

Licensing (General) Sub-Committee

Thursday, 17th October, 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 Mrs Blatchford
Councillor Lewzey
Councillor Parnell
Councillor Vassiliou

Contacts

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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licenses, permits and forms of consent (other than those for which the Council is responsible under the Licensing Act 2003), including

- Hackney carriage and private hire drivers, vehicles and operators
- Public music and dancing
- Amusements with prizes
- Street trading
- Sex establishments

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest with the consent of the Chair.

Southampton City Council's Priorities:

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.

- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

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 – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

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 2013/14

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Audit Committee are contained in Article 8 and 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 3.

CONDUCT OF MEETING

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 for 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 on the Council's website

1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with Council Procedure Rule 4.3.

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 14 August 2013 and to deal with any matters arising, attached.

5 EXCLUSION OF THE PRESS AND PUBLIC

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

6 APPLICATION FOR GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - ISIS, 188 ABOVE BAR STREET, SOUTHAMPTON

Report of the Head of Legal, HR and Democratic Services detailing an application for grant of a sexual entertainment venue licence in respect of Isis, 188 Above Bar Street, Southampton, attached.

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SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 AUGUST 2013

Present:

Members of the Council

Councillors Cunio (Chair), Vassiliou and Lewzey

Apologies

Councillors Parnell and Mrs Blatchford

1. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Sub-Committee noted that apologies had been received from Councillors Parnell and Mrs Blatchford.

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

RESOLVED that the Minutes of the Meeting held on 14 February 2013 be signed as a correct record.

3. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that at a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, will be invited to return immediately following that private session at which time the matter will be determined and the decisions of the Sub-Committee will be announced.

4. **APPLICATION FOR GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - FYEO, 135-136 HIGH STREET, SOUTHAMPTON SO14 2BR**

The Sub-Committee considered the application for a Sexual Entertainment Venue licence in respect of FYEO, 135-136 High Street, Southampton, SO14 2BR. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Palmer, Solicitor for Applicant and Mr Nicie, Director of FYEO were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

RESOLVED that the application for a Sexual Entertainment Venue licence be granted, subject to the following amendments to the standard conditions detailed in Appendix 3 of the report:

Part One – General Conditions

- 1.8 Unless permitted by the council 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.

- 3.6 No part of the interior of the licensed premises where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 5.1 Police and authorised officers of the council shall have access to data from the systems (subject to the Data Protection Act 1998) 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 if new equipment is installed and this training will be cascaded down to new members of staff.
- 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 in order to remain operating under the licence. The CCTV will be deemed to be approved and in a satisfactory working condition if it is installed and operated in accordance with Police guidance of 13.8.13 or as otherwise approved by the Police).
- 6.2 The council may substitute, delete, vary or amend these conditions at any time following proper consultation with, amongst others, the licence holder.

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

- 10.1 The exterior of the premises shall not contain any displays or depictions of the human form (save for council approved trademarks or logos of the business), 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” or “Adult entertainment” or “Gentlemen’s Club”
- 10.2 This condition was agreed to be deleted
- 10.3 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior, or in the lobby, of the premises.
- 10.9 The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited
- 11.1 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.
- 11.2 and 11.3 be deleted
- 11.7 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 or dealing illegal drugs on the premises shall be removed from the premises or, where possible and appropriate (i.e. if drug dealing), restrained until the Police can take such person into custody.
- 11.8 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

- 13.8 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 may be banned from the premises.
- 15.7 Unless monitored by CCTV screen and/ or directly and within 5 metres (or other such distance as agreed by the council) of appropriately trained staff private booths shall be fitted with a panic button or security alarm.
- 17.1 The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Sexual Entertainment Venues – Code of Conduct for Dancer’s

- There shall be no intentional physical contact between performers and customers during the performance unless for the purpose of restraint when such touch may only be made by the performer’s hand/s on the limbs of the customer or above the customer’s chest. Physical contact before or after the performance will be limited to a hug and/or kiss on the cheek on a customer entering the club and/or leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance and receiving payments.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision with reasons:

The Sub-Committee has considered very carefully the application for a sexual entertainment venue licence in respect of FYEO. It has given due regard to the Local Government (Miscellaneous Provisions) Act 1982, statutory guidance and the Crime and Disorder Act 1998.

The Sub Committee considered representations, both written and given orally today by all parties; human rights legislation has been borne in mind whilst making the decision together with the amended conditions submitted and agreed during the meeting.

The Sub-Committee has considered very carefully all of the evidence and in particular considered which steps, if any, are necessary and appropriate in accordance with the legislation and the terms of the guidance.

The Sub-Committee has decided to grant the application subject to the submitted agreed conditions. For clarity 6.2 was amended during the meeting to read “The Council may substitute, delete, vary or amend these conditions at any time following proper consultation with the licence holder. Condition 11.1 is amended to provide for a Challenge 25 policy. Condition 11.2 and 11.3 are deleted.

There is a right of appeal for all parties to the Magistrates’ Court. Formal notification of the decision will set out that right in full.

All parties will receive formal written notification of the decision and reasons.

5. **APPLICATION FOR GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - PLAY HOUSE GENTLEMEN'S CLUB, HARBOUR HOUSE, TOWN QUAY, SOUTHAMPTON SO14 2AQ**

The Sub-Committee considered the application for a Sexual Entertainment Venue licence in respect of Play House Gentlemen's Club, Harbour House, Town Quay, Southampton, SO14 2AQ. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Palmer, Solicitor for Applicant and Mr Knight, Director of Play House Gentlemen's Club were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

RESOLVED that the application for a Sexual Entertainment Venue licence be granted, subject to the following amendments to the standard conditions detailed in Appendix 3 of the report:

Part One – General Conditions

- 1.8 Unless permitted by the council 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.
- 3.6 No part of the interior of the licensed premises where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 4.7 The CCTV system will have sufficient storage capacity for 30 days of good evidential quality images.
- 5.3 Police and authorised officers of the council shall have access to data from the systems (subject to the Data Protection Act 1998) 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.
- 5.4 All operators will receive training from the installer if new equipment is installed and this training will be cascaded down to new members of staff.
- 5.5 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 in order to remain operating under the licence. The CCTV will be deemed to be approved and in a satisfactory working condition if it is installed and operated in accordance with Police guidance of 13.8.13 or as otherwise approved by the Police).
- 6.2 The council may substitute, delete, vary or amend these conditions at any time following proper consultation with, amongst others, the licence holder.

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

- 10.4 The exterior of the premises shall not contain any displays or depictions of the human form (save for council approved trademarks or logos of the business), 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” or “Adult entertainment” or “Gentlemen’s Club”

- 10.5 This condition would be deleted
- 10.6 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior, or in the lobby, of the premises.
- 10.10 The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited
- 11.2 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.
- 11.2 and 11.3 would be deleted
- 11.9 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 or dealing illegal drugs on the premises shall be removed from the premises or, where possible and appropriate (i.e. if drug dealing), restrained until the Police can take such person into custody.
- 11.10 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.
- 13.9 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 may be banned from the premises.
- 15.8 Unless monitored by CCTV screen and/ or directly and within 5 metres (or other such distance as agreed by the council) of appropriately trained staff private booths shall be fitted with a panic button or security alarm.
- 17.2 The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Sexual Entertainment Venues – Code of Conduct for Dancers

- There shall be no intentional physical contact between performers and customers during the performance unless for the purpose of restraint when such touch may only be made by the performer’s hand/s on the limbs of the customer or above the customer’s chest. Physical contact before or after the performance will be limited to a hug and/or kiss on the cheek on a customer entering the club and/or leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance and receiving payments.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision with reasons:

All parties will receive formal written notification of the decision and reasons.

The Sub-Committee has considered very carefully the application for a sexual entertainment venue licence in respect of Play House Gentlemen's Club. It has given due regard to the Local Government (Miscellaneous Provisions) Act 1982, statutory guidance and the Crime and Disorder Act 1998.

The Sub Committee considered representations, both written and given orally today by all parties; human rights legislation has been borne in mind whilst making the decision together with the amended conditions submitted and agreed during the meeting.

The Sub-Committee has considered very carefully all of the evidence and in particular considered which steps, if any, are necessary and appropriate in accordance with the legislation and the terms of the guidance.

The Sub-Committee has decided to grant the application subject to the submitted agreed conditions. For clarity condition 4.7 is amended to mirror that contained in the Licensing Act 2003 licence. Condition 6.2 was amended during the meeting to read "The Council may substitute, delete, vary or amend these conditions at any time following proper consultation with the licence holder. Condition 11.1 is amended to provide for a Challenge 25 policy. Condition 11.2 and 11.3 are deleted.

As regards condition 10.1 relating to signage, the Sub-Committee approved the "Play House Gentlemen's Club" logo, with the exception of the web address being removed. They had concerns about different interpretations of the words Play House and therefore decided that the additional words Gentlemen's Club should appear prominently alongside. With regard to the size of signage the Sub-Committee felt that the signage should be proportionate to the listed building but was ultimately a planning issue.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

Agenda Item 6

DECISION-MAKER:	LICENSING (GENERAL) SUB-COMMITTEE		
SUBJECT:	APPLICATION FOR GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE – ISIS, 188 ABOVE BAR STREET, SOUTHAMPTON		
DATE OF DECISION:	17 OCTOBER 2013		
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 8083 3523
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

The Licensing (General) Sub-Committee is requested to consider and determine the application for grant of a Sexual Entertainment Venue (SEV) licence made by Mr. Daniel Gill in respect of Isis, 188 Above Bar Street, Southampton, SO14 7DW

RECOMMENDATIONS:

- (i.) That the Sub-Committee consider and determine the application.
- (ii.) That, should the Sub-Committee determine to grant the application, consideration be given to the attachment of conditions to such licence (a copy of proposed conditions is show at Appendix 3)

REASONS FOR REPORT RECOMMENDATIONS

1. As the Council has resolved to adopt the provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 which relate to the licensing of sexual entertainment venues, the Sub-Committee is required to consider and determine the application in line with the current scheme of delegation.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

Background Information

3. The Council originally adopted Schedule 3 of the 1982 Act in so far as they related to sex shops and sex cinemas in 1983 and readopted them with effect from 3rd July 1995.
4. The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 with effect from 6th April 2010, by

introducing a new category of sex establishment called Sexual Entertainment Venues (SEVs) enabling local licensing authorities to adopt provisions for the regulation of lap dancing clubs and similar venues under Schedule 3 of the 1982 Act. Previously the power was limited to sex shops and sex cinemas.

5. On 11th July 2012, Council resolved to adopt the provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 which relate to the licensing of SEVs.

The new regime came into force in Southampton on 20th August 2012 (known as the “first appointed day”), after which a 12 month transition period has been in effect.

The effect of the transitional period is that existing operators, who, immediately before the first appointed day, have a Licensing Act 2003 premises licence and lawfully use the premises as a sexual entertainment venue under that licence (or are undertaking preparatory work to use the venue in that way), are allowed to continue to provide relevant entertainment until the 20th August 2013 (the “third appointed day”) or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

After the third appointed day, the regime, and any licences granted, will be fully in force.

The Legislation – Definitions

6. Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a “sexual entertainment venue” and “relevant entertainment” for the purposes of the statutory provisions.

