

Licensing (General) Sub-Committee

Wednesday, 28th June,
2023

at 10.00 am

PLEASE NOTE TIME OF MEETING Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor M Bunday
Councillor Kenny
Councillor Noon
Councillor Powell-Vaughan
Councillor Windle

Contacts

Democratic Support Officer
Emily Goodwin
Tel: 023 8083 2302
Email:
democratic.services@southampton.gov.uk

Executive Director Place
Adam Wilkinson
Email: adam.wilkinson@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences, 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
- Street trading
- Sex establishments

Members: Five members drawn from the Licensing Committee

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: Corporate Plan 2022-2030 sets out the four key goals:

- **Strong Foundations for Life.**- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life.
- **A proud and resilient city** - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study.
- **A prosperous city** - Southampton will focus on growing our local economy and bringing investment into our city.
- **A successful, sustainable organisation** - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

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

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

Dates of Meetings: Municipal Year 2021/22

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

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

Rules of Procedure

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

BUSINESS TO BE DISCUSSED

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

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY 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 of 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 an, '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

1 **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.

2 **STATEMENT FROM THE CHAIR**

3 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 19 April 2023 and 26 April 2023 and to deal with any matters arising, attached.

4 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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 parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, 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.

5 **APPLICATION FOR A VARIATION OF A SEX ESTABLISHMENT LICENCE - FOR YOUR EYES ONLY, 135-136 HIGH STREET, SOUTHAMPTON SO14 2BR** (Pages 7 - 48)

Application for variation of a Sex Establishment Licence - For Your Eyes Only, 135-136 High Street, Southampton. SO14 2BR

Tuesday, 20 June 2023

Executive Director Communities, Culture & Homes

This page is intentionally left blank

Agenda Item 3

Minutes of the Previous Meetings:-

Appendix 1 – 19 April 2023

Appendix 2 – 26 April 2023

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 APRIL 2023

Present: Councillors M Bunday, Cooper, G Galton, Noon and Vassiliou

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

RESOLVED: that the minutes for the Sub-Committee meeting on 24th March 2023 be approved and signed as a correct record.

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

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under data protection legislation.

RESOLVED: that having applied the public interest test it was not appropriate to disclose this information as the individuals' legal expectation of privacy outweighed the public interest in the exempt information.

29. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED: that at a predetermined point during the consideration of all items the Sub-Committee would move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Council's Access to information Procedure Rules would 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.

30. **LICENCE REVIEW FOR AN EXISTING PRIVATE HIRE DRIVER**

The Sub-Committee considered the report of the Executive Director – Communities, Culture and Homes to consider whether a specific individual is a fit and proper person to hold a Private Hire Driver's Licence.

The Licensing Officer, the Private Hire Diver and his legal representative 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 Driver's Private Hire Drivers Licence should be suspended for a period of one month. The Driver is also required to undertake a remedial driver's course at the first available opportunity.

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

The Sub Committee heard evidence relating to the Driver's penalty for using a mobile phone whilst driving a vehicle. It heard that he received 6 penalty points and a fine, however apart from that his record was clean.

In addition, the Sub-Committee heard that an offence had been declared immediately, and therefore within 14 days of conviction in accordance with the Licence conditions.

Convictions for using a held-hand mobile telephone or a hand-held device whilst driving, are always considered seriously and it was noted that ordinarily would lead to the revocation of the licence or a license not being granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

The Sub-Committee agreed that it was important to consider the totality of the evidence in this case. In this case, there were no complaints about the driver, and his driver's licence was clean. This was a 'one-off' offence.

The Sub-Committee must strongly warn the driver that any further conviction or complaint shall be considered alongside those matters already on record. All convictions may be taken into consideration including spent convictions.

The Sub-Committee did consider all of the options available including suspension and revocation. In light of the evidence given by the driver it was felt that revocation would not be appropriate due to the clear remorse shown and determination by the driver to ensure this does not happen again. The Sub-Committee noted the Driver's remorse, and that he did not have a passenger with him while driving.

The Sub-Committee noted that the Driver had 'overlooked' the guidance provided by the Council, and would like to take this opportunity to impress on him the importance of being familiar with the guidance and the effect of breaching it. In this instance, the Sub-Committee accept that this was a one-off offence that the driver is remorseful for, but it is important for the Driver to ensure this does not happen again.

The Sub Committee considered the Human Rights Act 1998 during its deliberation and on legal advice, accepted that personal circumstances, including financial implications, could not be taken into account.

There is a statutory right of appeal against this decision to the Magistrates' Court. Formal notification of the decision will set out that right in full.

SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 APRIL 2023

Present: Councillors Mrs Blatchford, M Bunday, G Galton, Noon and Vassiliou

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

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under data protection legislation.

RESOLVED that having applied the public interest test it was not appropriate to disclose this information as the individuals' legal expectation of privacy outweighed the public interest in the exempt information.

32. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED: that at a predetermined point during the consideration of all items the Sub-Committee would move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Council's Access to information Procedure Rules would 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.

33. **PRIVATE HIRE DRIVERS LICENCE REVIEW**

The Sub-Committee has considered very carefully the report of the Executive Director – Place, all of the supporting evidence received prior to the hearing and all of the evidence presented today by the Senior Licensing Officer and the Private Hire Driver and his representative.

The Sub-Committee has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 “the Act” and the guidelines relating to the application of the “fit and proper person” test and other considerations of character. The Human Rights Act, the Crime and Disorder Act, 1998 and the Equality Act 2010, have been borne in mind whilst making the decision.

The Sub-Committee considered the Drivers history as a licensed driver, the detailed report of the Senior Licensing Officer, and the Licensing policy, in particular the Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades.

The Sub Committee considered the Human Rights Act 1998 during its deliberation and on legal advice, accepted that personal circumstances, including financial implications, could not be taken into account.

The Sub Committee heard from the Senior Licensing Officer, the Private Hire Driver, his representative and was read a letter from a Unite representative.

