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

Present:

Members of the Council

Councillors Cunio (Chair), Vassiliou and Lewzey

Apologies

Councillors Parnell and Mrs Blatchford

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

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

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

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

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

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

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

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

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

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

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

Part One – General Conditions

- 1.8 Unless permitted by the council neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.

- 3.6 No part of the interior of the licensed premises where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 5.1 Police and authorised officers of the council shall have access to data from the systems (subject to the Data Protection Act 1998) quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
- 5.2 All operators will receive training from the installer if new equipment is installed and this training will be cascaded down to new members of staff.
- 5.4 The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition in order to remain operating under the licence. The CCTV will be deemed to be approved and in a satisfactory working condition if it is installed and operated in accordance with Police guidance of 13.8.13 or as otherwise approved by the Police).
- 6.2 The council may substitute, delete, vary or amend these conditions at any time following proper consultation with, amongst others, the licence holder.

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

- 10.1 The exterior of the premises shall not contain any displays or depictions of the human form (save for council approved trademarks or logos of the business), or any imagery that suggests or indicates relevant entertainment takes place at the premises, or other language stating the nature of such activities, including use of the word “nude”. The condition does not prevent the use of the words “Licensed Sexual Entertainment Venue” or “Adult entertainment” or “Gentlemen’s Club”
- 10.2 This condition was agreed to be deleted
- 10.3 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior, or in the lobby, of the premises.
- 10.9 The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited
- 11.1 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- 11.2 and 11.3 be deleted
- 11.7 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using or dealing illegal drugs on the premises shall be removed from the premises or, where possible and appropriate (i.e. if drug dealing), restrained until the Police can take such person into custody.
- 11.8 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

- 13.8 Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct may be banned from the premises.
- 15.7 Unless monitored by CCTV screen and/ or directly and within 5 metres (or other such distance as agreed by the council) of appropriately trained staff private booths shall be fitted with a panic button or security alarm.
- 17.1 The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Sexual Entertainment Venues – Code of Conduct for Dancer's

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

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

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

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

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

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

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

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

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

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

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

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

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

Part One – General Conditions

- 1.8 Unless permitted by the council neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.
- 3.6 No part of the interior of the licensed premises where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 4.7 The CCTV system will have sufficient storage capacity for 30 days of good evidential quality images.
- 5.3 Police and authorised officers of the council shall have access to data from the systems (subject to the Data Protection Act 1998) quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
- 5.4 All operators will receive training from the installer if new equipment is installed and this training will be cascaded down to new members of staff.
- 5.5 The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition in order to remain operating under the licence. The CCTV will be deemed to be approved and in a satisfactory working condition if it is installed and operated in accordance with Police guidance of 13.8.13 or as otherwise approved by the Police).
- 6.2 The council may substitute, delete, vary or amend these conditions at any time following proper consultation with, amongst others, the licence holder.

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

- 10.4 The exterior of the premises shall not contain any displays or depictions of the human form (save for council approved trademarks or logos of the business), or any imagery that suggests or indicates relevant entertainment takes place at the premises, or other language stating the nature of such activities, including use of

the word “nude”. The condition does not prevent the use of the words “Licensed Sexual Entertainment Venue” or “Adult entertainment” or “Gentlemen’s Club”

- 10.5 This condition would be deleted
- 10.6 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior, or in the lobby, of the premises.
- 10.10 The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited
- 11.2 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- 11.2 and 11.3 would be deleted
- 11.9 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using or dealing illegal drugs on the premises shall be removed from the premises or, where possible and appropriate (i.e. if drug dealing), restrained until the Police can take such person into custody.
- 11.10 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.
- 13.9 Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct may be banned from the premises.
- 15.8 Unless monitored by CCTV screen and/ or directly and within 5 metres (or other such distance as agreed by the council) of appropriately trained staff private booths shall be fitted with a panic button or security alarm.
- 17.2 The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Sexual Entertainment Venues – Code of Conduct for Dancers

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

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

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

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

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

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

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

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

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