A sexual entertainment venue is defined as:

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

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).”

It should be noted that an audience can consist of just one person e.g. when the entertainment takes place in private booths.

Relevant entertainment is therefore different from regulated entertainment as defined in the Licensing Act 2003.

7. In terms of considering what constitutes “relevant entertainment” each case must be judged on its merits, but the informal 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.
8. However, the list above cannot be exhaustive and, as the understanding of the exact nature of these descriptions may vary, it should therefore merely be used as an indicator for certain types of entertainment. Ultimately, decisions on the licensing of individual premises as sexual entertainment venues will depend on the content of the entertainment provided and not on how it is described.
9. The relevant entertainment must be provided for the financial gain of the “organiser” or “entertainer”.
- “Organiser” means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most cases this definition will relate to the manager of the premises but there could be circumstances where it will relate to an individual who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
10. The 1982 Act also sets out those premises that are NOT sexual entertainment venues. These are:
- Sex shops and sex cinemas;
 - Premises which provide entertainment on an infrequent basis. These are defined as premises where –
 - (a) No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - (c) 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.

Application Details

11. On 15th August 2013, an application for a sexual entertainment venue licence in respect of Isis, 188 Above Bar Street, was received from Mr. Daniel Gill. A copy of the application form, plan of the premises and photographs of the current external appearance of the premises are attached as Appendix 1.
12. On 5th September 2013, a number of documents were submitted by the applicant in support of the application. These documents include images of a proposed logo to be displayed at the premises, a code of conduct for customers and a code of conduct for performers. Copies of all documents submitted are attached as Appendix 2.
13. The premises does currently benefit from a premises licence issued under the Licensing Act 2003. This licence had effect immediately before the first appointed day, and the premises were operating as a sexual entertainment venue immediately before the first appointed day. Therefore, the transitional provisions have applied to this premises and the premises is currently operating as an sexual entertainment venue.

Legislation – Notices and Objections

14. Applicants for the grant of an SEV licence are required to display a notice on or near the premises to be licensed for 21 days and advertise give public notice of the application by publishing an advertisement in a local newspaper circulating in Southampton.
15. Any person objecting to an application for the grant of an SEV licence is required to give notice of in writing to the local authority, not later than 28 days after the date of the application.
16. No objections were received in relation to this application within the 28 day consultation period.
17. A copy of the application has been provided to Hampshire Constabulary, who have confirmed that they have no objection to the application.
18. When considering an application for the grant, of a licence the Sub-Committee should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds for refusal.

The Legislation - Criteria

19. Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

(a) to a person under the age of 18;

(b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;

(c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in an EEA State; or

(e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, 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.

20. A licence may be refused by the Sub-Committee where:

(a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) if the licence were to be granted, renewed or transferred 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, renewal or transfer of such a licence if he made the application himself;

(c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

21. A decision to refuse a licence must be relevant to one or more of the above grounds.
22. It is considered advisable to merely deal with this application on its merits and not to embark on an additional exercise of determining a precise “relevant locality” and an appropriate number of establishments in it. Such an exercise is only recommended if after having regard to the area generally if it is felt that the number and / or proximity of premises may be inappropriate.
23. SEV licences can be granted for a maximum of one year, or for such shorter periods specified in the licence as the Sub-Committee may think fit.

The Legislation - Conditions

24. If the Sub-Committee determines to grant a licence it has power to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual premises concerned or standard conditions applicable to all sex establishments, or particular types of sex establishments.

Examples of the matters that standard conditions may address can include, but are not restricted to:

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

If such standard conditions are introduced by the local authority, they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

25. Guidance issued by the Home Office (a copy of which is attached as Appendix 5) states;
 - In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap

dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.

- In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.
- Where a local authority decides to grant a sex establishment licence to an existing operator, who is subject to conditions on their existing premises licence or club premises certificate that relate expressly to the provision of relevant entertainment, they may wish to replicate the existing conditions on the new sex establishment licence if they believe that the existing conditions are sufficient. However, they could equally decide to impose new conditions consistent with Schedule 3 if they believe that new or additional conditions are necessary.

26. A set of proposed conditions to apply to SEV licences is attached as Appendix 3.

The legislation - Appeals

27. In the event that the Sub-Committee refuse an application for the grant of a SEV licence, the applicant may appeal the decision in a Magistrates' Court, unless the application was refused under paragraph 12(3)(c) or (d) of the Local Government (Miscellaneous Provisions) Act 1982, in which case the applicant can only challenge the refusal by way of judicial review.

RESOURCE IMPLICATIONS

Capital/Revenue

28. There are no financial implications as the cost of processing such applications is contained within existing budgets.

Property/Other

29. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

30. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the City Councils power to determine an application for the grant of an SEV licence.

Other Legal Implications:

31. Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

32. The Human Rights Act 1998 Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a

way that is compatible) with the rights protected by the Act. Any action undertaken by the 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. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

POLICY FRAMEWORK IMPLICATIONS

33. None.

KEY DECISION? N/A

WARDS/COMMUNITIES AFFECTED:	Bargate
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SUPPORTING DOCUMENTATION

Appendices

1.	Application for SEV licence made in respect of Isis, 188 Above Bar Street
2.	Copy of supporting documents submitted by applicant
3.	Copy of proposed conditions
4.	Copy of Licensing Act 2003 premises licence
5.	Home Office Guidance relating to SEVs

Documents In Members' Rooms

1.	None.
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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. None	

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Reference No.

			/													
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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 1767 Southampton, SO18 9LA. 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:		DANIEL STEPHEN GILL	
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		N/A	

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:

ISIS
 188 ABOVE BAR STREET
 SOUTHAMPTON

Post Code: SC14 7DW | 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
LINDA GILL 100% SHARE HOLDER ISIS CIC LTD ENGLAND / WALES 8444851	✓	

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).

No

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 application form has been completed and submitted as part of this application.	Yes	No
	✓	

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:			
N/A			
Q12. If the application relates to a premises, please provide the full address of the premises for which a licence is required:			
188 ABOVE BAN STREET			
Post Town:	SOUHAMPTON	Post Code:	SO14 7DW
Q13. Is the whole of the premises to be used as a sex establishment:			No ✓
If not, please state below: <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:			
OWNER/MANAGER SUBJECT TO COMPANY OWNERSHIP - (MOTHER LINDA GILL DIRECTOR OF COMPANY AND LEASE)			

Q14b. If the Applicant is a lessee or sub-lessee, state:		
(i)	The name and address of the landlord:	
	PRIDEVIEW PROPERTIES LTD 1ST FLOOR 11-15 PETERSBOROUGH RD KIRKLAND HOUSE HARROW HA1 2AX	
(ii)	The name and address of the superior landlord (if any):	
	SOUTHAMPTON City Council.	
(iii)	The amount of the annual rental:	£20,000
(iv)	The length of the unexpired term:	15 YEARS
(v)	The length of notice required to terminate the tenancy:	6 MONTHS
Q15a. State the current use of the premises:		
LAP DANCING VENUE		
Q15b. Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?:		Yes No <input checked="" type="checkbox"/>
Q15c. If so, state the date of the planning permission:		N/A
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:		
BELIEVED TO BE IN USE AS LAP DANCING CLUB FOR OVER 10 YEARS		
Q16a. Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?:		Yes <input checked="" type="checkbox"/> No
Q16b. Please provide full details including the name of any Designated Premises Supervisor :		
DPS - DANIEL GILL PREMISES LICENCE 2013/00378/DI SPRT		

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 <input checked="" type="checkbox"/>
Q16d. Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details below:	Yes	No <input checked="" type="checkbox"/>
AN APPLICATION TO VARY THE HOURS HAS BEEN MADE UNDER LICENSING ACT 2003. WILL BE HEARD ON 22 AUGUST 2013.		
Q17a. Is each customer access to the premises, vehicle, vessel or stall:		
<ul style="list-style-type: none"> • Directly from the street or a public thoroughfare? 	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> • From other premises? 	<input type="checkbox"/>	
If from other premises, please provide full details below:		
N/A		
Q17b. Is each customer access from the street to be supervised at all times the premises are open to the public?:	Yes <input checked="" type="checkbox"/>	No
If the answer is No, give full details of proposed door control and supervision:		
N/A		
Q17c. State whether all door supervisors are to be licensed with the SIA:	Yes <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>
If the answer is No, please state the Applicant's proposals for affording such access?		
BELIEVED TO BE A LISTED BUILDING, WHICH CANNOT BE ADAPTED		

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:		
DANIEL STEPHEN GILL		

Part 3 – THE BUSINESS

Q20. Under what name will be business be known?:		
ISIS		
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?:		
No		
Q23. Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements:		
N/A		

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

No

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”):

DANIEL STEPHEN GILL

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”)?:

LINDA GILL

PERSONAL LICENSE NUMBER. 2008/00794/02SPEN

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.

MONDAY – SATURDAY 10AM – 2.30AM (AT PRESENT)
SUNDAY 10AM – 1.00AM (AT PRESENT)

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):

PLEASE SEE PHOTOS PROVIDED

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

LOBBY DOOR BLACKED OUT
FRONT WINDOWS BLACK OUT CURTAIN (DOUBLE SIDED)
PLEASE SEE PHOTOS PROVIDED.

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

2 PLANTS (6 FT)
1 STATUE (4 FT)

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)

CHALLENGE 25 Policy
PHOTOGRAPHIC ID REQUIRED - DRIVING LICENSE
PASSPORT OR OTHER SUITABLE PHOTOGRAPHIC ID AS
AGREED POLICE LOCAL AUTHORITY

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)

CCTV COMPLIES WITH THE CONDITIONS
REQUIRED UNDER PREMISES LICENSE
2013/00378/015PRT

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:		
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:		
PERFORMERS STAGE SEPERATE AND RAISED AND CUSTOMERS MORE THAN 1 METRE. NO CONTACT ALLOWED.		
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:		
CCTV. NO PERSON UNACCOMPANIED (DANCERS / CUSTOMERS / STAFF) COMPANY POLICY DANCERS MUST ALERT STAFF MEMBERS TO ENSURE ACCOMPANIED TO PRIVATE AREA (NO BOOTHS)		
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:		
PREMISES LOCATED PREDOMINATELY IN BUSINESS AREA. NOTICES REMINDING CUSTOMERS TO LEAVE QUIETLY AND RESPECTFULLY. SIA DOOR STAFF TO SUPERVISE THIS		
Q33b. Please state the proposals for promoting public safety:		
TO ENSURE CUSTOMERS LEAVE QUIETLY AND QUICKLY. CHECK ON LEVELS OF INTOXICATION AND ENTRY AND EXIT GOVERNED BY SIA DOOR STAFF. CONSTANTLY LIAISING WITH POLICE AND LOCAL AUTHORITY AS PER		

Premises license number 2013/00378/01SPRT
 11 Whiskey ONE to liaise with and coordinate with other premises and staff provided with radios.

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

AS IN ACCORDANCE WITH PREMISES LICENSE
2013/00378/OISPET

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

IN ACCORDANCE WITH PREMISES LICENSE 2013/00378/OISPET
CHILDREN NOT ALLOWED ON PREMISES WHETHER WE ARE OPEN OR
CLOSED.

