greater than 10%.

Yes

No

Q8. Does the Applicant operate any other sex establishments, whether licensed or not? If so please state the name, address and type of sex establishment (e.g. sex shop, sexual entertainment venue or sex cinema).

Q9. For each of the individuals named in the answers to questions 2, 3, 4, 7 and 8, please confirm that the form at Appendix A to this

Yes

No

application form has been completed and submitted as part of this application.		
--	--	--

Part 2 – THE PREMISES, VEHICLE, VESSEL OR STALL

please tick ✓

Q10. Is this application in respect of:			
a) Premises			
b) Vehicle			
c) Vessel			
d) Stall			
Q11. If the application relates to a vehicle, vessel or stall, where is it proposed to be used:			
Q12. If the application relates to a premises, please provide the full address of the premises for which a licence is required:			
Post Town:		Post Code:	
Q13. Is the whole of the premises to be used as a sex establishment:			
			Yes
			No
<p>If not, please state below:</p> <ul style="list-style-type: none"> • the use of the remainder of the premises; and • the names of those who are responsible for managing the remainder of the premises. 			
Q14a. State the nature of the Applicant's interest in the premises, vehicle, vessel or stall, e.g. owner, lessee, sub-lessee:			

Q14b. If the Applicant is a lessee or sub-lessee, state:		
(i)	The name and address of the landlord:	
(ii)	The name and address of the superior landlord (if any):	
(iii)	The amount of the annual rental:	
(iv)	The length of the unexpired term:	
(v)	The length of notice required to terminate the tenancy:	
Q15a. State the current use of the premises:		
Q15b. Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?:		Yes
		No
Q15c. If so, state the date of the planning permission:		
Q15d. If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details:		
Q16a. Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?:		Yes
		No
Q16b. Please provide full details including the name of any Designated Premises Supervisor :		

Q16c. Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?:	Yes	No
Q16d. Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details below:	Yes	No
Q17a. Is each customer access to the premises, vehicle, vessel or stall:		
• Directly from the street or a public thoroughfare?		
• From other premises?		
If from other premises, please provide full details below:		
Q17b. Is each customer access from the street to be supervised at all times the premises are open to the public?:	Yes	No
If the answer is No, give full details of proposed door control and supervision:		
Q17c. State whether all door supervisors are to be licensed with the SIA:	Yes	No
Q18. Are the premises, vehicle, vessel or stall constructed or adapted so as to permit access to, from and within the premises (including WC facilities) for disabled members of the public?	Yes	No
If the answer is No, please state the Applicant's proposals for affording such access?		

Q19. Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application?:	Yes	No
If the answer is yes, please state the name and address of the person or body now operating the business:		

Part 3 – THE BUSINESS

Q20. Under what name will be business be known?:		
Q21. Is the application in respect of:		
• A sex shop		
• A sex cinema		
• A sexual entertainment venue		
Q22. Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example:		
<ul style="list-style-type: none"> • a management agreement; • partnership agreement; • profit share arrangement. 		
If so, please provide full details together with a copy of any such agreement?:		
Q23. Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements:		

Q24. Is the business required to purchase merchandise from a particular person or body? If so provide full details.

Part 4 – MANAGEMENT OF THE BUSINESS

Q25a. State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall (“the Manager”):

Q25b. Will the Manager be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole and exclusive occupation?:

Yes

No

Q25c. State which person(s) will be responsible for the day to day management of the business in the absence of the Manager (“the Relief Manager”)?:

Q25d. Will the Relief Manager(s) or one of them be based at the premises full-time in the absence of the Manager?:

Yes

No

Q25e. In respect of the Manager and Relief Manager(s), please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

Yes

No

Q26. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.

Please give details of the days and times during which it is proposed that the business will be open.