RESOLVED that the Sub-Committee has considered all the facts and have decided that the driver is not a fit and proper person in accordance with the Act. Accordingly, the decision is to revoke the Private Hire Drivers Licence and that the revocation should be with immediate effect in accordance with sections 61 (1) (b) and 61 (2B) of the Act respectively.

Reasons for Decision

The Sub Committee heard evidence relating to 6 convictions for speeding and the Private Hire Driver's personal circumstances for which the Sub Committee has sympathy. However, the paramount concern for the Sub Committee is public safety. The policy points raised by the Licensing Officer were pertinent and difficult to ignore.

These state:

Private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not result in action against an existing licence. However, licence holders with multiple motoring convictions may indicate that a licence holder does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

The Sub Committee considered whether a suspension might be suitable in this case but took the view it was not. The policy makes allowance for a one off, unintentional incident but beyond that revocation should be the start point for consideration. Having heard representations from and on behalf of the Private Hire Driver, the Sub Committee did not hear anything which justified departing from the policy.

Speeding offences impact on the safety of all road users including pedestrians and as such it was decided that the decision should have immediate effect in order to promote public safety. This is in accordance with section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

There is a statutory right of appeal against this decision to the Magistrates' Court. Formal notification of the decision will set out that right in full.

DECISION-MAKER:	LICENSING (GENERAL) SUB - COMMITTEE		
SUBJECT:	APPLICATION FOR VARIATION OF A SEXUAL ENTERTAINMENT VENUE (SEV) LICENCE – FOR YOUR EYES ONLY, 135 – 136 HIGH STREET, SOUTHAMPTON. SO14 2BR.		
DATE OF DECISION:	Wednesday 28th June 2023 – 1000 HOURS		
REPORT OF:	EXECUTIVE DIRECTOR – PLACE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Ian McGuinness	Tel: 023 8083 4231
	E-mail:	ian.mcguinness@southampton.gov.uk	
Director	Name:	Adam Wilkinson	Tel: 023 8254 5853
	E-mail:	Adam.wilkinson@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY		
N/A		
BRIEF SUMMARY		
The Licensing (General) Sub-Committee is requested to determine the application for the variation of a Sexual Entertainment Venue (SEV) Licence from Hampshire Restaurants Limited in respect of For Your Eyes Only, 135 – 136 High Street, Southampton, SO14 2BR.		
RECOMMENDATIONS:		
1.	(i)	For the Sub-Committee to consider and determine the application for the variation of the Sexual Entertainment licence in respect of 135 – 136 High Street, Southampton.
REASONS FOR REPORT RECOMMENDATIONS		
2.	The determination of applications for variation of sexual entertainment licences is not delegated to officers, therefore it is for the sub-committee to consider and determine the application.	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED		
3.	None	
DETAIL (Including consultation carried out)		
4.	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 3 rd July 1995.	
5.	The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 with effect from 6 th 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.	

	<p>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.</p> <p>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.</p> <p>The effect of the transitional period is that existing operators, who, immediately before the first appointed day, had a Licensing Act 2003 premises licence and lawfully used the premises as a sexual entertainment venue under that licence (or were undertaking preparatory work to use the venue in that way), were 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 the 20th February 2013 (the “second appointed day”), whichever is later.</p> <p>After the third appointed day, the regime, and any licences granted, will be fully in force.</p> <p>The Legislation – Definitions</p> <p>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.</p> <p>A sexual entertainment venue is defined as: <i>“Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer.”</i></p> <p>Relevant entertainment is defined as: <i>“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).”</i></p> <p>It should be noted that an audience can consist of just one person e.g. when the entertainment takes place in private booths.</p> <p>Relevant entertainment is therefore different from regulated entertainment as defined in the Licensing Act 2003.</p>
6.	<p>Hampshire Restaurants Limited has held a sexual entertainment venue (SEV) licence in Southampton since 22nd October 2015 following a transfer application issued with delegated powers, with the licence to be renewed annually.</p> <p>Hampshire Restaurants Limited operate another Sexual Entertainment Venue in Bournemouth.</p>
7.	<p>On 26th April 2023 an application was made by Hampshire Restaurants Limited to vary the Sexual Entertainment Venue licence in respect of 135 -136 High Street, Southampton. The application submitted is a request extend the current trading hours as a Sexual Entertainment Venue. A copy of the application is attached as Appendix 1.</p>
8.	<p>In summary, the applicant has requested to make the following changes;</p>

	To extend the permitted hours from currently 0430 hours (0500 hours incorrectly stated on the application) to 0600 hours and for last admission to 0500 hours. (Not currently stated on the SEV licence)
9.	There is no requirement under the Act to advertise a variation of the licence in a newspaper. A notice was displayed at the premises throughout the consultation period. There is no formal mechanism of consultation for this process, although a copy of the proposed variation was served on Hampshire Constabulary Force Licensing Team.
10.	The Hampshire Constabulary Force Licensing Team have responded to this application stating they have no concerns with this application. A copy is attached as Appendix 2 .
11.	The Sex Establishment licence held by Hampshire Restaurants Limited is renewed annually. The current licence expires on the 19 th August 2023. A copy of the current Sexual Entertainment Licence is attached as Appendix 3 . Previous renewal applications have been granted following no representations to the application.
12.	A similar variation application of the Licensing Act 2003 premises licence was received by the Licensing Authority on the 30 th May 2023 to extend the licensed hours in line with this application. (Currently in the consultation period when report was written) A copy of the current Licensing Act 2003 premises licence is attached as Appendix 4 .
13.	Paragraph 18 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the holder of a sexual entertainment venue (SEV) licence may at any time apply for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
14.	The authority may; <ul style="list-style-type: none"> • Make the variation specified in the application; or • Make such variations as they think fit; or • Refuse the application.
15.	Any person objecting to an application for the variation of a Sexual Entertainment Venue (SEV) licence is required to give notice of their objection in writing to the local authority, not later than 28 days after the date of the application. No objections were received in relation to this application within the 28 day consultation period.
16.	An applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused may appeal within twenty-one days of the giving of written notice of the grounds of the refusal, to the Magistrates' Court.
17.	A note of the procedure that the Sub-Committee has adopted for consideration of applications of this kind is attached as Appendix 5 .
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
18.	There are no financial implications.
<u>Property/Other</u>	
19.	Not applicable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	