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

PLEASE SEE ENCLOSED FORM .
A REGISTRATION DOCUMENT IS FILLED IN WITH PHOTOGRAPHIC
ID AND NI NUMBER REQUIREMENTS .

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)

PLEASE SEE CODE OF PRACTICE ENCLOSED AND NOTICES ARE
PLACED IN RELEVANT POSITIONS TO REMIND STAFF AND DANCERS
THAT THEY ARE TRAINED TO ABIDE BY

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)

PLEASE SEE RULES FOR CUSTOMERS .
NOTICES IN ENTRANCE LOBBY AND INNER PREMISES, AND
SIA BADGED STAFF MONITOR THAT THESE RULES ARE KEPT . IF NOT
COMPLIED WITH THE CUSTOMER WILL BE ASKED TO LEAVE

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)

WE HAVE INDUCTION PROCESS CARRIED OUT BY MANAGER INCLUDING
READING THROUGHOUT CODE OF CONDUCT AND SIGNED BY DANCERS.
HOUSE FUNDS , OF CODE OF CONDUCT AND DISPLAYED IN DANCERS CLOAKROOM
SIA BADGED STAFF . APPLY THESE RULES AND MAKE SURE THEY ARE

ABIDED BY .

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).

THE PREMISES HAS BEEN USED AS A LAP DANCING CLUB FOR MANY YEARS, BELIEVED TO BE THE MOST LONG STANDING IN THE AREA.

ON PURCHASING THE LEASE, A LOT OF MONEY HAS BEEN SPENT TO REHAB AND UPLIFT THE PREMISES.

IT HAS ENHANCED IT FOR THE BETTER FOR EVERYONE, STAFF, DANCERS AND CUSTOMERS.

THERE ARE MUCH BETTER FACILITIES THROUGHOUT AND IS RUN ON A MUCH MORE PROFESSIONAL BASIS AND WISH THIS IS CONTINUE, WHILST FULLY COOPERATING WITH ALL RESPONSIBLE BODIES IN THE AREA.

WE COOPERATED FULLY WITH THE FIRE MARSHALS, A MR MARK SWINER WILL CONFIRM THIS, AND DID ALL THE WORKS REQUIRED UNDER THE RISK ASSESSMENT, TO THEIR STANDARDS. WE HAVE LIASED WITH LICENSING THROUGHOUT

*

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.

NO

* AND HAVE A GOOD RELATIONSHIP WITH THE POLICE, WHOM WE WILL CONTINUE OUR UTMOST TO COOPERATE WITH.

WE BELONG TO 'WHISKY ONE', ALL STAFF HAVE RADIO USE, AND WE LIASE AND COOPERATE WITH ALL OTHER BUSINESSES IN THE AREA

WE BELONG TO 'WHISKY ONE' AND WE LIASE AND COOPERATE WITH ALL OTHER BUSINESSES IN THE AREA

Part 5 – APPLICANT CONTACT DETAILS

PLEASE GIVE THE CONTACT DETAILS WHICH YOU WOULD LIKE TO BE USED FOR THE PURPOSES OF THIS APPLICATION.	
Name:	DANIEL GILL
Organisation:	
Address:	ISIS 188 ABOVE BAR ST SOUTHAMPTON SO14 7DW
Telephone Number:	
Mobile Number:	
Fax Number:	
Email Address:	

Part 6 – SIGNATURE AND DECLARATION

<p>The following declaration must be signed in all cases:</p> <ul style="list-style-type: none"> • 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. 	
<p>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.</p>	
<p>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.</p> <p>I/We agree to notify the Licensing Authority should any of the information given in this application change.</p>	
Name:	DANIEL GILL
Position in Organisation:	PREMISE LICENSE HOLDER
Signature:	Date: 15 / 8 / 2013.

Part 7 – INFORMATION ON INDIVIDUALS

Name:	LINDA GILL		
Former Name (if any):	WEAKLEY		
Position in relation to Applicant: (e.g. Director, Partner, Manager)	BUSINESS FINANCIAL / RELIEF MANAGER		
Date of Birth:	29 . 9 . 49		
Gender:	Male	Female ✓	
Permanent Residential Address:			
If resident at this address for less than 3 years, state previous address:	N/A		
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
ENGLAND AND WALES			
If so, please provide full details:			
2008 / 00794 / 025PEN ISSUED 26 / 06 / 2008 EXPIRES 25 / 06 / 2018 ADDRESS OVERSEAS			
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 ✓
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If so, please provide full details:

Have you ever been disqualified from acting as a company director?:	Yes	No ✓
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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
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If so, please provide full details:
 I RAN A 32 BED FAMILY HOTEL (LICENSED) FOR MANY YEARS.
 FOR 17 YEARS I PROMOTED IN UK FOR SPANISH DEVELOPERS NEW BUILT FREEHOLD PROPERTIES EXHIBITION ALL OVER UK. 10 YEARS AS MY OWN BUSINESS 'PASTIGE D'ORAT SOUVENIRS LTD' IN THE PUBLIC SECTOR WITH FULL LIABILITIES, INCLUDING STAFF AND STAFF TRAINING.
 I WAS TENANT OF PENSIONER PUB (GIBBERING) FOR 3 YEARS, A BUSY TOWN CENTRE VENUE. GREEN KITCHEN AND GIVE EXCELLENT REFERENCE IF REQUIRED. PAST EXPERIENCE WITH POLICE, LOCAL AUTHORITIES AND GOVERNMENT SOCIETY, WITH GOOD REPORT WITH ALL.

Is there any information in this Annex which you do not wish to be seen by members of the public?:	Yes	No ✓
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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:	15 8 2013.
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Part 8 – DOCUMENTS TO BE SUPPLIED WITH THIS APPLICATION

Site Scale Plan (1:1250).	Yes ✓	No
Drawings showing the front elevation as existing. <i>PHOTOS</i>	Yes ✓	No
Drawings showing the front elevation as proposed (including proposed signage, advertising and window display). <i>PHOTOS</i>	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

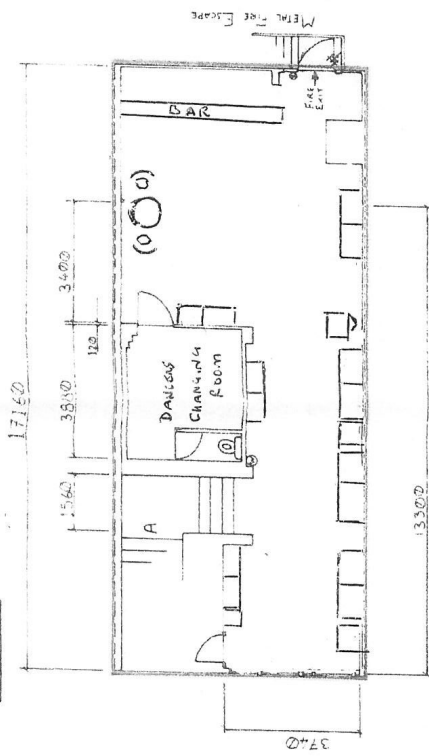
The Layout plan must show:
1. The layout of the premises including, stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the premises, e.g. performance 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

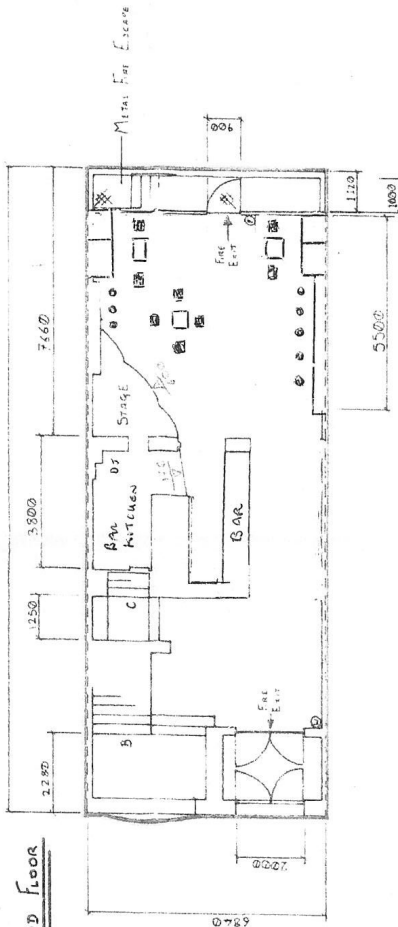
Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application. <i>Evidence of copy for 16/8/13.</i>	Yes	No ✓
Copy of notice of application displayed on or near the premises.	Yes ✓	No
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3, paragraph 10(10) of the Local Government (Miscellaneous Provisions) Act 1982. <i>To follow</i>	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.		

FIRST FLOOR

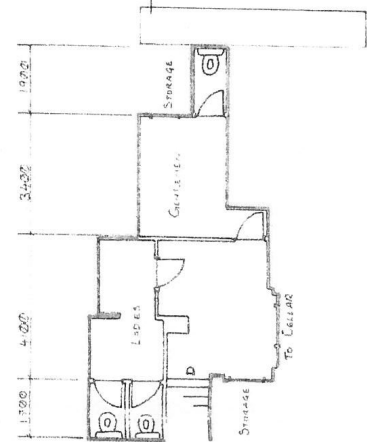


- Supervisors HIGH STAFF
- Sofas
- Small Table
- Small Stools
- High Stools
- Table
- BUCKET/CHAIR

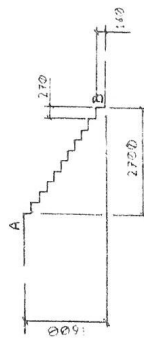
GROUND FLOOR



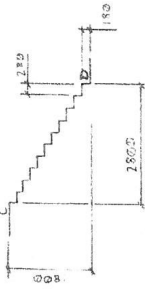
BASEMENT LEVEL



STAIRS FROM GROUND FLOOR - FIRST FLOOR (SEE A-B FOR LOCATION)



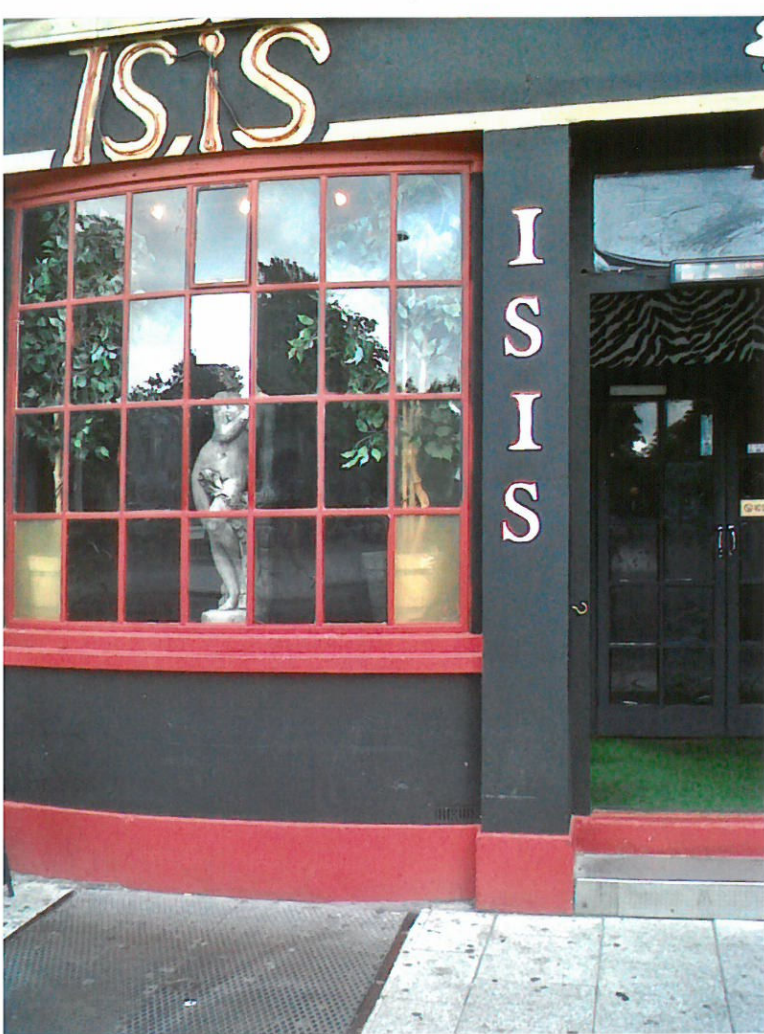
STAIRS FROM GROUND FLOOR - BASEMENT LEVEL (SEE C-D FOR LOCATION)