Q27. Please state the proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used. (please note that a colour photo/ plan of the exterior showing such signage and advertising is required to be submitted with this application):

Q28a. What means are to be taken to prevent the interior of the premises being visible to passers-by?:

Q29b. What, if any, window displays are to be exhibited? Please indicate the size and nature of any intended display:

Q30. State what age restrictions are to be applied in respect of admissions and how are these to be enforced?: (Please state as part of your answer what forms of ID will be accepted and whether it is proposed to use electronic systems. For sex shops, please provide details of arrangements for preventing proxy sales)

Q31. Please state the arrangements for CCTV at the premises and for the retention of recordings: (Please state as part of your answer whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded)

Q32. ANSWER THIS QUESTION ONLY WHERE THE APPLICATION RELATES TO A SEXUAL ENTERTAINMENT VENUE.		
Q32a. Is the proposal to allow full nudity at the premises?	YES	NO
Q32b. Provide full details of the nature of the entertainment intended to be provided, e.g. lap-dancing, pole dancing, stage strip-tease:		
Q32c. Please state what, if any, separation between performers and audience is proposed. E.g. performers on stage; 1 metre; no contact; or full contact:		
Q32d. Is it intended to provide private booths or areas?	Yes	No
If yes, please provide full details including proposals for supervision of such areas:		
Q33. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.		
Q33a. Please state the proposals for preventing nuisance to residents and businesses in the vicinity:		

Q33b. Please state the proposals for promoting public safety:

Q33c. Please state the proposals for preventing crime or disorder:

Q33d. Please state the proposals for protecting children from harm:

Q33e. Please state the Applicant's systems for checking the age and right to work in the UK for all staff and dancers/performers.

Q33f. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for training all staff in the Code of Practice for performers and for monitoring and enforcing compliance: *(Please note that the Code of Practice must be attached to this form)*

Q33g. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for notifying customers of the Rules for Customers and for monitoring and enforcing compliance: *(Please note that the Rules for Customers must be attached to this form)*

Q33h. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for monitoring compliance with the venue's Policy for Welfare of Performers. (Please note that the Policy for Welfare of Performers must be attached to this form)

Q34. Set out any further information which you wish the Licensing Authority to take into account: (Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the Authority's Sex Establishment Licensing Policy).

DRAFT

Q35. Is there any information on this form which you do not wish to be seen by members of the public? If so, please state which particular information you wish to remain private and provide reasons why you do not wish it to be seen.

--

Part 5 – APPLICANT CONTACT DETAILS

PLEASE GIVE THE CONTACT DETAILS WHICH YOU WOULD LIKE TO BE USED FOR THE PURPOSES OF THIS APPLICATION.

Name:	
Organisation:	
Address:	
Telephone Number:	
Mobile Number:	
Fax Number:	
Email Address:	

Part 6 – SIGNATURE AND DECLARATION

The following declaration must be signed in all cases:

- **If the Applicant is an individual, by that individual;**
- **If the Applicant is a partnership, by all individuals who are partners;**
- **If the Applicant is a company, by a director;**
- **In any other case, by a duly authorised officer of the Applicant.**

Should the information provided in relation to this application cease to be correct, or if there are any changes in the information provided as part of the application between the date the application is submitted and the date it is determined, the Applicant MUST advise the Licensing Authority immediately. FAILURE TO DO SO MAY RESULT IN ANY LICENCE ISSUED BEING REVOKED.

I/We certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name:			
Position in Organisation:			
Signature:		Date:	



APPENDIX A

Part 7 – INFORMATION ON INDIVIDUALS

Name:			
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)			
Date of Birth:			
Gender:		Male	Female
Permanent Residential Address:			
If resident at this address for less than 3 years, state previous address:			
Have you been resident in the UK for more than six months prior to the date of the application?:		Yes	No

Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.		Yes	No
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence		Yes	No
Licence for the sale or supply of alcohol		Yes	No
Licence for the provision of entertainment, whether sexual or otherwise		Yes	No
Personal Licence under the Licensing Act 2003		Yes	No
If so, please provide full details:			
Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:		Yes	No
If so, please provide the following details:			
Date:	Convicting Court:	Offence:	Penalty Imposed:
To your knowledge, are you currently the subject of any criminal investigation?:		Yes	No
If so, please provide full details:			

Have you ever had any civil legal action taken against you?	Yes	No
If so, please provide full details:		
Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:	Yes	No
If so, please provide full details:		
Have you ever been disqualified from acting as a company director?:	Yes	No
If so, please provide full details:		
Is there any other information which you believe the Licensing Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the information you have supplied?:	Yes	No
If so, please provide full details:		