20.	<p>Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.</p> <p>A licence must not be granted:</p> <p>(a) to a person under the age of 18;</p> <p>(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;</p> <p>(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</p> <p>(d) to a body corporate which is not incorporated in an EEA State; or</p> <p>(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.</p>
21.	<p>If the Sub-Committee determines to grant a variation application, 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.</p> <p>Examples of the matters that standard conditions may address can include, but are not restricted to:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
Other Legal Implications:	
22.	<p>CRIME AND DISORDER ACT 1998</p> <p>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.</p>
23.	<p>HUMAN RIGHTS ACT 1998</p> <p>The 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.</p>
24.	<p>EQUALITY ACT 2010</p> <p>Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any</p>

	other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
25.	RISK MANAGEMENT IMPLICATIONS The risk is assessed as low. There are no finance or service delivery implications. Failure to implement the appropriate conditions could impact on reputational damage.
POLICY FRAMEWORK IMPLICATIONS	
26.	The decision to determine the application in the manner set out in this report is not contrary to the council's policy framework.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Application for the variation of SEV licence made in respect of For Your Eyes Only, 135 – 136 High Street, Southampton, SO14 2BR.
2.	Hampshire Constabulary Force Licensing Team response
3.	A copy of the current Sexual Entertainment Venue licence.
4.	A copy of the Licensing Act 2003 premises licence.
5.	Procedure for hearing the application.
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) 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	

**Application for the Variation of a
Sex Establishment Licence** (delete as appropriate)

Appendix 1



**SOUTHAMPTON
CITY COUNCIL**

Please read the following notes before completing this form

- A** All questions must be answered except where otherwise stated. If relevant questions are not answered, the application form will be rejected and returned to the applicant for amendment.
- B** 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 an unlimited fine.
- C** 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.
- D** When fully completed, a copy of this form, plans and other accompanying documents must be sent to the Chief Officer of Police:

E-mail: licensing@hampshire.police.uk

Phone:

Post/in person: Force Licensing Team, Hampshire Constabulary, Southampton Central Police, Southern Road, Southampton SO15 1AN

- E** Send this fully completed form, together with the fee, plans and accompanying documents to the Council's Licensing Team at the address below.

Contacting the Licensing Team:

If you require further information, you may contact the Licensing Team as follows:

Email: licensing@southampton.gov.uk

Post: Licensing Team, Civic Centre, Southampton SO14 7LY

Phone: 023 8083 3002 (option 4)

In person: Licensing Team, Civic Centre, Southampton SO14 7LY

Payments

You must pay for your licence application before it can be accepted. We can accept payment by debit or credit card, by cheque or in cash. Please note that a subsequent failure of a cheque to clear will invalidate your application and may give rise to a criminal offence.

Application for a Sex Establishment Licence

I/We hereby apply for the VARIATION of a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1983 as follows:

1.	<p>General information (all applicants must complete this section)</p> <p>What type of licence are you applying for? A sex shop licence <input type="checkbox"/> A sex cinema licence <input type="checkbox"/> A sexual entertainment venue licence? <input checked="" type="checkbox"/></p> <p>Are you applying as: (please tick): An individual <input type="checkbox"/> A registered company <input checked="" type="checkbox"/> A partnership <input type="checkbox"/></p> <p>Please state your trading name: For Your Eyes Only</p> <p>Is this application for: (please tick): Grant of a new licence <input type="checkbox"/> renewal <input type="checkbox"/> variation <input checked="" type="checkbox"/> or transfer <input type="checkbox"/> of an existing licence? If renewal, variation or transfer, please provide the existing licence number:</p>
THE APPLICANT	
2.	<p>Application by an Individual (complete this section only if the application is by an individual)</p> <p>Title (please tick): Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Other <input type="checkbox"/> (please state):</p> <p>Surname: _____ Forenames: _____</p> <p>Maiden name or any other surnames you have been known by:</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Postcode:</p> <p>Position/Role in the business:</p>
3.	<p>Application by a Partnership (complete this section only if the application is by a partnership)</p> <p>You must supply information in respect of every partner – where there are more than two partners then please use a continuation sheet</p> <p>Title (please tick): Mr <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Other (please state):</p> <p>Surname: _____ Forenames: _____</p> <p>Maiden name or any other surnames you have been known by:</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Postcode:</p>
	<p>Title (please tick): Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Other <input type="checkbox"/> (please state):</p> <p>Surname: _____ Forenames: _____</p> <p>Maiden name or any other surnames you have been known by:</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Postcode:</p>

4.	Application by a Registered Company (complete this section only if the application is by a registered company)	
	Registered company name: Hampshire Restaurants Limited Registration number: 08502833 Address of the company's registered office: Bottom Cottage, Owslebury Bottom, Winchester Postcode: SO21 1LY	
	Please provide the following details for every director, shadow director and the company secretary – where necessary please use a continuation sheet.	
	Role: Director Title (please tick): Mr. <input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Other <input type="checkbox"/> (please state): Surname: Ivins Forenames: Emily Jane Maiden name or any other surnames you have been known by: Lane Date of birth: Residential address: I Postcode	
	Role: Title (please tick): Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Other <input type="checkbox"/> (please state): Surname: Forenames: Maiden name or any other surnames you have been known by: Date of birth: Residential address: Postcode:	
5.	Contact Details (all applicants must complete this section)	
	We will use your business address to correspond with you unless you indicate we should use your Residential address	
	Business Address: Postcode:	Telephone nos. Daytime: Evening: Mobile:
	Residential address:	Email address: Website address:
	Please use my Residential address for correspondence Yes <input type="checkbox"/> No <input type="checkbox"/>	
	If you have appointed a legal advisor or other agent to act for you, please give their details and reference number here:	
	Name: Address: Post code 'Phone number: Email address: Reference no.:	Clifford Morris Paris Smith LLP, 1 London Road, Southampton SO15 2AE