KEY	TOILET
⊗	GREEN GRASS FIRE POINT
⊙	WATER FIRE EXTINGUISHER
⊕	FIRE FIRE EXTINGUISHER
⊖	CO2 FIRE EXTINGUISHER

Area of fire escape to be removed
 Green grass fire point
 Water fire extinguisher
 Fire fire extinguisher
 CO2 fire extinguisher

TYPE: PLANS OF POLE TRIX.
 ADDRESS: 188 ABOVE BAR STREET
 SOUTHAMPTON, HAMPSHIRE. SO14 5DW.
 DRAWN BY: DAVID NICHOLSON (TEL: 07960 6064 86)
 JUN 05







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To SEC Licensing

Agenda Item 6

Appendix 2

Please find enclosed new documents to be included in the SEV license application for ISIS.

Enclosed is an up to date plan
Proposed signs to be displayed throughout the premises, on printed material
and signage.

Code of conduct for customers,

Dances fees,

Performers code of conduct (6 pages)

Performers written warning

Abbreviated performers code for display in ~~changing area~~ around the premises.

SIA Staff code of conduct displayed throughout the premises.

Dances guidance for safeguarding home,

Challenge 25 posters

Door charge poster

Dress code poster.

5th September 2013



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CODE OF CONDUCT FOR CUSTOMERS



- **Customers may not touch the 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 behaviours**
- **Customers must not use mobile phones or any photographic equipment in the premises**
- **Customers are not allowed on the performers stage at any time, with exception agreed with management for stage show**
- **Customers are at no time to enter upstairs performers area unless with a dancer, escorted by a member of staff**
- **Customers are prohibited to smoke on premises. When smoking outside please act respectfully**
- **Customers must leave the premises in a respectful manner, causing no nuisance or noise outside the premises**
- **Customers will be called a taxi by staff and escorted to a taxi where necessary**
- **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**



DANCERS FEES



£10 TOPLESS

£20 NUDE

£60 STAGE SHOW

Dances last the duration of a song

ISIS Gentlemen's Club

DANCERS CODE OF CONDUCT

The following applies at all times & must be read subject to any variations agreed with statutory authorities attached.

A GENERAL POINTS & DANCER ATTIRE.

1. At any time, dancers arriving or departing the club must be fully dressed in non dancing attire. Dancers must endeavour always to arrive at & depart from the club quietly, particularly during the evening or early morning.
2. Dancers are to arrive within adequate time to ensure that the dancer is ready on the club floor commensurate with the dancers shift or as designated by the Club management. Additionally, if a dancer is unable to attend a shift, cover must be found. Alternatively, evidence such as a doctor's note will suffice.
3. At all times, dancers must remain fully clothed whilst in public areas, other than during a stage performance where a dancer may discard clothing to underwear, or equivalent level. Any further removal of clothing may only be done with managerial consent, or during a table dance. Dancers must dress fully at the end of each performance and before returning to or passing through the trading floor.
4. One Friend may wait behind after work, with prior management approval, to escort you home or to your next location.
5. Any business card received or taken must be handed to management at the first available opportunity. Failure to do so will be classed as solicitation & will result in instant dismissal.

B. DANCERS CONDUCT

1. Dancers may only give out any personal information, including telephone numbers, or contact details away from the club with management permission.
2. Dancers are never to use the customer toilets.
3. If a customer attempts to touch, or speak to a dancer inappropriately, the dancer must immediately stop her performance & explain the relevant rules. If necessary, ask for assistance from & cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the club.
4. Dancers must never touch their genitals in a lewd manner or intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts.
5. Dancers may not accept a customer's offer of payment in return for sexual favours (solicitation).
6. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the dancer has no intention of carrying out the act.
7. Dancers are NEVER to intentionally meet any customer outside of the club. This will include the exchange of phone number/E mail addresses etc.
8. Dancers must never engage in any unlawful activity.
9. Dancers may never leave the premises during a shift, except in the case of illness or emergency & then only with the express permission of the duty manager. If a dancer leaves early, for any reason, the dancer will not be re-admitted during the shift.
10. Dancers will either leave at the end of a shift in a taxi or a member of security will escort them to their car or off the premises if requested.
11. At the end of the night, dancers must not leave the premises until after the customers have departed & then must be cleared to leave by the management.

12. Any Dancer found to have been drinking heavily to a point where it affects their appearance &/or performance, will not be allowed to complete their shift & forfeit their right of earnings for that evening.
13. Any dancer known to be driving under the influence of alcohol or drugs will be reported to the authorities.
14. Dancers must never consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered GP. Management must also be informed of medication being taken.
15. Dancers MUST inform the management of physical or psychological condition that may affect the dancer, other dancers, the customers, the club or its staff.
16. Dancers may only invite or knowingly permit dancer's spouse, boyfriend or anyone else with whom dancers are romantically or physically involved with into the club with express permission of the management.
17. Dancers are required from time to time to participate in promotional activities & offers as designated by the club manager.
18. Dancers will be required to do a normal stage show on the main stage.
19. Whilst performing on stage or podium, dancers may not perform any act, which clearly simulates masturbation, including the insertion of any object, including their own finger into any genital opening.
20. For the purpose of safety & standards, the club may employ the use of closed circuit cameras & radio communications throughout the premises.
21. During a nude-dance the dancer must keep one foot on the floor at all times.
22. During a nude-dance the dancer must not open her legs further than balance requires, or expose or touch her genitals in a lewd manner.
23. During a nude-dance the dancer must not bend over away from the customer & when bending towards the customer the dancer must be conscious of her surroundings and act accordingly.
24. During a 'double-dance' the dancers may touch neutral areas (those not construed as sexual) of the other dancer. I.e. shoulder, waist, arms, etc. During a 'double dance' the dancers must not partake in a sexual act.
25. If a performer is late & the premises is already open to the public, the performer must be escorted to the DJ booth by a member of staff. When the dancing area is not in use by the public, they maybe escorted to the changing room provided upstairs.

Any dancer found to be in violation of any of these rules, without exception, will be subject to the termination Clause 6 of the Contract for Services Agreement.

Any Breach of the above rules contained within the code of conduct may result in the dancer being excluded from this club & all other ISIS GC LIMITED properties.

Any Breach may be reported to the Law Enforcement Authorities for possible prosecution.

Disiplinary Procedure

Any Dancer that is in breach of the Code of Conduct will receive a Verbal Warning, a second breach will result in a Written Warning, persistant offenders will be EXCLUDED from the Club!

The signing of this document specifies that YOU, THE DANCER have read & understood the Dancers Code of Conduct, and that you agree to comply with the code of conduct & accept the obligations under it.

This document is in no way designed to restrict your own artistic performance or freedom of expression.

(PASSPORT/DRIVERS LICENCE)

AGE; DOB; TEL; ID

.....
Dancers Signature

...../...../.....
Date Signed

.....
Dancers Printed Birth Name

.....
Dancers Printed Stage Name

Witnessed:

.....
Management Signature

...../...../.....
Date Signed

Taxation

I

who performs under the stage name of

& resides at:

.....

.....

Postcode:

Sign this document to confirm that Isis GC Limited & the trading company Isis
have no responsibility or liability to pay my Income Tax or National Insurance & I
alone am solely responsible for both my Income Tax & National Insurance.

Performers Signature:

Print Name:

Date:/...../.....

Managers Signature:

Print Name:

Date:/...../.....

BENEFITS FRAUD

I (REAL NAME)

Who while self employed with **Isis** goes by the stage name of

Hereby confirm that I am not claiming benefits (monetary or otherwise).

If I am or intend to do so, I hereby confirm that I have or will be informing the relevant authorities within seven(7) days of the below dated signature, of my income & current status at **Isis**.

Signed:

.....

Date:

Print name:

.....

Witnessed on behalf of **Isis** Management:

Signed:

.....

Date:

Print Name:

.....

Dancers Written Warning!

Date.....

Dancer.....

As per the Dancers Code of Conduct Agreement that ALL Dancers sign, YOU are being issued this final warning for repeatedly breaching said Agreement that you signed. Under the new Legislation, failure to adhere any further will result in a loss of shifts & possible exclusion from the Club...!

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 during the performance unless for the purpose of restraint when such touch may only be made by the performer's hand/s on the limbs of the customer or above the customer's chest. Physical contact before or after the performance will be limited to a hug and/or kiss on the cheek on a customer entering the club and/or leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance and receiving payments.
- 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.

ON PREMISES WALLS.

SIA STAFF CODE OF CONDUCT

- **Door staff must have current valid license**
- **Oversee the entrance and exit of customers**
- **Challenge 25 – customers must provide photographic**
- **ID valid passport – driving licence or any other photographic recognised by recognised by authorities. Entry 18 years or over**
- **Refuse entry to any person who appears drunk or under the influence of drugs, or acting in a violent aggressive manner. Keep refusal records**
- **Oversee and make sure Code of Conduct for Customers is adhered to at all time**
- **Oversee and make sure Code of Conduct for Performers is adhered to at all time**
- **Remove anyone from the premises who is not acting appropriately and record**
- **Ensure the safety of performers and customers at all times**
- **Do regular toilet checks and record**
- **Report to management or police, any person using drugs on the premises, give substances to management to store for police procedure**
- **Escort performers at all times in booth/area allocated for dance performance and stage dance**
- **Random searches of customers may be made where appropriate**
- **Have radio use at all time. Relay any incident messages to Whiskey Wun, and heed any messages received**
- **Monitor the public areas to ensure no inappropriate behaviour or safety breached**
- **Be aware of the Fire Safety Procedure and be familiar with fire fighting equipment and where placed in the premises. Follow the fire drill as trained**
- **Make sure all customers leave safely and respectfully without making a nuisance outside the premises**
- **Call taxis for customers or escort to taxi where necessary**
- **Performers must be escorted from the premises safely. Ensure they have safe means and are escorted home where necessary.**
- **Training will be updated monthly**

DANCERS

FOR YOUR SECURITY ON LEAVING THE PREMESIS

Dancers at the end of shift must inform management and security staff by what means and with whom they are getting home or to their onward destination.