Is there any information in this Annex which you do not wish to be seen by members of the public?:		Yes	No
If so, please state which information and the reasons why you do not wish it to be seen.			
I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.			
Signed:		Dated:	



APPENDIX B

Part 8 – DOCUMENTS TO BE SUPPLIED WITH THIS APPLICATION

Site Scale Plan (1:1250).	Yes	No
Drawings showing the front elevation as existing.	Yes	No
Drawings showing the front elevation as proposed (including proposed signage, advertising and window display.	Yes	No
Scale Layout Plan of Premises. (Note the requirements of the layout plan are set out below).	Yes	No
Planning Permission.	Yes	No
Certificate of Lawful Use or Development.	Yes	No
If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.	Yes	No
If the Applicant is a partnership, a certified copy of the Partnership Deed.	Yes	No
A copy of any other licences for the premises, vehicle, vessel or stall.	Yes	No
Code of Practice for Performers.	Yes	No
Rules for Customers.	Yes	No

Policy for Welfare of Performers.	Yes	No

Part 9 – REQUIREMENTS FOR LAYOUT PLAN

The Layout plan must show:
1. The layout of the premises including, stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the premises, e.g. performance areas, reception
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises include a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the premises.
16. The location of emergency exits.

Part 10 – DOCUMENTS EVIDENCING PUBLIC NOTICE AND SERVICE

Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application.	Yes	No
Copy of notice of application displayed on or near the premises.	Yes	No
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3, paragraph 10(10) of the Local Government (Miscellaneous Provisions) Act 1982.	Yes	No
Evidence of service of this application form and all enclosures upon the Chief Officer of Police for the local authority area within 7 days after the date of this application.	Yes	No

NOTE: WHEN THE APPLICATION IS MADE ELECTRONICALLY, INCLUDING ALL ENCLOSURES, THE LICENSING AUTHORITY WILL SERVE THE CHIEF OFFICER OF POLICE.

This page is intentionally left blank

Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues

Part One – General Conditions

1. Management of Premises

- 1.1. The Licence holder, or some responsible person nominated by him and approved in writing by the council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
- 1.2. In accordance with section 14 of the 1982 Act, the Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.
- 1.3. The name of the person responsible for the management of the sex establishment, whether the licence holder or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
- 1.4. The licence holder shall retain control over all parts of the licensed premises as set out on the approved premises plan and shall not let or part with possession of any part.
- 1.5. No person under the age of 18 shall be admitted to the premises and rigorous identity checks SHALL be made on any person who appears to be under the age of 18.
- 1.6. To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
- 1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
- 1.8. Neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.
- 1.9. Where the Licence holder is a body corporate or an unincorporated body, any change of director, or other person responsible for the management of the body is to be notified in writing to the council within 14 days of any such change. In addition, the Licence holder shall provide any details as the council may require in respect of any new director, officer or manager upon request in writing from the council.

2. Conduct of the Premises

- 2.1. No change from one type of sex establishment to another shall be made without the written consent of the council.
- 2.2. No part of the premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

3. Premises Interior and Layout

- 3.1. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
- 3.2. No alterations, additions or modifications to either the internal or external parts of the licensed premises shall be made without the prior written consent of the council.

- 3.3. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 3.4. The premises shall be fitted with an inner entrance lobby door or partition screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 3.5. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 3.6. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - Ensure that the frontage is of a discreet nature
 - Ensure that it is appropriate to the character of the locality.

4. CCTV

- 4.1. A recording CCTV system shall be installed and fully operational whilst the venue is open to the public.
- 4.2. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and to maintain the integrity of the system.
- 4.3. A record will be kept of any access made to information held on the system.
- 4.4. The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. A record of service and maintenance completed shall be held for a minimum of three years at the premises.
- 4.5. The system clock will be checked regularly for accuracy taking account of GMT and BST.
- 4.6. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area outside the front of the premises.
- 4.7. The CCTV system will have sufficient storage capacity for 31 days of good evidential quality images.