APPLICATION FOR VARIATION OF SEVL

NUMBER 9 ON FORM

Name and address of person who has a shareholding of more than 10% in the company:-

Alexander Peter Ivins

THE PREMISES, VEHICLE, VESSEL OR STALL	
12.	Is the application in respect of: a premises <input checked="" type="checkbox"/> a vehicle <input type="checkbox"/> a vessel <input type="checkbox"/> a stall <input type="checkbox"/>
	If the application is in respect of a vehicle, vessel or stall, where is it proposed that it shall be used?
13.	If the application is in respect of a premises, give the full postal address: For Your Eyes Only, 135-136 High Street, Southampton Postcode: SO14 2BR
14.	Is the whole of the premises to be used as a sex establishment? Yes If not, give a description of the use of the remainder of the premises: The names of those responsible for managing the remainder of the premises:
15.	State the nature of the applicant's interest in the premises, vehicle, vessel or stall (e.g. freehold owner, lessee, sub-lessee etc.) Lease
16.	If the applicant has tenure of the premises other than as freeholder, state: The name and address of the landlord: Mr & Mrs Talwar c/o Polystar Plastics Ltd The amount of the annual rental; The length of the unexpired term The length of notice required to terminate the tenancy break clause
17.	What is the current use of the premises? Sex Establishment Venue
18.	Is there planning permission for use of the premises, vehicle, vessel or stall as a sex establishment? Yes If yes, give the date of that permission 01/01/2013
19.	If there is no planning permission for use of the premises, vehicle, vessel or stall as a sex establishment, give full details as to whether and why the use of the premises is a lawful use:
20.	Are the premises, vehicle, vessel or stall licensed now or intended to be licensed under any other legislation e.g. the Licensing Act 2003? Yes If so, give the nature and reference number of each licence:
21.	Is customer access to the premises, vehicle, vessel or stall: Directly from the street? Yes From other premises? No If from other premises, give full details below:
22.	Are all points of customer access to be supervised at all times that the premises are open for business? Yes
23.	Give full details of door control and supervision of access to the premises, including whether those controlling access are licensed by the SIA: as currently in force control of access by personal licensed by the SIA

24.	Give details of the measures proposed to ensure that any person entering the premises is over 18 years of age, including what forms of ID will be accepted: Identification checks at the door as approved by Hampshire Constabulary as contained in Condition 8 of the current SEVL
25.	Give full details of any proposed exterior signage, advertising, window displays etc. at the premises - include photographs, illustrations etc.: as currently on the premises under the current licence.
26.	Give full details of the measures to be taken to comply with the Indecent Displays (Control) Act 1981, as amended, including the means by which persons outside the premises will be prevented from seeing the interior: as set out in the current conditions
27.	If the premises are to be used as a sexual entertainment venue, provide full details of:
(a)	the type and nature of the entertainment to be provided: as before - per licence
(b)	arrangements for the separation of performers and audience: as before - per licence
(c)	what contact, if any is to be permitted between performers and audience will be permitted: as before - per licence
(d)	where sexual entertainment will take place (e.g. open areas, private booths or both): as before - per licence
(e)	What measures will be put in place to supervise sexual entertainment, the conduct of performers and audience (e.g. security staff, CCTV, etc). Enclose copies of any codes of conduct or similar documents and clearly indicate the sanctions which will be taken by the management of the venue for any breaches of them: as before - per licence
(f)	What measures are in place to ensure compliance with the law by the business and persons employed in the venue in whatever capacity, in particular in connection with human trafficking and modern slavery? as before - per licence
TYPE OF APPLICATION	
28.	Renewal If the application is for renewal of an existing licence, have there been any changes in the business since the last grant of a licence? No If Yes, give full information here:
29.	Variation If variation of an existing licence is sought, give full details here: to extend the operating hours from closure at 5.00am to 6.00am and to change the last admission time until 5.00am Ensure that you include plans and other documents clearly showing what is proposed and indicating which existing licence conditions it is proposed should be varied.
30.	Transfer If the application is for transfer of an existing licence, do you enclose the signed consent of the previous licence holder to the transfer? No

31. Other information in support of the application

Use this part of the application to set out any additional information which you wish the licensing authority to take into account when considering the application:

None of the other operating conditions will change from those previously agreed between the applicant police and local authority.

MANAGEMENT				
32.	Give details of the person who will be responsible for the day to day management of the business ("the manager"): Full name: Rebecca Anne Cocker Residential address: Postcode: Date of birth:			
33.	Will the manager be based at the premises, vehicle, vessel or stall and will the management of the business be that person's sole and exclusive occupation? Yes			
34.	Give details of the arrangements for the day to day management of the premises in the absence of the manager: Mr Jonathan Grubb, include full names, residential addresses and dates of birth of such persons.			
35.	On what days and at what times will the business will be open:			
	Day	From	To	Give details of any proposed exceptions to the hours given
		(use 24 hour clock)		
	Monday	10:00	06:00	
	Tuesday	10:00	06:00	
	Wednesday	10:00	06:00	
	Thursday	10:00	06:00	
	Friday	10:00	06:00	
	Saturday	10:00	06:00	
	Sunday	10:00	06:00	
36.	I enclose detailed scale plans, colour photographs and designs illustrating the interior and exterior of the premises, vehicle, vessel or stall giving, in particular, details of the proposals in respect of exterior signage and advertising, including the nature, content and size of signage and any images to be used (this will not be necessary in case of an application for transfer or renewal where no changes have taken place since the last grant of a licence.			<input type="checkbox"/>
37.	Payment (all applicants must complete this section)			
	I will pay the application fee for a sex establishment licence by: Debit or credit card <input checked="" type="checkbox"/> Cheque <input type="checkbox"/> Cash <input type="checkbox"/> (please tick)			
38.	Checklist (all applicants must complete this section)			
	The form is fully completed, signed and dated by each individual, partner or the company secretary			<input checked="" type="checkbox"/>
	The fee is enclosed			<input checked="" type="checkbox"/>
	Continuation sheets, clearly marked to indicate the question numbers, are enclosed			
	Plans and other documents are enclosed			