A taxi will be called when necessary and the dancer will be escorted by a member of staff to the taxi or taxi rank

Your safety is paramount

CHALLENGE 25!

Persons wishing to enter these Premises MUST be able to produce valid I.D.

That proves that they are 18 years of age or over

DOOR CHARGE

Midnight – Close	£10
9pm – Midnight	£5
7pm – 9pm	£3

(Charges apply with the exception of Promotions!)

DRESS CODE!
SMART BUT CASUAL,
MANAGEMENT
RESERVE THE RIGHT
TO REFUSE ENTRY
FOR ANY REASON...!

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

Southampton City Council, in exercise of the powers conferred by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 hereby make the following Regulations prescribing standard conditions applicable to licences for sex establishments.

Interpretation

In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sexual Entertainment Venue”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned by Schedule 3 of the Act (and where amended by Section 27 of the Policing and Crime Act 2009).

In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely:

“the Act” means the Local Government (Miscellaneous Provisions) Act 1982, as amended.

“the council” means Southampton City Council and/or any authorised officer acting on behalf of the Council.

“the premises” means any premises, vehicle, vessel or stall licensed under the Act.

“licence holder” means a person who is the holder of a sex establishment licence.

“permitted hours” means the hours during which the licensed premises are permitted to be open to the public.

“licence” means a licence granted pursuant to Schedule 3 of the Act.

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:
 - 3.8.1. Ensure that the frontage is of a discreet nature
 - 3.8.2. 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 Three – Additional Conditions for Premises Operating as Sexual Entertainment Venues

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

- 10.1. 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.
- 10.2. Any external displays or advertising may only be displayed with the prior approval of the Council.
- 10.3. The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior of the premises.
- 10.4. 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.
- 10.5. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 10.6. 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.
- 10.7. 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.
- 10.8. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
- 10.9. The use of flyers and similar promotional material for the premises is prohibited.

11. Control of Entry to the Premises

- 11.1. 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.

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

- 11.2. 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.
- 11.3. 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.
- 11.4. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
- 11.5. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 11.6. A policy of random searches of persons entering the premises shall be operated.

- 11.7. 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.
- 11.8. 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.
- 11.9. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

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

- 12.1. 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.
- 12.2. 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 Appendix B to this policy.
- 12.3. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.
- 12.4. 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.
- 12.5. 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.
- 12.6. 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.

13. Code of Conduct for Customers

- 13.1. 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.
- 13.2. The code shall include the basic criteria as set out in Appendix C to this policy.
- 13.3. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
- 13.4. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
- 13.5. 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.
- 13.6. 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.
- 13.7. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
- 13.8. 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.

14. Disciplinary Procedure for Performers

- 14.1. 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.

- 14.2. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
- 14.3. 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.

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

- 15.1. Performers shall be provided with secure and private changing facilities.
- 15.2. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
- 15.3. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
- 15.4. The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
- 15.5. 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.
- 15.6. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
- 15.7. Any private booths shall be fitted with a panic button or security alarm.

16. Record Keeping and Management

- 16.1. 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.
- 16.2. 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.
- 16.3. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
- 16.4. 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.
- 16.5. 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.

17. Dress Code

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

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.



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number 2013/00378/01SPRT

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,

Isis
188 Above Bar Street
Bargate
Southampton
SO14 7DW

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded music
Performances of dance
Anything similar to live music, recorded music or performances of dance
Provision of late night refreshment
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Recorded music

Monday	10:00 - 02:30
Tuesday	10:00 - 02:30
Wednesday	10:00 - 02:30
Thursday	10:00 - 02:30
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 01:00

Performances of dance

Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:30

Anything similar to live music, recorded music or performances of dance

Monday	10:00 - 02:30
Tuesday	10:00 - 02:30
Wednesday	10:00 - 02:30
Thursday	10:00 - 02:30
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 01:00



Provision of late night refreshment

Monday	23:00 - 01:30
Tuesday	23:00 - 01:30
Wednesday	23:00 - 01:30
Thursday	23:00 - 01:30
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 00:00



Supply by retail of alcohol

Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:30



The opening hours of the premises

Monday	10:00 - 02:30
Tuesday	10:00 - 02:30
Wednesday	10:00 - 02:30
Thursday	10:00 - 02:30
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 01:00



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Daniel Stephen Gill
188 Above Bar Street
Southampton
SO14 7DW

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Daniel Stephen Gill
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2008/00793/02SPEN
Licensing Authority: Southampton City Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 8th day of March 2013

Head of Legal, HR & Democratic Services

Licensing – Southampton City Council
Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA


SOUTHAMPTON
CITY COUNCIL
LICENSING

Annex 1 – Mandatory Conditions

- 1 No supply of alcohol shall be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority, unless the Private Security Industry Act 2001 does not require them to be so licensed.
- 4
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistant by reason of a disability).
- 6 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before

being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8 The responsible person shall ensure that -

(a) where any of the following alcoholic drinks sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating Schedule



1 A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority and Hampshire Constabulary. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after recording, and shall be surrendered to Hampshire Constabulary or the Licensing Authority immediately on request.

2 CONDITIONS TRANSFERRED FROM THE PUBLIC MUSIC AND DANCING LICENCE

(a) ALTERATIONS

No structural or other alterations of the place licensed or of the facilities and equipment installed therein or of the means of exit there from shall be made without the licensee having submitted to the Licensing Authority detailed plans showing the proposed alterations and having received the Licensing Authority's written approval thereof.

(b) SANITARY CONVENIENCES

Adequate and separate sanitary conveniences shall be provided in the place licensed for persons of each sex to the satisfaction of the Licensing Authority. Such conveniences shall be available free of charge and shall at all times be kept in good order and repair, be properly and effectually cleansed, lighted, ventilated, disinfected and supplied with water and all proper requisites, and the doors leading thereto shall be suitably marked.

(c) REFRESHMENTS

If food or drink is provided in the place licensed for persons resorting thereto all arrangements for and areas in which preparation, storage and service of such refreshment takes or is to take place shall comply with the regulations for food hygiene prescribed by law and for the time being in force, shall be of adequate size, and shall be to the satisfaction of the Licensing Authority.

(d) REFUSE

No refuse, rubbish or waste paper shall be permitted to accumulate in any part of the place licensed.

(e) VENTILATION

All parts of the place licensed shall be suitably and sufficiently ventilated by natural or mechanical means to the satisfaction of the Licensing Authority.

(f) HYPNOSIS

(i) No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act, 1952) shall be given on any person in the place licensed except with the express consent of the Licensing Authority and in accordance with any conditions attached to such consent.

(ii) Application for consent to give an exhibition, demonstration or performance of hypnotism shall include a detailed description of the proposed exhibition and shall be made to the Licensing Authority not less than 21 days before the day on which the exhibition is to be given. Notice of the making of the

application shall immediately be given to the Officer in Charge of the Police sub-division in which the place licensed is situated.

(g) MANAGEMENT

(i) A responsible person nominated in writing by the licensee shall be in charge of, and present in the place licensed during all such times as public entertainment is provided therein, or members of the public are present for that purpose.

(ii) During the whole time that public entertainment is provided in the place licensed persons in the employ of or at the direction of the licensee, trained in the routine to be followed in the case of fire or other emergency, shall be present in the place licensed. Advice on the training of such persons may be obtained from the Fire Authority.

(iii) All parts of the place licensed and fittings therein, in particular the seating, door fastenings, floor surfaces and coverings, notices, steps and staircases shall be maintained at all times in good order and condition, and safe, suitable and sufficient means of heating shall be provided, to the satisfaction of the Licensing Authority. The licensee shall, in complying with this condition, take all necessary precautions for the safety of persons frequenting the place licensed.

(h) GOOD ORDER

The licensee shall ensure that no person be admitted to or permitted to remain in the place licensed whilst in a state of intoxication. If any person in the place licensed shall act in a manner offensive to or to the nuisance or annoyance of any other persons he shall forthwith be removed from the place licensed. The licensee shall, if necessary, seek the assistance of the Police in accomplishing this, and shall inform the Police of any conduct likely to cause a breach of the peace.

(i) NUISANCE

No public music, dancing or entertainment of a like kind shall be permitted or suffered to take place in the place licensed which shall be a nuisance, annoyance or inconvenience to any occupant of the premises in which the place licensed is situate or to any occupant of any other premises.

(j) EMERGENCY TELEPHONES

If no telephone service is available in the place licensed there shall be displayed in a conspicuous place a notice giving particulars of the nearest telephone available in an emergency and details of how to summon the emergency services. Any outbreak of fire must, immediately on its discovery, be reported to the Fire Authority.

(k) FIRE FIGHTING EQUIPMENT

All fire fighting equipment provided in the place licensed shall be examined at least once annually. In particular portable fire extinguishers shall be so examined and tested by a competent person in accordance with British Standard Code of Practice 5306; Part 3, 1980. The date of such test shall be clearly marked on the extinguisher or on stout tabs attached thereto. The licensee shall produce, if required by the Licensing Authority a certificate stating that all fire fighting equipment has been so examined and tested.

(l) INFLAMMABLE MATERIALS

(i) Highly inflammable material must not be used in connection with any public entertainment provided in the place licensed unless it has been rendered fire retardant to the satisfaction of the Licensing Authority and is maintained in that condition. No naked flame shall be used in connection with any public entertainment provided in the place licensed except with the specific written consent of the Licensing Authority, and subject to any conditions attached to such consent.

(ii) No explosive, highly inflammable or combustible substance, whether solid or liquid, shall be brought into or used or without the written consent of the Licensing Authority and subject to any conditions attached to such consent.

(m) ELECTRICAL INSTALLATIONS AND INSPECTIONS

(i) Within one month of the Licensing Authority requiring an inspection to be carried out, the licensee shall, at his own expense, arrange for all the electrical installations in the place licensed to be inspected by a competent and qualified electrician and a certificate stating the condition of the installation shall, immediately after each inspection, be forwarded to the Licensing Authority by the licensee.

(ii) Any alterations or additions, whether permanent or temporary, to the electrical installations in the place licensed shall only be carried out by a competent and qualified electrician, and shall be in accordance with the Regulations for Electrical Equipment in Buildings (Institution of Electrical Engineers).

(iii) All electrical switches in connection with the lighting or heating of the place licensed shall be guarded or out of reach of persons resorting to the place licensed.

(n) CONSTRUCTION

(i) Wall and Ceiling Linings, Insulation, Treatment, etc. - Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Licensing Authority's satisfaction and shall be fixed and supported in such manner as may be approved by the Licensing Authority.

Note: For the purpose of this condition the Licensing Authority will normally require such material to be non-combustible or be rated Class 1 of the classification for surface spread of flame when tested in accordance with the appropriate provisions of B.S. 476; Part 7, 1971, and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted, subject to compliance with such conditions as the Licensing Authority may consider appropriate in the circumstances of the case.

(ii) Decorative Features and Finishings - Any fixed or permanent decorative feature shall be of such materials as would be permitted for wall or ceiling linings. Any decorative surface finishing, including any fabric, shall be either non-combustible, inherently non-flammable or durably flameproof except that wallpaper and similar thin surface finishing may be accepted provided that it is fixed firmly with an adhesive approved by the Licensing Authority.