5. CCTV Access

- 5.1. Police and authorised officers of the council shall have access to data from the systems quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
- 5.2. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
- 5.3. An operator's manual will be available to assist in replaying and exporting data.
- 5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.

6. General

- 6.1. The Licence holder shall take all reasonable precautions to ensure public safety on the premises and shall comply with any reasonable request made by the council.
- 6.2. The council may substitute, delete, vary or amend these conditions at any time.

Part Two – Additional Conditions for Premises Operating as Sex Shops

- 6.3. The Licensee shall notify the council of the name, address and date of birth of any manager or employee at the licensed premises at least 7 days prior to commencing employment. The council, in consultation with the police, reserves the right to object to the employment of any person by reason of general unsuitability and/or because of any recorded conviction, reprimand, warning or caution considered relevant in which event the individual concerned shall not be employed at the premises.
- 6.4. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
- 6.5. No public music or dancing shall be permitted on the premises.
 - 6.5.1. No alcohol shall be sold, offered or consumed by either staff or customers on the premises.
 - 6.5.2. No facilities to provide or consume food (hot or cold) by members of the public shall be permitted on the premises.

7. Hours of Opening and Closing

- 7.1. Licensed premises shall not, unless approved in writing by the council, be open for the purposes for which the licence is granted on any Sunday, bank or public holiday.
- 7.2. The general permitted hours (unless otherwise varied by the council) for the use of any premises, as a sex shop shall be:
 - 7.2.1. Monday to Saturday inclusive - 0930 until 2000

8. Conduct of the Premises

- 8.1. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 8.2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show the price being charged.
- 8.3. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
- 8.4. No film or video recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Certification and bears a certificate to that effect.

9. Premises Interior and Layout

- 9.1. Any facilities on the premises for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area. The positioning of any playback or viewing equipment shall be approved by the council.

Part Three – Additional Conditions for Premises Operating as Sexual Entertainment Venues

10. External Appearance of the Premises and Public Displays of Information

- 10.1 The grant of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 of the Act.
- 10.2 The Premises shall be maintained in good repair and condition.
- 10.3 The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises.
- 10.4 At no time shall performances be capable of being seen from outside of the premises
- 10.5 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 10.6 The copy of the licence and of any Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Act shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed aforesaid shall be suitably protected and the copy of any Regulations shall be retained in a clean and legible condition.

11. Control of Entry to the Premises

- 11.1 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (for so long as that Authority is operative).
- 11.2 The Licensee must ensure that a sufficient number of authorised door supervisors are employed in the premises to check entrants; enforce the venue Drugs Policy, House Rules and Dancer Code of Conduct; complete the incident book as necessary and supervise customers and performers whilst sexual entertainment is provided.
- 11.3 No person under the age of 18 shall be admitted to the premises at any time that it is offering sexual entertainment and a notice to this effect shall be clearly displayed at the entrance(s) to the premises.
- 11.4 The Licensee will operate a Challenge 21 Policy whereby prospective customers who appears to be aged 21 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
- 11.5 Information shall be clearly displayed within the internal exit areas of the premises, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.
- 11.6 Prospective customers shall be informed of the House Rules.

12. Advertising

- 12.1 The Licensee shall not permit the display on the exterior of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which may offend public decency.
- 12.2 The Licensee shall have regard to the Advertising Standards Authority CAP Code.
- 12.3 Where the Council has given notice in writing to the Licensee objecting to any public advertisement on the grounds that, if displayed, it would offend public decency or be

likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

13.CCTV

- 13.1 The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of the Police. The equipment will be password protected and have a constant and accurate time and date generation.
- 13.2 CCTV shall be installed in any private performance areas. Such areas will also be specifically monitored.
- 13.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection Act 1998). The said images shall be down loaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.
- 13.4 Records must be made on a weekly basis and retained for at least one year to demonstrate that the CCTV system is functioning correctly and that data is being securely retained. These will be made available to a police officer or authorised Council officer on request.
- 13.5 In the event of a technical failure of the CCTV equipment the Licensee must report the failure to the Southampton Police Licensing unit.

