

APPENDIX 1

Southampton City Council

Local Government (Miscellaneous Provisions) Act 1982, section 2 and schedule 3

Consultation regarding the adoption of provisions controlling sexual entertainment venues

Southampton City Council intends to consider whether or not it should adopt the amended provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 insofar as they relate to the licensing of sexual entertainment venues.

The legislation defines a sexual entertainment venue as being:

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

“Relevant entertainment” is any live performance or any 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 the audience (whether by verbal or other means).

The following are *not* sexual entertainment venues for the purposes of the legislation:

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment has not taken place:
 - on more than eleven occasions in the past 12 months; and
 - on such occasions has not lasted for more than 24 hours; and
 - on such occasions has not begun within the period of one month beginning with the end of any previous occasion

Anyone who wishes to comment on whether the Council should adopt the provisions should put their comments in writing, before 20th December 2011, giving their name and address, to:

licensing.policy@southampton.gov.uk

or by post to:

The Licensing Team
Southampton City Council
PO Box 1344
Southampton
SO15 1WQ

Please note that all comments will be treated as being in the public domain and may be published as part of the decision making process.

For further information please see www.southampton.gov.uk/consultations

Dated 22nd November 2011

Richard Ivory
Acting Head of Legal, HR and Democratic Services

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Responses to Consultation:

From Mr. Glenn Nicie, For Your Eyes Only Ltd.

Southampton City Council

Consultation Response

Adoption of the Provisions controlling Sexual Entertainment Venues (SEVs)

For Your Eyes Only Limited t/a

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

Consultees are asked to comment on whether the Council should adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can control the licensing of SEVs.

As original founders and prominent members of the Lap Dancing Association, FYEO continue to maintain that such licensing is not necessary. It has demonstrated over the many years that it has held a Licence in Southampton (firstly under the Licensing Act 1964 and the Local Government (Miscellaneous Provisions) Act 1982 and now under the Licensing Act 2003) that properly controlled entertainment of this nature does not cause anti-social issues to those living or working in the area. This is confirmed in its other long standing operations in major towns and cities across Great Britain. If issues of crime and disorder, public nuisance, public safety or harm to children were caused by any such establishment, the Licensing Act 2003 provides adequate sanctions and controls. FYEO is proud to say that it has never been the subject of a refusal to renew under the former legislation, or review under the Licensing Act 2003, in respect of any of its sites.

FYEO is sensitive, however, to the views of some residents, especially in areas of high residential development, that an SEV may be inappropriate in such an area, and accepts that the Council is likely to be similarly sensitive if genuine views of this nature are aired by its residents.

As a responsible operator, it has no fear of the controls that can be exercised on SEV licensing (eg, the conditions that can be imposed) and indeed has worked with many of its Council partners in both formulation of policy and standard conditions.

It wishes to stress at this juncture, however, that its existing business at 135-136 High Street is wholly dependent on being able to continue the entertainment offered currently, which is, under the proposed adoptive legislation, now described as relevant entertainment. It will not be a viable business without that entertainment, although it is licensed to operate as a late night venue and an alternative operator may care to trade in this manner. FYEO believe that this would not be beneficial to the city.

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FYEO urges the Council, in the event that it adopts the provisions, not to pre-determine any policy which may prevent an existing properly run SEV operation, such as that of For Your Eyes Only, from continuing to offer SEV entertainment. The Company; those who work for it and the performers whose livelihood may depend on it, would, amongst other things, find its/their human rights violated in such circumstances.

In the event that the Council adopts this legislation, and then considers also adopting a policy in that respect, FYEO ask for the opportunity to respond to consultation in that respect.

30.11.11

From Dr. Paul Buxton:

From: Paul Buxton [REDACTED]@[REDACTED].org.uk]
Sent: 05 December 2011 11:01
To: Licensing Policy
Subject: Schedule 3 Licencing provisions

I support Southampton City Council adopting these provisions - that would enable residents to raise problems relating to licencing of sexual enyertainment venues.

PK Buxton

Dr P K Buxton

[REDACTED]
Southampton
SO32 [REDACTED]

From Clem and Elaine Mason

From: Clem & Elaine Mason [REDACTED]@[REDACTED].net]
Sent: 08 December 2011 12:23
To: Licensing Policy
Subject: Sexual Entertainment Venues

I consider that the Council SHOULD have the power to dedal with such liceneces in this locality.

C M Mason
[REDACTED]
Southampton
SO15 [REDACTED]

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From Councillor Carol Cunio

From: Cunio, Carol (Cllr)
Sent: 19 December 2011 17:21
To: Burke, John
Subject: Sexual entertainment

Hi - cannot find the email you sent with links for the consultation re above. My main concern is that the venues are not in places where family entertainment is being held and I consider men leaving such places to be a danger to younger people in the area. C

From Mr. Chris Knight, Nightlife Clubs Ltd.

Southampton City Council

Consultation Response

Adoption of the Provisions controlling Sexual Entertainment Venues (SEVs)

Chris Knight
Nightlife Clubs Limited
Unit 25
Mitchells Point
Ensign Way
Southampton
SO31 4RF

Consultees are asked to comment on whether the Council should adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can control the licensing of SEVs. I have entered into a contract to purchase Original Sin which is one of the 3 Lap Dancing clubs operating in Southampton. This purchase should conclude by the middle of January 2012. As such I thought it prudent to offer my response to this consultation.

As Vice Chairman of the Lap Dancing Association and being heavily involved with the Home Office during the formulation of this legislation, I would maintain that such licensing is not necessary. It has demonstrated that under the Licensing Act 2003 properly controlled entertainment of this nature does not cause anti-social issues to those living or working in the area. If issues of crime and disorder, public nuisance, public safety or harm to children were caused by any such establishment, the Licensing Act 2003 provides adequate sanctions and controls. As you are aware for the last 13 years I have worked for the largest Table Dancing chain in the UK, FYEO. I am happy to state that during my time with FYEO none of its venues were ever the subject of a refusal to renew under the former legislation, or review under the Licensing Act 2003, in respect of any of its sites.

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Of course I am sensitive to the views of some residents, especially in areas of high residential development, that an SEV may be inappropriate in such an area, and accepts that the Council is likely to be similarly sensitive if genuine views of this nature are aired by its residents.

As a responsible operator, I have no fear of the controls that can be exercised on SEV licensing (eg, the conditions that can be imposed) and while with FYEO I worked with many of its Council partners in both the formulation of policy and standard conditions.

I would like to stress at this juncture that the existing business (currently trading as Original Sin) at Unit 2, Leisure World, is to offer Table Dancing and my sole purpose for purchasing it is to continue to run this sort of establishment. It will not be a viable business without that entertainment, although it is licensed to operate as a late night venue and an alternative operator may care to trade in this manner. I believe that this would not be beneficial to the city.

I would urge the Council, in the event that it adopts the provisions, not to pre-determine any policy which may prevent an existing SEV operation from continuing to offer SEV entertainment. The Company; those who work for it and the performers whose livelihood may depend on it, would, amongst other things, find its/their human rights violated in such circumstances.

In the event that the Council adopts this legislation, and then considers also adopting a policy in that respect, I would ask for the opportunity to respond to consultation in that respect.

20.12.11