(o) CEILINGS

If the Licensing Authority require, provision shall be made, to the Licensing Authority's satisfaction, for the examination from above of any suspended ceiling over such parts of the place licensed frequented by persons resorting thereto and thereto and such other parts of the premises as the Licensing Authority may deem necessary.

(p) SEATING AND GANGWAYS

Seating, tables and chairs and other furniture and fittings in the place licensed shall be so arranged as to allow free and ready access to the exits.

(q) LIGHTING

(i) Provision - All parts of the place licensed shall be provided with adequate means of illumination and, except where otherwise permitted in writing by the Licensing Authority, those parts to which the public have access and all routes of escape for performers or staff shall be provided with adequate means of illumination from two independent sources.

(ii) Standard of Illumination - The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived from prepayment meters.

(iii) Segregation of the Two Systems of Lighting - Where two lighting systems are provided each shall be so installed that a fault or accident arising on one system shall not jeopardise the other.

(iv) Illumination of Exit Notices - The exit notices required by the following Condition shall be provided with adequate means of illumination from two independent sources. Where the general lighting may be dimmed or extinguished whilst the public are present in the place licensed the exit notices shall be internally illuminated and shall conform with B.S. 2560; 1978. The lighting points for the illumination of those exit notices which are not required to be internally illuminated shall be located in proximity to the notices.

(r) EXIT NOTICES

(i) Form and Position - All doors or openings approved as exits shall be clearly indicated (above the door where possible) by the word "EXIT" or the words "EMERGENCY EXIT". Where an exit or emergency exit is not immediately visible to members of the public supplementary "EXIT" or "EMERGENCY EXIT" signs and arrows shall be placed so as to indicate the location of the exit or emergency exit to the satisfaction of the Licensing Authority. All "EXIT" or "EMERGENCY EXIT" signs shall be in plain letters not less than 75 millimetres high and shall be between 2.0 and 2.5 metres above floor level. Unless otherwise

permitted by the Licensing Authority, no other notice or wording shall be incorporated in, or form part of, an exit notice.

(ii) Doors other than Exits - Any door or opening, other than an exit, which leads to parts of the place licensed accessible to the public, shall have a conspicuous notice indicating the use of such parts. Any door not usable by the public shall be similarly indicated or shall be marked "PRIVATE". Notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be provided.

(s) EXITS

(i) Doors and Fastenings - Unless otherwise permitted in writing by the Licensing Authority, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic bolts or such fastenings as may be approved by the Licensing Authority.

(ii) Exit Routes - All exit routes including passages, courts, ramps, gangways corridors and stairways, to which the public have access and which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

(t) SPECIAL EFFECTS

No laser beam or other hazardous effect may be used in the place licensed without the prior written approval of the Licensing Authority. The licensee shall give at least 21 days' written notice to the Licensing Authority of such proposed use to allow adequate consideration.

(u) DOOR SUPERVISORS

All references in this licence to door supervisors shall mean door supervisors licensed pursuant to the Private Security Industry Act 2001 by the Security Industry Authority.

(v) The licensee shall ensure that all door supervisors engaging in licensable conduct (as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001) at the place licensed are licensed in accordance with the provisions of the Private Security Industry Act 2001.

(w) The Licensee(s) shall maintain a duty register giving details of every person at the place licensed engaging in licensable conduct, as defined in section 25 and paragraph 8 of schedule 2 of the Private Security Industry Act 2001, and the Licensee(s) shall immediately provide, on request by any authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority, the following details: -

(i) the licence number, name, date of birth and residential address of that person;

(ii) the time at which that person commenced that period of duty, with the signed acknowledgement of that person;

(iii) the time at which that person finished that duty that period of duty, with the signed acknowledgement of that person;

(iv) any times during the period of duty when the person was not on duty;

(v) if that person is not an employee of the Licensee(s), the name of the person by whom that person is employed or through whom the services of that person were engaged;

(vi) the duty register shall be so kept that it can be readily inspected by a authorised Officer of the Licensing Authority, Police Officer, or authorised Officer of the Security Industry Authority

(vii) the duty register shall comprise of a bound book with pages consecutively numbered and the Licensee(s) shall ensure that it is kept in a secure environment in order to prevent unauthorised access or alteration to the same.

3 No more than 60 (sixty) persons shall be present in on the ground floor and no more than 80 (eighty) persons shall be present on the first floor in the place licensed at any one time.

4 Licensable activities are permitted on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

5 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

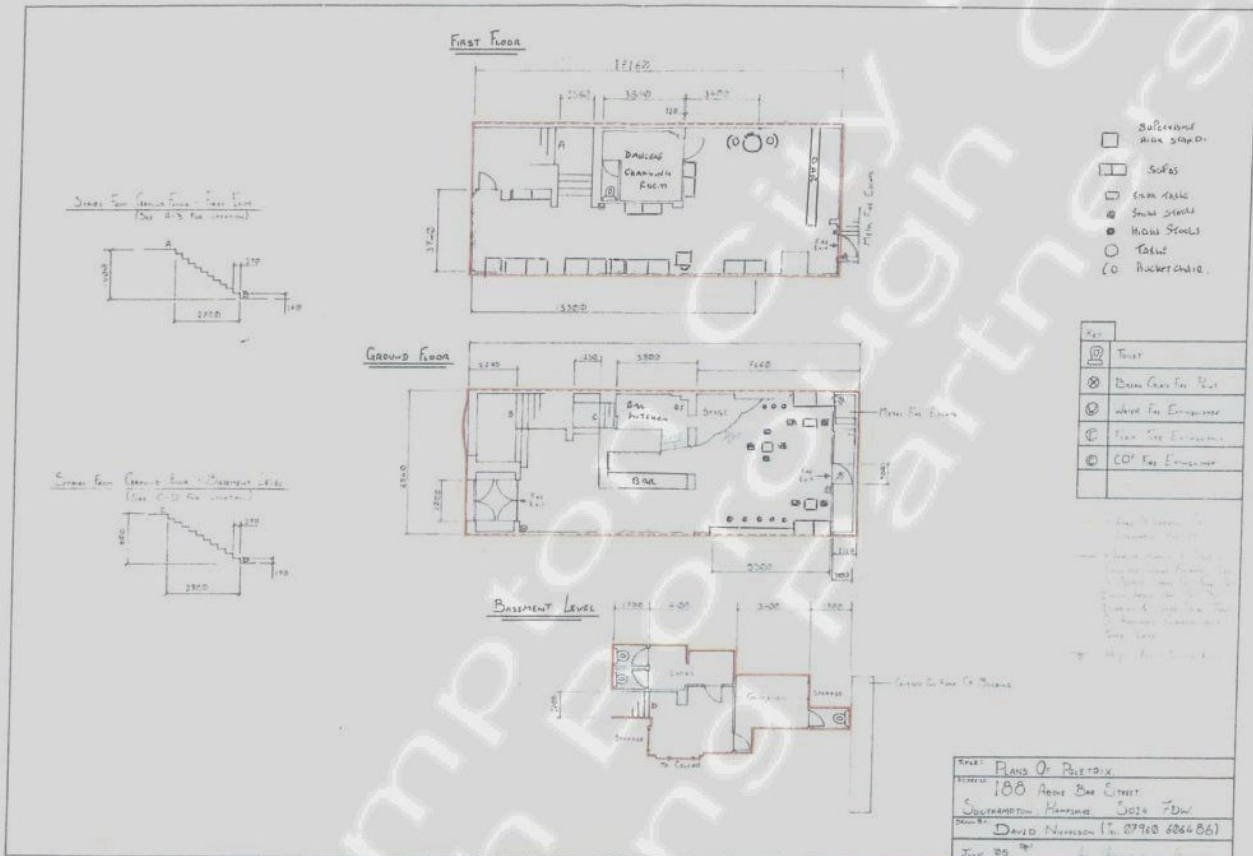
It is a condition of your licence that you comply with the extant provisions of the Children and Young Persons Act 1933, as amended.

Annex 3 – Conditions attached after a hearing by the licensing authority

To comply with the following conditions:

- (a) the recommendations contained in Stage 1 of the Acoustics be carried out to the satisfaction of the Environmental Health Officer and consideration be given, as necessary, to Stage 2 works as recommended in the report.
- (b) To investigate and comply with any planning requirements.

Annex 4 – Plans



Plan not reproduced to scale.



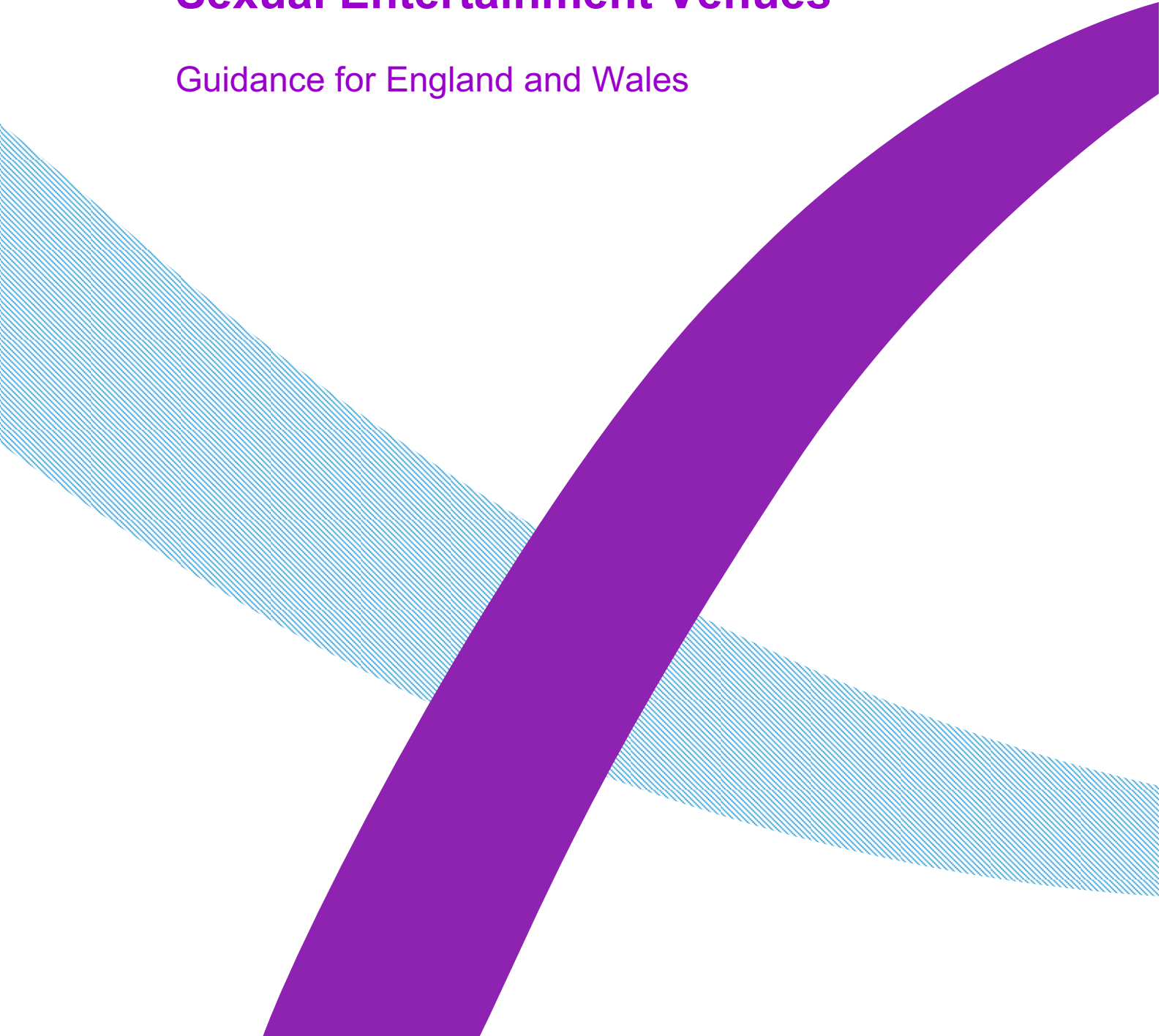
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Home Office

Sexual Entertainment Venues

Guidance for England and Wales



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MINISTERIAL FOREWORD



In September 2008, the previous Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These new measures, which take effect on 6th April 2010 in England and on 8th May in Wales, will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

These are important reforms to further empower local communities and the purpose of this guidance is to provide advice to local authorities, operators, local people and other interested parties on the new measures introduced by section 27 and the associated secondary legislation.