14.Performers

- 14.1 Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.
- 14.2 Performers must remain fully dressed in public areas and in all other areas except while performing.
- 14.3 No personal performances shall be given to customers seated at the bar or to standing customers.
- 14.4 Performers must re-dress when the performance has ended.
- 14.5 Performers must not perform a nude table dance unless in a supervised area and within sight of a floor supervisor.
- 14.6 Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.
- 14.7 There shall be no intentional full body contact between customers and performers during a performance except for the placing of money or tokens into the hand or garter of the performer at the beginning or conclusion of the performance.
- 14.8 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.
- 14.9 No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
- 14.10 Performers must not engage with the customer in any act of, or communication likely to lead to an act of, prostitution or solicitation.
- 14.11 The Licensee is to implement a policy for the safety of the performers when they leave the premises.

15. Customers

- 15.1 Customers must remain seated during the entire performance of a private dance.
- 15.2 Customers must remain fully dressed at all times.
- 15.3 The SEV Licence held in respect of these premises will be of no effect unless Christopher Wingate Knight is wholly or primarily responsible for the operation of the premises either personally or through a Company in which he is a shareholder.

OR at the discretion of the Licensing Authority in individual circumstances the following conditions may be applied:

- 15.1. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport;
- 15.2. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.
- 15.3. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the council.
- 15.4. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 15.5. A policy of random searches of persons entering the premises shall be operated.
- 15.6. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
- 15.7. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
- 15.8. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

16. External Appearance of the Premises and Public Displays of Information

- 16.1. The exterior of the premises shall not contain any displays or depictions of the human form, or any imagery that suggests or indicates relevant entertainment takes place at the premises, or other language stating the nature of such activities, including use of the word "nude". The condition does not prevent the use of the words "Licensed Sexual Entertainment Venue" on a single plate in characters no higher than 10 cm at the entrance to the premises.
- 16.2. Any external displays or advertising may only be displayed with the prior approval of the Council.
- 16.3. The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior of the premises.
- 16.4. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 16.5. Rules for customers shall be displayed in prominent areas within the premises, and at

each customer table and in the bar area.

- 16.6. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
- 16.7. Performers may not stand in any lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.
- 16.8. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
- 16.9. The use of flyers and similar promotional material for the premises is prohibited.

17. Conduct of Performers and Rules relating to performances of sexual entertainment

- 17.1. There shall be a written code of conduct for performers that has been agreed in writing by the Licence holder, the council and the Police.
- 17.2. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in the Code of Conduct for Dancers included within this policy.
- 17.3. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.
- 17.4. The Dancer's Code of Conduct must include a statement that any dancer who does not comply with the Code of Conduct will face disciplinary proceedings.
- 17.5. All management and staff (including security staff) must be aware of and familiar with the content of the Dancer's Code of Conduct and shall ensure it is complied with at all times.
- 17.6. A copy of the Dancer's Code of Conduct shall be prominently displayed in each area of the premises where the public have access, which shall include toilet areas as well as in any area used as a changing/dressing room for dancers.

18. Code of Conduct for Customers

- 18.1. There shall be a written Code of Conduct for Customers that has been agreed in writing by the Licence holder, the council and the Police.
- 18.2. The code shall include the basic criteria as set out in the Code of Conduct for Customers included within this policy.
- 18.3. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
- 18.4. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
- 18.5. The Code of Conduct shall include a statement that any customers who fail to comply with the Code of Conduct will be required to leave the premises.
- 18.6. All management and staff (including security staff) must be aware of and familiar with the content of the Code of Conduct for Customers and shall ensure it is complied with at all times.
- 18.7. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
- 18.8. Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct shall be banned from the premises.

19. Disciplinary Procedure for Performers

- 19.1. The Licence holder shall ensure that a written disciplinary procedure is in force so as to take appropriate action against performers who breach the Code of Conduct and that a copy of the procedure is provided to each performer who works at the premises.
- 19.2. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
- 19.3. Any disciplinary procedure shall NOT make any provision for financial penalties against performers who breach the disciplinary procedure. Any sanctions shall be limited to verbal or written warnings, suspension or revocation of the performer's right to dance at the premises.