39.	Declaration (all applicants must complete this section)
	<p>The information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a false statement which I know to be false in any material respect or which I do not believe to be true in connection with an application for the grant of a sex establishment licence I will be guilty of an offence and liable on summary conviction to an unlimited fine.</p> <p>I understand that Southampton City Council may consult other agencies about my suitability to be granted a sex establishment licence, and that those other agencies may include other local authorities and the police.</p> <p>I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be granted a sex establishment licence. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences. Some details will also be displayed in the council's public register of licences.</p> <p>I understand that the licensing authority may be required by law to disclose, from time to time, further information relating to applications and licences to the appropriate authorities for the purposes of law enforcement and the prevention of fraud.</p> <p>More detailed information about the Council's handling of your personal data can be found in its privacy policy, available online (http://www.southampton.gov.uk/privacy), or on request.</p>
	An individual applicant (section 2) or all partners (section 3) or the company secretary (section 4) must complete this section
	Signed: _____ Dated <u>13/04/23</u> Name (please print) <u>EMILY IVINS</u> Capacity of signatory: <u>DIRECTOR</u>
	Signed: _____ Dated _____ Name (please print) _____ Capacity of signatory: _____
	Signed: _____ Dated _____ Name (please print) _____ Capacity of signatory: _____
	Signed: _____ Dated _____ Name (please print) _____ Capacity of signatory: _____

From: [Scott, Lee \(25597\)](#)
To: [McGuiness, Ian](#)
Subject: FYEO
Date: 10 May 2023 16:36:22

This Message Is From an External Sender
 This message came from outside your organisation.

[Report Suspicious](#)

Good afternoon Ian,

With respect to the SEVL application from For Your Eyes Only there are no concerns or representations against it from Police. I have spoken with the licence holder regarding this about the necessity to change the premises licence in due course in order to be able to use the SEVL if and when granted.

If you would like any more on this subject let me know.

Kind regards
 Lee

*PC 25597
 Lee Scott
 Licensing & Alcohol Harm Reduction Team
 Southampton Central Police Station
 EXT: 4744226*

 This email contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee(s) and any views or opinions expressed within are those of the originator and not necessarily those of the Force. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this email or the information contained is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to informationsecurity@thamesvalley.police.uk and to the sender. Please then delete the email and destroy any copies of it. DO NOT use this email address for other enquiries as it will not be responded to, nor any action taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.

This page is intentionally left blank



Licence Number

2022/02156/19SEXE

SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 2

SOUTHAMPTON CITY COUNCIL by virtue of the powers contained in section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, hereby grants to:

Hampshire Restaurants Ltd.

of the following address:

Bottom Cottage
Owlesbury Bottom
Winchester
SO21 1LY

A licence to use the premises known as

For Your Eyes Only

and situate at

**135 - 136 High Street
Southampton
SO14 2BR**

in the City of Southampton as a

SEXUAL ENTERTAINMENT VENUE

This licence has effect from 20th day of August 2022 until

19th day of August 2023

The permitted hours of this licence:

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30

SUBJECT TO THE FOLLOWING CONDITIONS:

1 Annex 1 - The Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues

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 1.5 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:
 - o Ensure that the frontage is of a discreet nature
 - o Ensure that it is appropriate to the character of the locality.
4. General
- 4.1. 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.
- 4.2. The council may substitute, delete, vary or amend these conditions at any time.

Additional Conditions for Premises Operating as Sexual Entertainment Venues

5 External Appearance of the Premises and Public Displays of Information

- 5.1 The grant of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 of the Act.
- 5.2 The Premises shall be maintained in good repair and condition.
- 5.3 The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises.
- 5.4 At no time shall performances be capable of being seen from outside of the premises
- 5.5 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 5.6 The copy of the licence and of any Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Act shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed aforesaid shall be suitably protected and the copy of any Regulations shall be retained in a clean and legible condition.
- 5.7 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.
- 5.8 Any external displays or advertising may only be displayed with the prior approval of the Council.
- 5.9 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior of the premises.
- 5.10 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.
- 5.11 Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 5.12 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.
- 5.13 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.
- 5.14 The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

5.15 The use of flyers and similar promotional material for the premises is prohibited.

6 Control of Entry to the Premises

6.1 The Licensee must ensure that a sufficient number of authorised door supervisors are employed in the premises to check entrants; enforce the venue Drugs Policy, House Rules and Dancer Code of Conduct; complete the incident book as necessary and supervise customers and performers whilst sexual entertainment is provided.

6.2 No person under the age of 18 shall be admitted to the premises at any time that it is offering sexual entertainment and a notice to this effect shall be clearly displayed at the entrance(s) to the premises.

6.3 The Licensee will operate a Challenge 25 Policy whereby prospective customers who appears to be aged 25 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.

6.4 Information shall be clearly displayed within the internal exit areas of the premises, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.

6.5 Prospective customers shall be informed of the House Rules.

7 Advertising

7.1 The Licensee shall not permit the display on the exterior of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which may offend public decency.

7.2 The Licensee shall have regard to the Advertising Standards Authority CAP Code.

7.3 Where the Council has given notice in writing to the Licensee objecting to any public advertisement on the grounds that, if displayed, it would offend public decency or be likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

8 CCTV

8.1 The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of the Police. The equipment will be password protected and have a constant and accurate time and date generation.

8.2 CCTV shall be installed in any private performance areas. Such areas will also be specifically monitored.

8.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection legislation at the time). The said images shall be downloaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.

8.4 Records must be made on a weekly basis and retained for at least one year to demonstrate that the CCTV system is functioning correctly and that data is being securely retained. These will be made available to a police officer or authorised Council officer on request.