Alan Campbell

A handwritten signature in cursive script that reads "Alan Campbell".

Parliamentary Under-Secretary of State for Crime Reduction

March 2010

INTRODUCTION

Definitions

1.1 In this guidance –

The “2009 Act” means the Policing and Crime Act 2009

The “1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982

The “2003 Act” means the Licensing Act 2003

“Section 27” means section 27 of the Policing and Crime Act 2009

“Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

1.2 Section 27 introduces a new category of sex establishment called ‘sexual entertainment venue’, which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.

1.3 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

The Guidance

1.4 The guidance is provided for local authorities carrying out their functions under Schedule 3, as amended by section 27. It will also be of use to operators, the police and the general public.

- 1.5 Interpretation of the relevant primary and secondary legislation is ultimately a matter for the courts. However, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 1.6 The guidance is composed of 3 sections. Section 2 focuses on the 2009 Act and the definition of 'sexual entertainment venue'. Section 3 provides an explanation of the meaning and effect of Schedule 3 to the 1982 Act and section 4 provides guidance on the transitional provisions as set out in the transitional orders: *The Policing and Crime Act 2009 (Commencement No.1 and Transitional and Saving Provisions)(England) Order 2010* and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* and any equivalent orders made by Welsh Ministers in respect to Wales.
- 1.7 Apart from extending the scope of the 1982 Act to cover the licensing of sexual entertainment venues and removing the sex encounter establishment category in those local authority areas that adopt the new provisions, the 2009 Act and the associated secondary legislation makes only minor changes to the operation of Schedule 3.
- 1.8 Section 27 of, and Schedule 3 to, the 2009 Act come into force in England on 6th April as does the *Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010*. In Wales, the equivalent provisions come into force on 8th May 2010.

POLICING AND CRIME ACT 2009

Meaning of Sexual Entertainment Venue

- 2.1 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as *“any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.”*
- 2.2 The meaning of 'relevant entertainment' is *“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).”* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 2.3 While local authorities should judge each case on its merits, we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 2.4 The above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should only be treated as indicative. 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.

- 2.5 For the purposes of these provisions a premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

Nudity

- 2.6 It is important to note that although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 2.7 Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

The Organiser

- 2.8 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
- 2.9 The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for

one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

Spontaneous Entertainment

2.10 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

Premises that are not sexual entertainment venues

2.11 Paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) 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.

2.12 Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the 2003 Act, insofar as they are

providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

Amendments to the Licensing Act 2003

- 2.13 Schedule 7 to the 2009 Act amends the 2003 Act to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the 1982 Act) do not also require a premises licence, club premises certificate or temporary events notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the 2003 Act. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities, subject to any exceptions contained in that Act.
- 2.14 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.15 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from

the definition of regulated entertainment in the 2003 Act. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to. (Nor will providing entertainment facilities for the purposes of the provision of relevant entertainment be regulated entertainment under the 2003 Act).

- 2.16 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment venue licence but will instead need an appropriate authorisation under the 2003 Act, for example, to cover the performance of dance. The exemption from requirements of the 2003 Act for live music or the playing of recorded music which is integral to relevant entertainment does not apply to such venues.

Consultation with Local People

- 2.17 If a local authority has not made a resolution to adopt the provisions introduced by section 27 within one year of it coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution.
- 2.18 The purpose of this duty is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.
- 2.19 This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.
- 2.20 The 2009 Act is not prescriptive about how local authorities should consult with local people in order to comply with this duty. Local authorities have extensive experience of engaging with local people and will know what works best in their individual areas. Clearly, the Secretary of State expects that any consultation exercise carried out under this duty will be fair and meaningful. Local authorities should

seek to make any relevant information available to local people in order to inform their understanding and publish the outcomes of the consultation on the internet.

- 2.21 In practice, local authorities may decide to consult local people on this matter when they consult and involve local people on broader local priorities and crime and disorder or anti-social behaviour priorities as part of their work to develop Local Area Agreements/Local Delivery Agreements and crime and disorder strategies, as required under various existing duties, including, section 138 of the Local Government and Public Involvement in Health Act 2007 and regulation 12 of the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007. This will ensure that consultations are not onerous and form part of the ongoing engagement with local communities undertaken by all local authorities.
- 2.22 For the purposes of this duty 'local people' are defined as anyone who lives or works in the local authority area.

SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Appropriate Authority

- 3.1 The appropriate authority is responsible for determining applications for sex establishment licences. For the purposes of the 1982 Act 'appropriate authority' means the local authority which passed a resolution under section 2 of that Act to adopt Schedule 3 in their area. 'Local authority' means—
- (a) the council of a district (including a unitary County Council) or, in Wales, the principal council¹;
 - (b) the council of a London borough; and
 - (c) the Common Council of the City of London.

Committee or Sub-Committee

- 3.2 Functions under Schedule 3 are the responsibility of the full council of the appropriate authority, as defined above. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.3 An authority may delegate its functions to those who sit on its licensing committee set up to discharge licensing functions under the 2003 Act. However, when dealing with an application for a sex establishment licence, the members of the committee would not be acting as the licensing committee under the 2003 Act and would instead be exercising their functions under Schedule 3.

¹ See section 2 of the 1982 Act. Section 17 of the Local Government (Wales) Act 1994 provides that legislative references to district councils are to be interpreted as references to principal councils in Wales. Unitary County Councils have all the functions and powers of district councils.

Adopting the Provisions

- 3.4 Section 27 comes into force on 6th April 2010 in England and 8th May in Wales². On or following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area.
- 3.5 Although many local authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area. However, where a local authority has not resolved to adopt Schedule 3 to the 1982 Act before the coming into force of Section 27, the amendments made to Schedule 3 by section 27 will apply automatically if a resolution to adopt Schedule 3 is made subsequently (see Schedule 3 to the 2009 Act).
- 3.6 The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.
- 3.7 The local authority shall publish notice that they have passed a resolution under section 2 of the 1982 Act or (in cases where Schedule 3 is already in force but the local authority is adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the

² Section 27 (11) was brought into force on 2nd March 2010 but only for the purpose of making the transitional orders.

local authority's area. The notice should state the general effect of Schedule 3.

- 3.8 While there is no statutory duty to do so, prior to deciding whether to pass a resolution, local authorities may, as a matter of good practice, wish to seek the views of local people and businesses. The Secretary of State also encourages local authorities to engage with known sexual entertainment venues at the earliest possible opportunity once a decision to adopt the provisions has been made, to ensure affected businesses are aware of what action they will need to take in order to comply with the new regime.

Requirement for a Sex Establishment Licence

- 3.9 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.
- 3.10 An applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

Premises that are deemed to be Sexual Entertainment Venues

- 3.11 Paragraph 27A of Schedule 3 deems premises with licences to operate as sexual entertainment venues to be sexual entertainment venues whilst their licence remains in force, irrespective of how frequently they are or have been providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

3.12 If an operator with a sexual entertainment venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a sexual entertainment venue (e.g. because they are no longer operating as a lap dancing club) they may write to the relevant local authority to request that their licence be cancelled. Upon receiving such a request from a licence-holder a local authority must cancel the licence in question.

Notices

3.13 Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.

3.14 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.

3.15 All notices should be in the form prescribed by the appropriate authority and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.

3.16 There are similar notification requirements for applications made under the 2003 Act. Where an applicant is making an application under both Schedule 3 and the 2003 Act at the same time they may wish to combine these requirements where permitted.

Application Forms

3.17 Unlike the 2003 Act there is no prescribed application form for an application made under Schedule 3 to the 1982 Act. However, the application must be in writing and contain the details set out in paragraph 10 of Schedule 3 along with such other details as the

appropriate authority may reasonably require. Local authorities must provide for applications to be made electronically and may produce and publish recommended application forms for sex establishment licences setting out all the details required.

Single Point of Contact

- 3.18 Following amendments to sub-paragraph 10(14) made by the Provision of Services Regulations 2009, where an application for the grant, renewal or transfer of a licence is made by means of a relevant electronic facility it will be the responsibility of the appropriate authority to send a copy of an application to the chief officer of police, not later than 7 days after the date the application is received.
- 3.19 Where an application is made by any other means the responsibility to send a copy of the application to the chief officer of police within 7 days of the application being made will remain the responsibility of the applicant.
- 3.20 For the purpose of Schedule 3 a relevant electronic facility means the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009 or any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

Fees

- 3.21 Schedule 3 to the 1982 Act states that an application for the grant, renewal, variations or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.
- 3.22 However, local authorities should have regard to the following documents when determining their fee: *The European Services*

Directive: Guidance for Local Authorities³ and LACORS Guidance on the impact of the Services Directive on councils setting and administering local licence fees within the service sector.⁴

Objections

- 3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values⁵ and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

- 3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.
- 3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no

³ <http://www.berr.gov.uk/files/file50026.pdf>

⁴ www.lacors.gov.uk

⁵ R v Newcastle upon Tyne City Council ex parte The Christian Institute [2001] B.L.G.R. 165

obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.⁶

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, 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.

3.28 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred 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, renewal or transfer of such a licence if he made the application himself;

⁶ R v Plymouth City Council v Quietlynn [1998] Q.B. 114.

- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.⁷

3.31 The Provision of Services Regulations 2009⁸ amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having

⁷ Belfast City Council v Miss Behavin’ Ltd (Northern Ireland) (2007) [2007] UKHL 19

⁸ Regulation 47

regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated;
and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.⁹

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same

⁹ See *R v Peterborough City Council ex parte Quietlynn* 85 L.G.R. 249 for further guidance.

locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.¹⁰

- 3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.
- 3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

- 3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.
- 3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:
- The hours of opening and closing
 - Displays and advertisements on or in sex establishments
 - The visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another

¹⁰ R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249

- 3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on the each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

Duration of Licences

- 3.43 Licences for sex establishments can be granted for up to one year.

Appeals

- 3.44 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review.