20. The Protection of Performers and the Prevention of Crime on the Premises

- 20.1. Performers shall be provided with secure and private changing facilities.
- 20.2. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
- 20.3. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
- 20.4. The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
- 20.5. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
- 20.6. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
- 20.7. Any private booths shall be fitted with a panic button or security alarm.

21. Record Keeping and Management

- 21.1. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
- 21.2. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
- 21.3. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
- 21.4. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
- 21.5. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

22. Dress Code

- 21.1 The premises shall operate a dress code for customers to the satisfaction of the Police.

Part Four – Additional Conditions for Premises Operating as Sex Cinemas

23. Film Exhibition

23.1. No film shall be exhibited unless:

- It has been passed by the British Board of Film Classification (“BBFC”) as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the council; or
- The film has been passed by the council as U, PG, 12, 15, 18 or RESTRICTED (18).

23.2. If the Licence holder is notified by the council, in writing, that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.

23.3. The Licence holder shall give at least 28 days notice in writing to the council of any proposal to exhibit any film which has not been classified as specified above. Such a film shall only be exhibited if consent has been obtained from the council in writing and subject to any terms or restrictions contained within such written consent.

23.4. When the programme includes a film in the 12, 15 or 18 category, no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.

23.5. If the council does not agree with the category of any film as passed by the BBFC, it may alter the category or prohibit the showing of the film.

23.6. Where any notice is given by the council to the Licence holder that it has altered the category of any film, the film shall thereafter be treated as being in the altered category and the conditions application to the exhibition of films in the altered category shall be observed accordingly.

23.7. Immediately before each exhibition at the premises of a film (other than a current news-reel) passed by the BBFC, there shall be exhibited on the screen for at least ten seconds and in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the BBFC or, as regards a trailer, of the statement approved by the BBFC indicating the category of the film.

23.8. For a film passed by the council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them and which consist of the following wording:

SOUTHAMPTON CITY COUNCIL

(Insert title of film here)

Has been passed by Southampton City Council as

(insert the definition of the category and the category assigned)

23.9. Where a trailer is to be exhibited advertising a film passed by the council, the notice shall state:

SOUTHAMPTON CITY COUNCIL

*(Insert the category of trailer here) **trailer advertising** (insert the category of the film) **film***

23.10. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises shall

indicate clearly the category of the film.

24. Refusals/Incident Log

- 24.1. The Licence holder shall ensure that an incident/refusals log is maintained at the premises. The log shall record the following information:
- Any ejections from the premises
 - Any refused admissions
 - Any refused sales
 - Any inappropriate behaviour by patrons
 - Any failure in the CCTV system
 - Any incidents of crime or disorder
 - Any complaints made by patrons
- 24.2. The record shall show the date and time of the incident; the name of the member of staff reporting the incident; a brief description of the customer involved where appropriate and brief details of the incident together with any action taken by the staff/management of the premises.
- 24.3. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.
- 24.4. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in such cases as described above.
- 24.5. The Licence holder shall ensure that the incident log is checked periodically and at least on a monthly basis to ensure that staff are completing the log as and when appropriate.
- 24.6. The incident log shall be made available for inspection to the Police or authorised council officers upon request.

25. General

- 25.1. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Sexual Entertainment Venues – Code of Conduct for Dancers

The Dancer's Code of Conduct shall include the following conditions as a minimum standard:

- There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
- The performer may not simulate any sexual act during a performance.
- Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
- Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
- There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the

Local Government (Miscellaneous Provisions) Act 1982) at any time.

- There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
- Performers must fully dress (i.e. no nudity) at the end of each performance.
- Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
- There shall be no photography permitted by customers on the premises.
- Customers must remain seated for the duration of a performance.
- Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
- Dancers shall not perform if under the influence of alcohol or drugs.
- All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

Sexual Entertainment Venues – Code of Conduct for Customers

The Customer's Code of Conduct shall include the following conditions as a minimum standard:

- Customers may not touch dancers during a performance.
- Customers may not make lewd or offensive comments to performers.
- Customers must not harass or intimidate performers.
- Customers must not ask dancers to perform any sexual favour.
- Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

This page is intentionally left blank