8.5 In the event of a technical failure of the CCTV equipment the Licensee must report the failure to the Southampton Police Licensing unit.

9 Performers

9.1 Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.

9.2 Performers must remain fully dressed in public areas and in all other areas except while performing.

9.3 No personal performances shall be given to customers seated at the bar or to standing customers.

9.4 Performers must re-dress when the performance has ended.

9.5 Performers must not perform a nude table dance unless in a supervised area and within sight of a floor supervisor.

9.6 Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.

9.7 There shall be no intentional full body contact between customers and performers during a performance except for the placing of money or tokens into the hand or garter of the performer at the

beginning or conclusion of the performance.

9.8 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.

9.9 No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.

9.10 Performers must not engage with the customer in any act of, or communication likely to lead to an act of, prostitution or solicitation.

9.11 The Licensee is to implement a policy for the safety of the performers when they leave the premises.

10 Customers

10.1 Customers must remain seated during the entire performance of a private dance.

10.2 Customers must remain fully dressed at all times.

11 Conduct of Performers and Rules relating to performances of sexual entertainment

11.1 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.

11.2 All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in the Code of Conduct for Dancers included within this policy.

11.3 No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.

11.4 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.

11.5 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.

11.6 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.

12 Code of Conduct for Customers

12.1 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.

12.2 The code shall include the basic criteria as set out in the Code of Conduct for Customers included within this policy.

12.3 The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.

12.4 No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.

12.5 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.

12.6 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.

12.7 On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.

12.8 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.

13 Disciplinary Procedure for Performers

13.1 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.

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

13.3 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.

14 The Protection of Performers and the Prevention of Crime on the Premises

14.1 Performers shall be provided with secure and private changing facilities.

14.2 All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.

14.3 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

14.4 The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.

14.5 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.

14.6 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.

14.7 Any private booths shall be fitted with a panic button or security alarm.

15 Record Keeping and Management

15.1 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.

15.2 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.

15.3 Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.

15.4 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.

15.5 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.

16 Dress Code

16.1 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:

o 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.

o The performer may not simulate any sexual act during a performance.

o Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.

o Performers must not touch the breasts, anus or genitalia of another performer, at any time as part of a performance.

o 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.

o 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.

o Performers must fully dress (i.e. no nudity) at the end of each performance.

o Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.

o There shall be no photography permitted by customers on the premises.

o Customers must remain seated for the duration of a performance.

o Performers shall not arrange to meet, or have further contact with, customers outside of the premises.

o Dancers shall not perform if under the influence of alcohol or drugs.

o 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:

- o Customers may not touch dancers during a performance.
- o Customers may not make lewd or offensive comments to performers.
- o Customers must not harass or intimidate performers.
- o Customers must not ask dancers to perform any sexual favour.
- o Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- o 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.

2 Annex 2 - Additional Conditions

Additional Condition relating to Conduct of Performers and Rules relating to performances of sexual entertainment

1. Only topless dances are to be carried out in private booths during a sit down. If dancers are requested to do nude dances they must take place in a designated dance booth.

Additional Conditions relating to Code of Conduct for Customers

2. All dancers shall be provided with an asked to sign to state they have received a copy of the Code of Conduct of Customers. This is to save confusion and clearly outline what is and what is not acceptable behaviour. Dancers shall challenge customers if their code is being breached and if the behaviour continues the dancer is to withdraw from the customer and report the behaviour.

3. Should a dancer fail to challenge behaviour of a customer, management are to treat this as a disciplinary procedure and incorporate it into the disciplinary policy.

Additional Conditions relating to Disciplinary Procedures for Performers

4. Dancers shall not attract more than 3 warnings, whether verbal or written in any 12 month period before a more serious sanction is considered.

5. All dancers shall attend quarterly staff meetings, if a dancer fails to attend such a meeting, the reasons for not attending shall be recorded. The dancers shall face further disciplinary action should they fail to attend two meetings in a row. The meeting will be an opportunity for the management to re-train and advise of the code of conduct and to ensure the dancers have a duty of care to the venue.

Additional Conditions relating to the Protection of Performers and the Prevention of Crime on the Premises

6. SIA Security shall monitor the behaviour of both staff and customers to ensure that their actions do not constitute a breach of this licence. If a private booth is being utilised for two consecutive private dances of 30 minutes or more, security shall visit the booth to ensure that both the dancers and customers code of conduct is being adhered to.

Additional Conditions relating to Record Keeping and Management

7. A member of the management team shall engage with any customer who has been in a private area for more than 1 hour. The purpose of the engagement is to ensure that his welfare is being considered. Whilst that visit is being conducted, the dancer (s) shall leave the booth area and be out of the line of sight. This engagement shall then be documented detailing the time, manager's name, and very brief description of engagement.

8. Any transaction for £500 or over shall be made at the reception area by the patron and facilitated by a manager. A further welfare engagement check shall be made at this time and documented as in condition 7. No dancer shall be in the immediate area whilst this interaction and payment process is facilitated.

9. If a customer is deemed fit as per conditions 7 and 8 then they shall be spoken to by a manager to advise on amounts spent at a regular threshold. Every time £2500 is spent the customer shall have a recorded conversation with a manager who will advise of the amount reached, no dancer shall be in the immediate area whilst this discussion takes place. This can be on a body worn in a booth if the customer

has already or recently been to the front reception desk to make payment as per condition 8. During this conversation the amount spent must be clearly stated and a capacity assessment should be recorded by the manager speaking with the customer.

10. A record shall be made of all VIP sit downs conducted by each dancer in the form of a spread sheet. This record is to be maintained daily by the management team. Any dancer earning £1000 or more on a sit down shall have those interactions investigated by the management team. No funds shall be released to that dancer until that investigation has been concluded and signed off.

11. CCTV audit checks shall be made by the senior management team. New dancers shall have a minimum of two private dances audited within the two weeks of employment. Each dancer shall have two random private dances viewed every month to ensure that the codes of conduct are being adhered to. A record of this viewing shall be made.