Licensing Policies

- 3.45 While local authorities are not required to publish a licensing policy relating to sex establishments they can do so if they wish as long as it

does not prevent any individual application from being considered on its merits at the time the application is made.¹¹

- 3.46 A licensing policy for sex establishments might include statements about where local authorities are likely to consider to be appropriate or inappropriate locations for such venues. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality.
- 3.47 Local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality.
- 3.48 Local authorities can also produce different policies or a separate set of criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different sex establishments or the fact that the location that a local authority considers appropriate for a sex shop may be different to that of a sexual entertainment venue.

Offences

- 3.49 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that Schedule and include:
- knowingly causing or permitting the use of any premises as a sex establishment without a licence;
 - being the holder of a licence, knowingly employing a person in a sex establishment who is disqualified from holding a licence;
 - being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
 - being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable

¹¹ R v Peterborough City Council ex parte Quietlynn Ltd (1986) 85 LGR 249

excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;

- being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 to enter the establishment
- being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

3.50 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

3.51 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty to this offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Provisions Relating to Existing Premises

3.52 Where a local authority resolves that Schedule 3 apply in their area having not previously made such a resolution, paragraphs 28 and 29 will have effect for the purpose of sex shop, sex cinemas and hostess bars, but will not have effect for the purpose of sexual entertainment venues. The transitional provisions relating to sexual entertainment venues are explained in part 4 of this guidance.

The Services Directive

3.53 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC (“the Directive”) which was implemented in the UK by the Provision of Services Regulations 2009 (“2009 Regulations”), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3.

3.54 The Department of Business, Innovation and Skills (BIS) has produced guidance for both businesses and local authorities to assist in

understanding the impact of the Directive and 2009 Regulations and what service providers and relevant authorities must do in order to comply. Both guidance documents can be found on the BIS website: <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/page9583.html>

- 3.55 In particular, the 2009 Regulations may affect the way in which local authorities set application fees, process applications and grant licences.

TRANSITIONAL PROVISIONS

- 4.1 This section provides guidance on the transitional provisions as set out in the *Policing and Crime Act 2009 (Commencement No.1, and Transitional and Saving Provisions)(England) Order 2010* (“the *Transitional Order*”) and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* (“the *Consequential Order*”) and the equivalent orders made by Welsh Ministers for Wales.

Transitional Period

- 4.2 The ‘transitional period’ will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area (‘the 1st appointed day’). Six months following the 1st appointed day will be known as the ‘2nd appointed day’ and the day on which the transitional period ends will be known as the ‘3rd appointed day’.
- 4.3 The appointed days will vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.

Existing Operators

- 4.4 To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

- 4.5 “Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to a local authority. However, where a dispute arises between a local authority and an licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the local authority will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.
- 4.6 For the purposes of the Transitional Order a “2003 Act Licence” means a premises licence or club premises certificate under which it is lawful to provide relevant entertainment.

New Applicants

- 4.7 New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

Determining Applications Received On or Before the 2nd Appointed Day

- 4.8 Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

- 4.9 As the appropriate authority is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.
- 4.10 No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

Determining Applications Received After the 2nd Appointed Day

- 4.11 Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.
- 4.12 As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

Outstanding Applications

- 4.13 Local authorities should attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date

that Schedule 3 as amended by the 2009 Act comes into force in their area.

- 4.14 Where it has not been possible to determine application before the 1st appointed day, local authorities should advise applicants that they will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.

Existing Licence Conditions

- 4.15 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 4.16 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.
- 4.17 Where a local authority decides to grant a sex establishment licence to an existing operator, who is subject to conditions on their existing premises licence or club premises certificate that relate expressly to the provision of relevant entertainment, they may wish to replicate the existing conditions on the new sex establishment licence if they believe that the existing conditions are sufficient. However, they could equally decide to impose new conditions consistent with Schedule 3 if they believe that new or additional conditions are necessary.

4.18 Although the Transitional Order does not require redundant conditions to be physically removed from a premises licence or club premises certificate, operators and local authorities may agree that this is desirable in order to clarify the operator's legal obligations. Such changes can be made via the minor variations procedure under section 41A of the 2003 Act.

ECHR Considerations

4.19 The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

4.20 In light of the leading case of *Belfast City Council v Miss Behavin' Ltd* (Northern Ireland)¹² it would be prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. (Some Lords did not decide this point or disagreed that such rights were engaged and therefore it would still be open to local authorities to argue that such rights were not engaged in a particular case). However, in any event, the House of Lords were agreed that such rights would only be engaged at a low level. This led Lord Hoffman to say that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

¹² [2007] UKHL 19

4.21 Nevertheless, local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, Protocol 1, can be justified in the general interest.

Changes to Licensing Policies

4.22 Many local authorities who have already adopted Schedule 3 will have published a licensing policy for sex establishments. Such policies may provide a useful guide to potential applicants about whether a particular application is likely to be successful or not.

4.23 Upon resolving to adopt the sexual entertainment venue provisions introduced by the 2009 Act, local authorities should ensure that their licensing policies for sex establishments are up to date and reflect the changes introduced by Section 27. This could mean updating existing policies or producing a policy specific to regulation of sexual entertainment venues.

London

Sex Encounter Establishments

4.24 London local authorities which have adopted Schedule 3 to the 1982 Act as amended by the Greater London Council (General Powers) Act 1986 are able to regulate sex encounter establishments. However, under sub-paragraph 3A(i) premises that hold a premises licence or club premises certificate for the provision of regulated entertainment or late night refreshment are not regarded as sex encounter establishments. This means that, in practice, there are very few, if any, premises that are licensed as sex encounter establishments.

- 4.25 Therefore, the transitional provisions set out that where a local authority, which has previously adopted provisions to regulate sex encounter establishments, passes a resolution to adopt Schedule 3, as amended by section 27, the existing sex encounter establishment category will be replaced by the new sexual entertainment venue category.
- 4.26 In these circumstances, an existing sex encounter establishment licence will be treated as though it had been granted under the new sexual entertainment venue regime with any terms, conditions and restrictions carried over.

Hostess Bars

- 4.27 The hostess bar category of sex establishment, as introduced by section 33 of the London Local Authorities Act 2007, is largely unaffected by the 2009 Act provisions.
- 4.28 In cases where a London local authority has already resolved that the hostess bar category has effect in their area, they will be able to retain this category after the amendments made by the 2009 Act have been adopted and the sex encounter establishment category has been repealed, subject to the amendments made to Schedule 3 by the 2009 Act. Where London local authorities have not adopted the sexual entertainment venue provisions, it will still be open for them to resolve to adopt the hostess bar category after the 2009 Act provisions have been adopted without having to adopt the sex encounter establishment category.

Soliciting for Custom

- 4.29 Under Section 22 of the London Local Authorities Act 2004, as amended by Section 72 of the London Local Authorities Act 2007, it is an offence in London to solicit for custom for a sex establishment. However, paragraph 2A provides a defence if the premises concerned are licensed under Part 3 of the 2003 Act.

4.30 When a London local authority resolves to adopt the provisions introduced by Section 27, it will be a defence if the premises are licensed as a sexual entertainment venue under Schedule 3 of the 1982 Act or are operating lawfully under a 2003 Act licence during the transitional period at the time of the alleged offence.

ANNEX A: GUIDE TO TRANSITIONAL PERIOD AND EXISTING OPERATORS

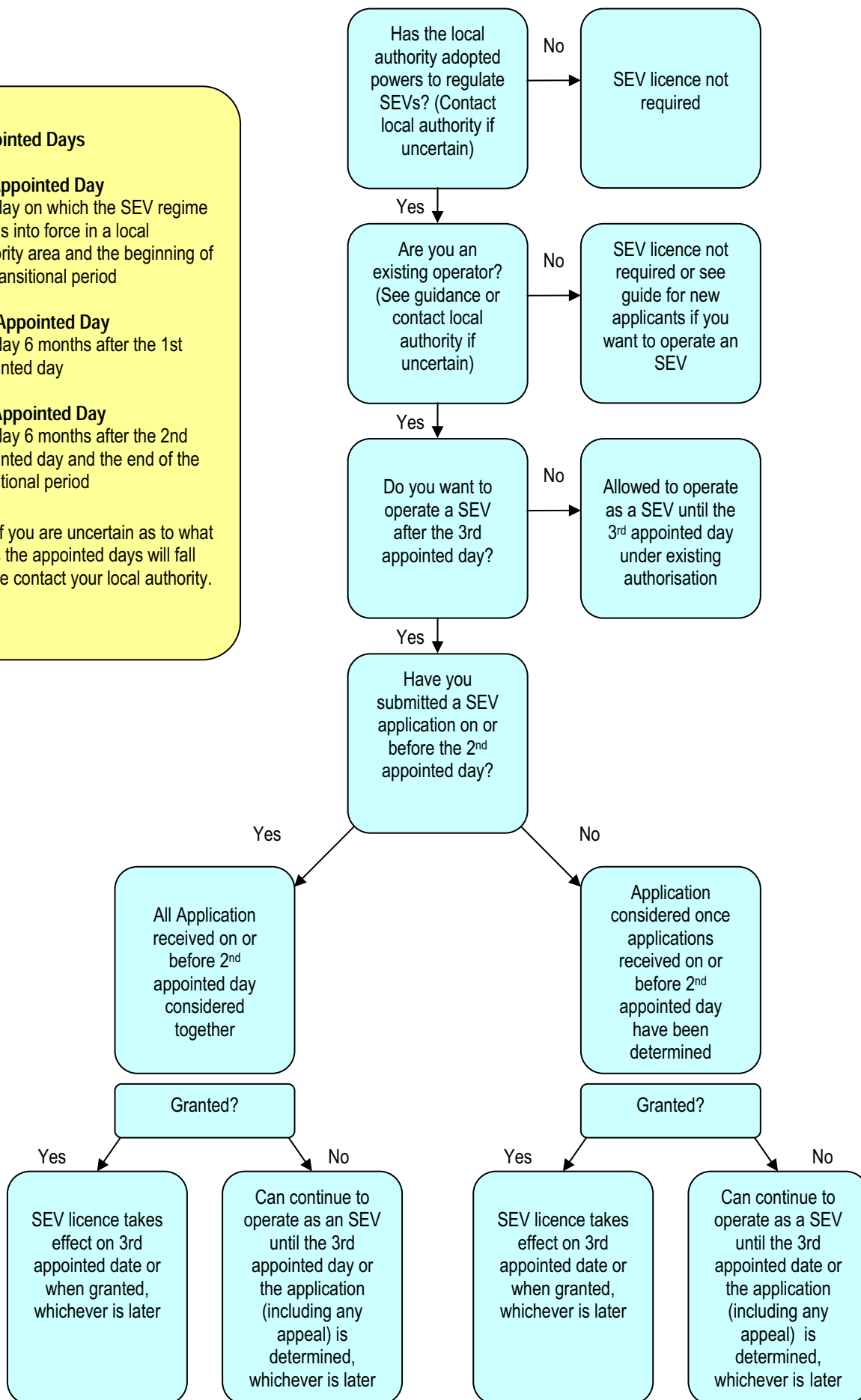
Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.



ANNEX B: GUIDE TO TRANSITIONAL PERIOD AND NEW APPLICANTS

Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.