12. Any new dancer who has previous experience working in a SEV elsewhere shall inform the management of the previous venues and locations where they have worked. This shall be incorporated into the recruitment process by the management to allow them an opportunity to verify the information provided. Failure to provide this information will invoke the disciplinary procedure.

13. The licence authorises an additional hour to the terminal hour on change of GMT to BST as well as on the following occasions:

Bank Holiday Friday - Bank Holiday Monday inclusive; and

The day before Christmas Eve until Boxing Day (excluding Christmas Day).

On New Year's Eve the permitted hours are from the terminal hour to the commencement of hours on New Year's Day.

14. Whilst the premises is operating under this SEVL it shall also adhere to the Licensing Act 2003 Premises Licence associated with the premises. As such any breach of the SEVL shall also constitute a breach of the premises licence.

Dated this 31st day of August 2022

Licensing Manager

Licensing – Southampton City Council
Civic Centre
Southampton
SO14 7LY



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number 2020/03502/01SPRM

Part 1 – Premises details

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

For Your Eyes Only
135 - 136 High Street
Southampton
SO14 2BR

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films
Live music
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

Films

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30

Live music

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30

Recorded music

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30

Performances of dance

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30



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

Monday	10:00 - 04:30
Tuesday	10:00 - 04:30
Wednesday	10:00 - 04:30
Thursday	10:00 - 04:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 04:30



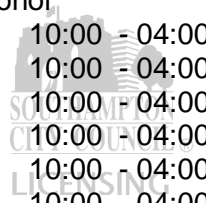
Provision of late night refreshment

Monday	23:00 - 05:00
Tuesday	23:00 - 05:00
Wednesday	23:00 - 05:00
Thursday	23:00 - 05:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 05:00



Supply by retail of alcohol

Monday	10:00 - 04:00
Tuesday	10:00 - 04:00
Wednesday	10:00 - 04:00
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	10:00 - 04:00



The opening hours of the premises

Monday	10:00 - 05:00
Tuesday	10:00 - 05:00
Wednesday	10:00 - 05:00
Thursday	10:00 - 05:00
Friday	10:00 - 05:00
Saturday	10:00 - 05:00
Sunday	10:00 - 05:00



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

Hampshire Restaurants Ltd.
Bottom Cottage
Oweslebury Bottom
Winchester
SO21 1LY

Electronic Mail



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

08502833

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

Rebecca Cocker



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: 2680/1

Licensing Authority: New Forest District 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 7th day of November 2020;

Licensing Manager
Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA

Annex 1 – Mandatory Conditions

1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 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.

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 The admission of children to films exhibited at the club is restricted in accordance with section 74 of the Licensing Act 2003.

5 (1) The responsible person must 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

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

8 The responsible person must ensure that

- (a) where any of the following alcoholic drinks is 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

1 NON STANDARD TIMINGS

The above licensable activities are permitted for an additional hour on change of GMT to BST as well as on the following occasions:

Bank Holiday Friday - Bank Holiday Monday inclusive; and
the day before Christmas Eve until Boxing Day (excluding Christmas Day).

On New Years Eve the permitted hours are from the terminal hour to the commencement of hours on New Years Day.

On a maximum of 12 occasions during each year to hold events outside operating times where details of activity and arrangements are notified to the Council and Police 10 days in advance with the police giving written consent in the case of each activity.

2 LAST ENTRY

Last entry time 03.30.

Save for genuine guests of the management team, there will be a minimum new entry charge of £10 after 03.00.

Unless previously pre-booked, no groups of more than 7 persons will be allowed to enter after 03.00

3 PROTECTION OF CHILDREN FROM HARM

Under 18's will not be permitted on the premises.



4 PUBLIC SAFETY

The maximum number of persons who can be accommodated on this site will be 352 (300 on ground floor and 52 in the basement). This figure will not be exceeded without the express permission from the Fire and Environmental Health Officers.



5 PREVENTION OF CRIME AND DISORDER

The Golden Rules regarding customer behaviour will be implemented at all times that the premises are operating with adult entertainment. A copy of these Rules is deposited with the Council and Police and will not be altered without their consent.



The content of the Rules will be made known to customers prior to their admission to the dancing area.

The management team will continue to participate in the Pub watch or similar scheme for so long as the same is adequately supported by other sites in the town. The same will apply to any other initiatives which encourage a partnership approach to dealing with issues relating to crime and disorder.

A member of the management team will be on the premises at all times that licensable activities are taking place.

6 PREVENTION OF PUBLIC NUISANCE

The two sets of doors, which form a lobby at the entrance of the premises shall not be fixed in an open position after 21:00 when public music and dancing is provided.

Notices will be displayed at the exit asking customers to leave the premises and the area quietly and to respect the needs of local residents.

There will be no pyrotechnics, fireworks, explosives or similar unless specifically authorised by the Licensing Authority.

No refuse, including kegs and bottles, will be moved or placed outside the premises between the hours of 23:00 and 07:00.

No open containers of alcohol shall be taken from the premises.

7 Covid amended condition-

This is a temporary override of condition 2 under Annex 3 titled SIA Numbers.

SIA numbers will be determined by way of a risk assessment by the venue. There will be a minimum of 1 SIA registered security staff at the premises whilst it is open.

A written risk assessment shall be completed to determine the requirement for occasions where increased numbers of SIA may be required. The risk assessment shall contain considerations of SIA numbers should there be an easing of the terminal hour currently set by Government at 22:00 and it shall also refer to any relaxations allowing increased capacity.

At any such time the regulations which restrict capacity and the terminal hour are lifted and any such time that the premises begins to operate under the conditions of its SEVL then this amendment will become null and void and the original SIA numbers condition shall take full effect once more.

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

1 SECURITY GENERAL

All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue and whilst positioned at the front door, shall wear a fluorescent and/or a reflective orange tabard, clearly marked security at all times

All front door refusals are to be recorded promptly, including the reason i.e. too intoxicated, barred, suspicion of drugs etc.

If a person is ejected from the venue by a member of staff, a record must be made of the incident including details of the staff members involved and a summary of the circumstances. This must be completed as soon is practicable but prior than the end of that persons shift.

A nominated member of security shall be positioned at the entrance / exit doors and shall be responsible for counting persons in and out of the venue. They shall use a device suitable for counting as approved by the police licensing department responsible for the area. As such, an accurate number of persons in the venue must be known at all times the venue is operating under its premises licence. This number is to include staff.

Security shall conduct random searches on patrons entering the venue to an approximate ratio of 1 in 10.

At the terminal hour of operation, the licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises.

2 SIA NUMBERS

From the opening time until the closing time of the venue, a ratio of two frontline door supervisor SIA registered security staff shall be employed at the venue for the first one hundred persons and then one per 100 thereafter. E.g. 1 -100, 2 door / security staff, 101 - 200, 3 door / security staff. 201-300 4 door / security staff and so on.

This number is to include only frontline door supervisor SIA staff employed solely on door supervisor / security duties, i.e. safety and security at the venue.

3 CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

Cameras shall be installed so that they can also capture images of all areas where sexual entertainment is provided.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.
The system clock shall be checked for accuracy taking account of GMT and BST.
Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).
The images produced shall be date and time stamped.
A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.
It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times the venue is open a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment
Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.
Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.
In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

4 SEXUAL ENTERTAINMENT VENUE LICENCE

When the premises is operating as a sexual entertainment venue, all of the above conditions as well as the following conditions shall apply:

Dance and VIP booth CCTV shall be monitored by a designated person at the premises. A written or electronic record shall be made detailing the date / time / operators name viewing the system. This record must be completed at the beginning and end of the viewing including breaks.

No form of sexual entertainment shall be visible from outside of the premises

The staff training shall also include training on the conditions in relation to the SEVL

Any breach of the conditions attached to the relevant sexual entertainment venue licence (SEVL) as issued by Southampton City Council shall be treated as a breach of the premises licence in accordance with the Licensing Act 2003.

5 INCIDENT RECORDING

An incident record (either written or electronic) shall be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.
Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse shall be recorded. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.
If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.
At the close of business on each day the record will be checked by the manager on duty where any entries will be reviewed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business
This record will be retained for 12 months.

6 DPS

The DPS shall complete a nationally recognised Level 2 DPS course or equivalent depending on provider. The BIIAB Level 2 National Certificate for Designated Premises Supervisors or EDI provide a

Level 3 Award for Designated Premises Supervisors (ADPS). This qualification must be obtained within the first 3 months as being employed as the DPS.

7 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

8 TRAINING

All staff who have contact with the public shall be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

Additionally, all staff shall be made aware of the premises licence and associated conditions.

Records shall be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff shall receive refresher training every six months as a minimum and records are to be kept of this refresher training which shall be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given shall be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records shall be kept for a minimum period of two years. Training records shall be kept on the licensed premises to which they relate to.

9 CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

10 BWV

At times when the venue is operating under its premises licence, at least one member of SIA staff who shall be positioned at the main entrance of the venue shall wear and operate body worn video (BWV) recording equipment at all times.

Another member of SIA staff operating within the venue shall also wear and operate BWV.

The equipment shall be maintained and the images will be made available as soon as practicable but at least within 48 hours to the police on request as long as the request is lawful with regards to data protection legislation.

The equipment shall record high definition colour images and be able to capture sound, specifically conversation. The equipment shall be able to operate in all levels of illumination, images shall be time / date stamped.

The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.

There shall be sufficient number of devices or batteries at the venue to ensure that the devices are able to operate continually.

Where the equipment fails the police licensing department responsible for the area, shall be notified immediately in writing or by e- mail as soon as is practicable and the defect rectified within 14 days of the failure.

Data obtained on the BWV shall downloaded as soon as practicable and be retained at the venue for at least 28 days.

11 SECURITY REGISTER

The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer, the following details:-

- (a) The licence number, name, and residential address and telephone number of that person;
- (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (d) Any times during the period of duty when he/she was not on duty;
- e) If that person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company must also be supplied (company name and out of office contact details)
- (f) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (g) The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

12 DRUGS POLICY

A written policy on how the venue will tackle and deal with drugs and drug prevention shall be implemented following agreement with the Police licensing department responsible for the area.



APPENDIX 5

Special Procedure for the Licensing (General) Sub-Committee – Applications for Sex Establishment licences

One of the Council's Corporate Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time.

Please note that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

1. INTRODUCTION

- ◆ Everyone to introduce themselves
- ◆ The Licensing Officer will introduce the report, including background information and any written objections received.
- ◆ Members' questions to the Licensing Officer

2. OBJECTORS

If Objectors (including Police) have attended indicating a wish to address the Sub-Committee the Sub-Committee will consider each request in light of its discretion to permit oral representations.

As a guide, such representations will only be permitted if appropriate in order to briefly summarise and expand upon the main points of objection as set out in written submissions. Mere recitation of previous written submissions will not be permitted, nor will the introduction of entirely new grounds of objection.

Questions of Objectors will not be permitted by any party (including Members).

3. APPLICATION

The applicant or their representative will outline the details of the application and call any witnesses in support.

Questions may be asked of the applicant or of any witnesses by:

Licensing Officer

Members of the Sub-Committee

The applicant may call supporting witnesses at their discretion during the presentation of their application. Questions may be asked by the Sub-Committee Members / Licensing Officer of such witnesses at any appropriate point in their presentation

If any written objections have been received the applicant or their representative will be invited to comment on them

4. SUMMING UP

The applicant or their representative will have a final opportunity to sum up their application.

5. CONSIDERATION OF DECISION - CONFIDENTIAL SESSION

Members of the Sub-Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Sub-Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be

Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

6. ANNOUNCEMENT OF DECISION

Sub-Committee Members will return and the Chair of the Sub-Committee will deliver the decision in public session. The Licensing Officer will confirm this decision in writing to the Applicant within 7 days of the Sub-Committee decision, together with details of any relevant right of appeal.

Note: This procedure note is issued as a guide only – the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice.