

Licensing (General) Sub-Committee

Monday, 17th August, 2020

at 4.00 pm

PLEASE NOTE TIME OF MEETING

Virtual Video Conference

This meeting is open to the public

Members

Councillor B Harris
Councillor McEwing
Councillor Renyard
Councillor Streets
Vacancy

Contacts

Democratic Support Officer

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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

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 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

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

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

Dates of Meetings: Municipal Year 2020/21

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

Rules of Procedure

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

Business to be discussed

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

Quorum

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

CONDUCT OF MEETING

DISCLOSURE OF 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 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

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 VARIATION OF A SEXUAL ENTERTAINMENT VENUE (SEV) LICENCE - FOR YOUR EYES ONLY, 135 - 136 HIGH STREET, SOUTHAMPTON SO14 2BR (Pages 1 - 48)

Application for variation of a sexual entertainment venue (SEV) licence – For Your Eyes Only, 135-136 High Street, Southampton SO14 2BR.

Friday, 7 August 2020

Executive Director Communities, Culture & Homes

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Agenda Item 5

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:	17th AUGUST 2020 – 1600 HOURS		
REPORT OF:	SERVICE DIRECTOR – COMMUNITIES, CULTURE AND HOMES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Ian McGuinness	Tel: 023 8083 4231
	E-mail:	ian.mcguinness@southampton.gov.uk	
Director	Name:	Mary D’Arcy	Tel: 023 8083 4611
	E-mail:	Mary.D’Arcy@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY		
N/A		
BRIEF SUMMARY		
<p>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. This matter has been delayed due to Covid 19, however the premises has not been trading at this time due to government restrictions.</p>		
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	

	<p>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. 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>As of 14th February 2020, Hampshire Restaurants Limited operate another Sexual Entertainment Venue in Bournemouth.</p>
7.	<p>On 14th February 2020 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 to amend the current conditions as a result of a summary review of the licence granted</p>

	to the premises under the Licensing Act 2003. A copy of the application is attached as Appendix 1 .
8.	In summary, this application is to amend the Sexual Entertainment Venue licence in order that it addresses the matters raised in the summary review of the Licensing Act 2003 premises licence. A copy of the current licence is attached as Appendix 2 .
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 not responded to this application, however submitted a Summary Review of the Licensing Act 2003 premises licence for the premises on 13 th January 2020. This matter was determined by the Licensing (Licensing and Gambling) Sub – Committee on 10 th February 2020. A copy of the decision notice is attached as Appendix 3 . A copy of the current Licensing Act 2003 premises licence is attached as Appendix 4 .
11.	The Sex Establishment licence held by Hampshire Restaurants Limited is renewed annually. The current licence expires on the 19 th August 2020. Previous renewal applications have been granted following no representations to the application. A renewal application was received on 10 th July 2020.
12.	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.
13.	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.
14.	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.
15.	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.
16.	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>	
17.	There are no financial implications.
<u>Property/Other</u>	
18.	Not applicable.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

19.	<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> <ul style="list-style-type: none">(a) to a person under the age of 18;(b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;(c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or(d) to a body corporate which is not incorporated in an EEA State; or(e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
20.	<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:

21.	<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>
22.	<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>

23.	EQUALITY ACT 2010 Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any 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.
24.	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	
25.	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.	A copy of the current Sexual Entertainment licence.	
3.	A copy of the decision notice of Summary Review Hearing 10/02/2020	
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

Received On
19 FEB 2020
Southampton & Eastleigh Licensing Partnership

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: force.licensing@hampshire.pnn.police.uk
 - Phone: 023 8053 3368
 - Post/in person: Force Licensing Team, Hampshire Constabulary, Southampton Police Office, Civic Centre, Southampton SO14 7LY
- 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, PO Box 1767, Southampton SO18 9LA
 - 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 GRANT 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 checked="" type="checkbox"/> variation <input type="checkbox"/> or transfer <input type="checkbox"/> of an existing licence? If renewal, variation or transfer, please provide the existing licence number: 2019/03938/19SEXE</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: Residential address: Postcode: 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: Residential address: 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: Residential address: 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: 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: [REDACTED] Residential address: [REDACTED] Postcode: [REDACTED]	
	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: [REDACTED]	Email address: [REDACTED] Website address:
	Please use my Residential address for correspondence Yes <input type="checkbox"/> No <input checked="" 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 of Paris Smith LLP Number 1 London Road, Southampton SO15 2AE 02380 482482 [REDACTED] CGM/102082/2

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: 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.)
16.	If the applicant has tenure of the premises other than as freeholder, state: The name and address of the landlord; The amount of the annual rental; The length of the unexpired term The length of notice required to terminate the tenancy
17.	What is the current use of the premises? Sex establishment
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: 2020/00073/01SPRD
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: Access to the premises supervised by SIA approved staff and personnel

24.	<p>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:</p> <p>By Southampton City Council being passed, being photographic ID to constitute a passport, driving licence, prove it card (or current replacement and/or national identity card)</p>
25.	<p>Give full details of any proposed exterior signage, advertising, window displays etc. at the premises - include photographs, illustrations etc.:</p> <p>As already in place</p>
26.	<p>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:</p> <p>As already in place</p>
27.	<p>If the premises are to be used as a sexual entertainment venue, provide full details of:</p>
(a)	<p>the type and nature of the entertainment to be provided:</p> <p>as conditions attached</p>
(b)	<p>arrangements for the separation of performers and audience:</p> <p>as conditions attached</p>
(c)	<p>what contact, if any is to be permitted between performers and audience will be permitted:</p> <p>as conditions attached</p>
(d)	<p>where sexual entertainment will take place (e.g. open areas, private booths or both):</p> <p>as conditions attached</p>
(e)	<p>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:</p> <p>as conditions attached</p>
(f)	<p>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?</p> <p>as conditions attached</p>
TYPE OF APPLICATION	
28.	<p>Renewal</p> <p>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?</p> <p>No</p> <p>If Yes, give full information here:</p>
29.	<p>Variation</p> <p>If variation of an existing licence is sought, give full details here:</p> <p>Variation includes changing the conditions for the SEVL. The variation of conditions attached to the SEVL are those set out in the accompanying document, where the matters in red are to be removed, and the matters in blue are to be new conditions inserted accordingly.</p> <p>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.</p>
30.	<p>Transfer</p> <p>If the application is for transfer of an existing licence, do you enclose the signed consent of the previous licence holder to the transfer?</p> <p>No</p>

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:

The conditions have been agreed between the local Licensing Authority and the Police

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 Cocker
 Residential address: [REDACTED]
 Postcode: [REDACTED]
 Date of birth: [REDACTED]

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: Jonathan Coppenhall, [REDACTED]
 [REDACTED]
 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	1000	0430	
Tuesday	1000	0430	
Wednesday	1000	0430	
Thursday	1000	0430	
Friday	1000	0430	
Saturday	1000	0430	
Sunday	1000	0430	

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.

37. Payment
 (all applicants must complete this section)

I will pay the application fee for a sex establishment licence by:
 Debit or credit card Cheque Cash (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
 The fee is enclosed
 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)

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.

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.

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.

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.

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.

An individual applicant (section 2) or all partners (section 3) or the company secretary (section 4) must complete this section

Signed: [REDACTED] Dated 14/02/2020
 Name _____
 (please print) EMILY WINS
 Capacity of signatory: DIRECTOR

Signed: _____ Dated _____
 Name _____
 (please print) _____
 Capacity of signatory: _____

Signed: _____ Dated _____
 Name _____
 (please print) _____
 Capacity of signatory: _____

Signed: _____ Dated _____
 Name _____
 (please print) _____
 Capacity of signatory: _____

FOR YOUR EYES ONLY (FYEO) SEXUAL ENTERTAINMENT VENUE LICENCE (SEVL)

Key

- Black Font** – existing conditions on PL to remain
Red Font – Conditions to be considered for removal
Blue Font – Conditions to be considered for inclusion

1 Annex A

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

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

Interpretation

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

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

"The Act" means the Local Government (Miscellaneous Provisions) Act 1982, as amended.

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

"The premises" means any premises, vehicle, vessel or stall licensed under the Act.

"Licence holder" means a person who is the holder of a sex establishment licence.

"Permitted hours" means the hours during which the licensed premises are permitted to be open to the public.

"Licence" means a licence granted pursuant to Schedule 3 of the Act.

Part One - General Conditions

1. Management of Premises

1.1. The Licence holder, or some responsible person nominated by him and approved in writing by the council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.

1.2. In accordance with section 14 of the 1982 Act, the Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.

1.3. The name of the person responsible for the management of the sex establishment, whether the licence holder or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

1.4. The licence holder shall retain control over all parts of the licensed premises as set out on the approved premises plan and shall not let or part with possession of any part.

1.5. No person under the age of 18 shall be admitted to the premises and rigorous identity checks SHALL be made on any person who appears to be under the age of 18.

1.6. To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.

1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.

1.8. 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

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 where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - 3.8.1. Ensure that the frontage is of a discreet nature
 - 3.8.2. Ensure that it is appropriate to the character of the locality.

4. CCTV

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

5. CCTV Access

- 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.
- 5.3. An operator's manual will be available to assist in replaying and exporting data.
- 5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition 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. General

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

Part Two - Additional Conditions for Premises Operating as Sexual Entertainment Venues

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

- 7.1. 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" on a single plate in characters no higher than 10 cm at the entrance to the premises.
- 7.2. 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.
- 7.3. 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.
- 7.4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 7.5. 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.
- 7.6. 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.
- 7.7. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
- 7.8. The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited.

8. Control of Entry to the Premises

- 8.1. 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.
- 8.2. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
- 8.3. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 8.4. A policy of random searches of persons entering the premises shall be operated.
- 8.5. 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 (ie if drug dealing), restrained until the Police can take such person into custody.
- 8.6. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

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

- 9.1. 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.
- 9.2. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in Appendix B to this policy.
- 9.3. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.
- 9.4. 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.
- 9.5. 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.
- 9.6. 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.
- 9.7. 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.

10. Code of Conduct for Customers

- 10.1. 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.
- 10.2. The code shall include the basic criteria as set out in Appendix C to this policy.
- 10.3. The Code of Conduct for Customers shall be displayed in prominent positions

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

10.5. 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.

10.6. 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.

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

10.8. 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.

10.9 All dancers shall be provided with and asked to sign to state they too 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.

10.10 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.

11. Disciplinary Procedure for Performers

11.1. 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.

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

11.3. 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.

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

11.5 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.

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

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

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

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

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

12.5. 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.

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

12.7. 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.

12.8. 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.

13. Record Keeping and Management

13.1. 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.

13.2. 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.

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

13.4. 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

Board of Film Classification. No films classified as R18 shall be shown on the premises.

13.6. 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.

13.7 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 13.6. No dancer shall be in the immediate area whilst this interaction and payment process is facilitated.

13.8 If a customer is deemed fit as per 13.6 and 13.7 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 13.7. During this conversation the amount spent must be clearly stated and a capacity assessment should be recorded by the manager speaking with the customer.

13.9. 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.

13.10. 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.

13.11 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

14. Dress Code

14.1. The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Annex B

Sexual Entertainment Venues - Code of Conduct for Dancers

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

1.1. 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.

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

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

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

1.5. 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.

1.6. 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.

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

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

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

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

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

set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

Annex C

Sexual Entertainment Venues - Code of Conduct for Customers

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

- 1.1. Customers may not touch dancers during a performance.
- 1.2. Customers may not make lewd or offensive comments to performers.
- 1.3. Customers must not harass or intimidate performers.
- 1.4. Customers must not ask dancers to perform any sexual favour.
- 1.5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- 1.6. 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.

Annex D

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.

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 conditions shall also constitute a breach of the premises licence.

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Licence Number

2019/03938/19SEXE

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 2019 until

19th day of August 2020

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 A

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

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

Interpretation

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

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

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

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

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

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

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

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

Part One - General Conditions

1. Management of Premises

1.1. The Licence holder, or some responsible person nominated by him and approved in writing by the council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.

1.2. In accordance with section 14 of the 1982 Act, the Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.

1.3. The name of the person responsible for the management of the sex establishment, whether the licence holder or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

1.4. The licence holder shall retain control over all parts of the licensed premises as set out on the approved premises plan and shall not let or part with possession of any part.

- 1.5. No person under the age of 18 shall be admitted to the premises and rigorous identity checks SHALL be made on any person who appears to be under the age of 18.
- 1.6. To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
- 1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
- 1.8. 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.
- 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.
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- 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 where licensable activities are authorised shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - 3.8.1. Ensure that the frontage is of a discreet nature
 - 3.8.2. Ensure that it is appropriate to the character of the locality.

4. CCTV

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

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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.

5.3. An operator's manual will be available to assist in replaying and exporting data.

5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition 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. General

6.1. The Licence holder shall take all reasonable precautions to ensure public safety on the premises and shall comply with any reasonable request made by the council.

6.2. The council may substitute, delete, vary or amend these conditions at any time following proper consultation to include the licence holder.

Part Two - Additional Conditions for Premises Operating as Sexual Entertainment Venues

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

7.1. 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" on a single plate in characters no higher than 10 cm at the entrance to the premises. .

7.2. 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.

7.3. 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.

7.4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.

7.5. 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.

7.6. 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.

7.7. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

7.8. The use of flyers and similar promotional material for the premises which would be contrary to the byelaws is prohibited.

8. Control of Entry to the Premises

8.1. 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.

8.2. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.

8.3. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

- 8.4. A policy of random searches of persons entering the premises shall be operated.
- 8.5. 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 (ie if drug dealing), restrained until the Police can take such person into custody.
- 8.6. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

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

- 9.1. 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.
- 9.2. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in Appendix B to this policy.
- 9.3. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.
- 9.4. 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.
- 9.5. 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.
- 9.6. 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.

10. Code of Conduct for Customers

- 10.1. 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.
- 10.2. The code shall include the basic criteria as set out in Appendix C to this policy.
- 10.3. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
- 10.4. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
- 10.5. 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.
- 10.6. 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.
- 10.7. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
- 10.8. 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.

11. Disciplinary Procedure for Performers

- 11.1. 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.
- 11.2. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
- 11.3. 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.

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

- 12.1. Performers shall be provided with secure and private changing facilities.

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

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

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

12.5. 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.

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

12.7. 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.

13. Record Keeping and Management

13.1. 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.

13.2. 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.

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

13.4. 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.

13.5. 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.

14. Dress Code

14.1. The premises shall operate a dress code for customers to the reasonable satisfaction of the Police.

Annex B

Sexual Entertainment Venues - Code of Conduct for Dancers

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

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

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

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

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

There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.

There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.

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

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

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

Customers must remain seated for the duration of a performance.

Performers shall not arrange to meet, or have further contact with, customers outside of the premises. Dancers shall not perform if under the influence of alcohol or drugs. All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

Annex C

Sexual Entertainment Venues - Code of Conduct for Customers

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

Customers may not touch dancers during a performance.

Customers may not make lewd or offensive comments to performers.

Customers must not harass or intimidate performers.

Customers must not ask dancers to perform any sexual favour.

Customers may not perform acts of masturbation or indulge in other sexual behaviour.

Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

Annex D

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

Dated this 9th day of August 2019



Licensing Manager

Licensing – Southampton City Council
PO Box 1767
Southampton
SO18 9LA

Annex 1 – Plans

NOTES

1. The drawings are for the proposed development.

2. The drawings shall be read in conjunction with the specification and the Bill of Materials.

3. The drawings shall be read in conjunction with the specification and the Bill of Materials.

4. The drawings shall be read in conjunction with the specification and the Bill of Materials.



A3 1:100 SCALE 0 10 20 30 ft 0 2 4 6 8 10 12 m **BASEMENT PLAN 1:100**



KEY:

AREA TO BE USED FOR THE SALE OF ALCOHOL: [Red shaded area]

AREA TO BE USED FOR THE SALE OF ALCOHOL AND FOOD (PROPOSED): [Red shaded area]

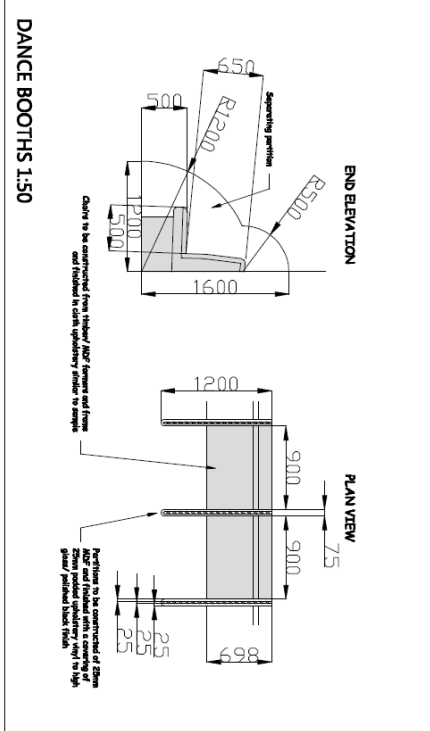
AREA TO BE USED FOR THE SALE OF ALCOHOL AND FOOD (EXISTING): [Red shaded area]

EXISTING EQUIPMENT TO BE RETAINED, MAINTAINED, REWIRED & RELOCATED:

- Notice Sign (Bor' KEEP SHUT)
- Fire Alarm Sound Alarm
- Fire Alarm Indicator Panel
- Fire Alarm Call Point
- Fire Alarm Call Point (Type 2)
- Fire Alarm Call Point (Type 3)
- Fire Alarm Call Point (Type 4)
- Fire Alarm Call Point (Type 5)
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- Fire Alarm Call Point (Type 99)
- Fire Alarm Call Point (Type 100)

NEW - ALL SYMBOLS ARE INDICATIVE ONLY. ELECTRICAL CONNECTIONS TO LINES DIRECTLY WITH THE FIRE OFFICER PROVIDED A LOCAL AUTHORITY TO ENSURE ALL ELECTRICAL CONNECTIONS AND FIRE SAFETY EQUIPMENT REQUIREMENTS ARE MET.

THE LOCATION, TYPE OF AND NUMBER OF FIRE SAFETY EQUIPMENT IS NOT SHOWN ON THE PLAN. IT SHALL BE REQUIRED TO THE DISCRETION OF THE FIRE SERVICE AND OTHER RESPONSIBLE AUTHORITIES UPON COMPLETION OF THE PROPOSED WORK.



JON HOLT ASSOCIATES

INCORPORATED WITH
LIMITED LIABILITY

1357/136 HIGH STREET, SOUTHAMPTON
SO14 2BR

Project: FIVEO
No: 1357/136 HIGH STREET, SOUTHAMPTON
SO14 2BR

Date: 24-6-15
By: JH

EXISTING BASEMENT PLAN (UNCHANGED)

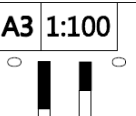
Scale: 1:100 @ A3
Date: 15-6-15
Checked: JH
Drawn: JH

13136-003-1

NOTES
 1. The extent of this drawing is as noted.
 2. Do not scale. (Partial dimensions may be in feet)
 3. Dimensions are to be maintained and are subject to change.
 4. Dimensions are to be maintained and are subject to change.



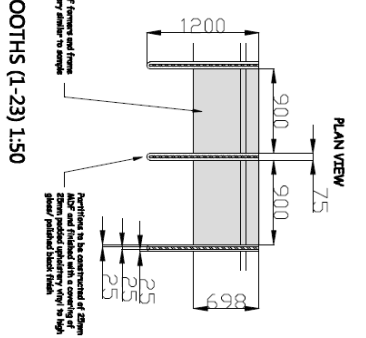
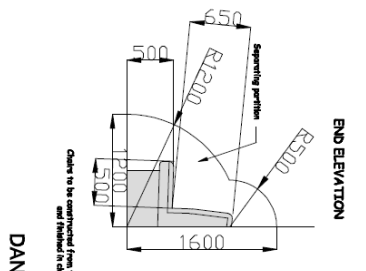
GROUND FLOOR PLAN 1:100



KEY:
 AREA TO BE USED FOR THE SALE OF ALCOHOL ————
 AREA TO BE USED FOR THE PROVISION OF SERVICES ————
 AREA TO BE USED FOR THE PROVISION OF SERVICES TO BE MAINTAINED ————

EM	Emergency Exit Sign	EM	Emergency Lighting to be used
FD	Fire Detector	FD	Fire Detector
FM	Fire Manual	FM	Fire Manual
FF	Fire Exit	FF	Fire Exit
FB	Fire Alarm	FB	Fire Alarm
FE	Fire Extinguisher, after type	FE	Fire Extinguisher, after type
FW	Fire Warning	FW	Fire Warning
FR	Fire Risk	FR	Fire Risk
FC	Fire Control	FC	Fire Control
FD	Fire Detection	FD	Fire Detection
FE	Fire Extinguisher	FE	Fire Extinguisher
FW	Fire Warning	FW	Fire Warning
FR	Fire Risk	FR	Fire Risk
FC	Fire Control	FC	Fire Control
FD	Fire Detection	FD	Fire Detection
FE	Fire Extinguisher	FE	Fire Extinguisher
FW	Fire Warning	FW	Fire Warning
FR	Fire Risk	FR	Fire Risk
FC	Fire Control	FC	Fire Control

ALL LEGAL NOTICES ARE TO BE PROVIDED BY THE CONTRACTOR. ALL EMERGENCY EXIT SIGNS & EMERGENCY LIGHTING ARE TO BE PROVIDED BY THE CONTRACTOR. THE LOCATION & TYPE OF ANY FIRE SAFETY & ALARM OTHER SAFETY EQUIPMENT IS NOT SHOWN ON THE PLANS & WILL BE PROVIDED BY THE CONTRACTOR. THE LOCATION & TYPE OF ANY FIRE SAFETY & ALARM OTHER SAFETY EQUIPMENT IS NOT SHOWN ON THE PLANS & WILL BE PROVIDED BY THE CONTRACTOR. THE LOCATION & TYPE OF ANY FIRE SAFETY & ALARM OTHER SAFETY EQUIPMENT IS NOT SHOWN ON THE PLANS & WILL BE PROVIDED BY THE CONTRACTOR.



JON HOLT ASSOCIATES
 40 COMMERCIAL ROAD
 DORSET SP11 2ND
 Bournemouth, Dorset

PROJECT:
 FYEO
 136/138 HIGH STREET, SOUTHAMPTON
 SO14 2BR

CLIENT:
 Mr & Mrs

DRAWING TITLE:
 PROPOSED GROUND FLOOR PLAN
 LICENSING DRAWING

DATE:
 13-04-13

Drawn By	Checked By
JH	JH
JH	JH
JH	JH

13136-003

Plans not reproduced to scale.

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**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 10 FEBRUARY 2020
SUMMARY REVIEW OF A PREMISES LICENCE
FOR YOUR EYES ONLY, 135-136 HIGH STREET,
SOUTHAMPTON SO14 2BR**

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

The Sub-Committee determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain allegations relating to criminal offences and personal details and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

The application for summary review brought by the Police was supported by Mr Glenn Nicie. The Sub-Committee heard from PC Scott and PC Swallow for Hampshire Constabulary, Mr Evans and Emily Ivins for the Licence Holder and Mr Phipps for Mr Nicie.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee has also considered the interim steps taken on 14 January 2020 and whether they should continue.

In light of all of the above the Sub-Committee has determined to allow the premises to reopen with immediate effect subject to full compliance with the conditions agreed between all the parties. For clarity, those agreed conditions are set out as exhibits "EJ1", "EJ2" and "EJ3" attached to the statement of Emily Jane Ivins dated 7 February 2020 as far as they relate to this licence.

Reasons:

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 53C of the Act.

The Sub-Committee noted that there had been a great deal of collaboration between all the parties to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place.

Appendix 3

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should be removed.

The Sub-Committee makes it clear that in allowing the premises to reopen in full compliance with the agreed conditions, staff training will need to have been completed before reopening.

The Sub-Committee noted that the Premises Licence Holder through her representative undertook to apply immediately the proposed new conditions on the Sexual Entertainment Venue licence and to apply for a Variation as soon as practicable. This undertaking, together with the police advice, has enabled the Sub-Committee to allow the premises to reopen.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2020/00112/01SRAP
--------------------------------	-------------------

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



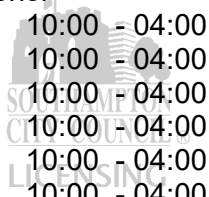
Provision of late night refreshment

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 10th day of February 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 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.

3 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.

4 PROTECTION OF CHILDREN FROM HARM

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

5 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.

6 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

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

1 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.

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 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 as 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.

4 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.

5 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 be downloaded as soon as practicable and be retained at the venue for at least 28 days.

6 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.

7 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.

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 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.

10 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.

11 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.

12 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.

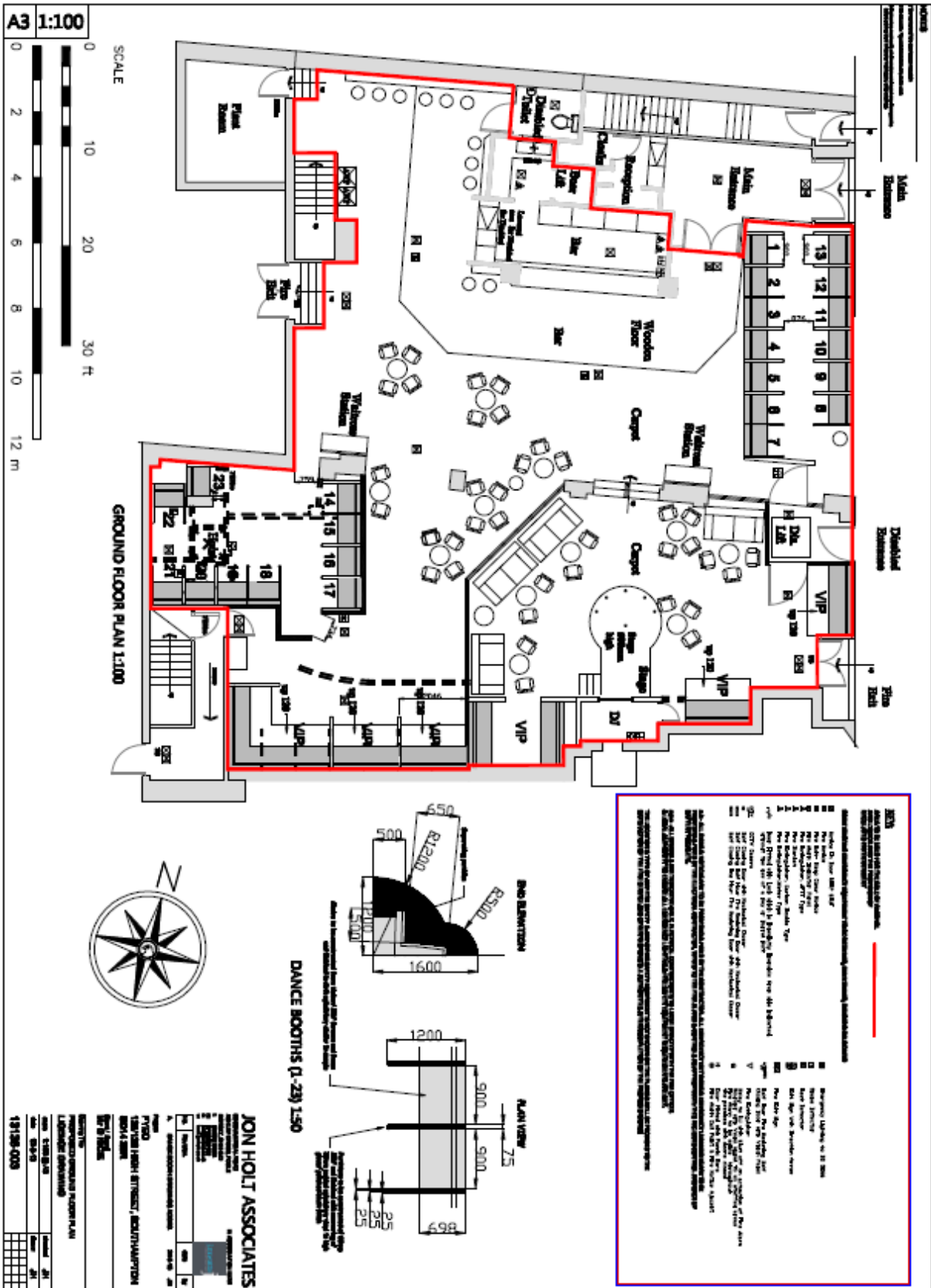
This record must be completed at the beginning and end of the viewing including breaks.

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

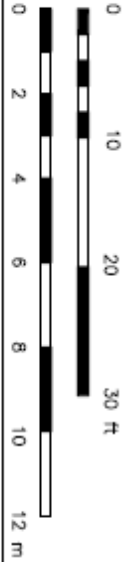
The staff training shall also include training on the conditions in relation to the SEVL

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.

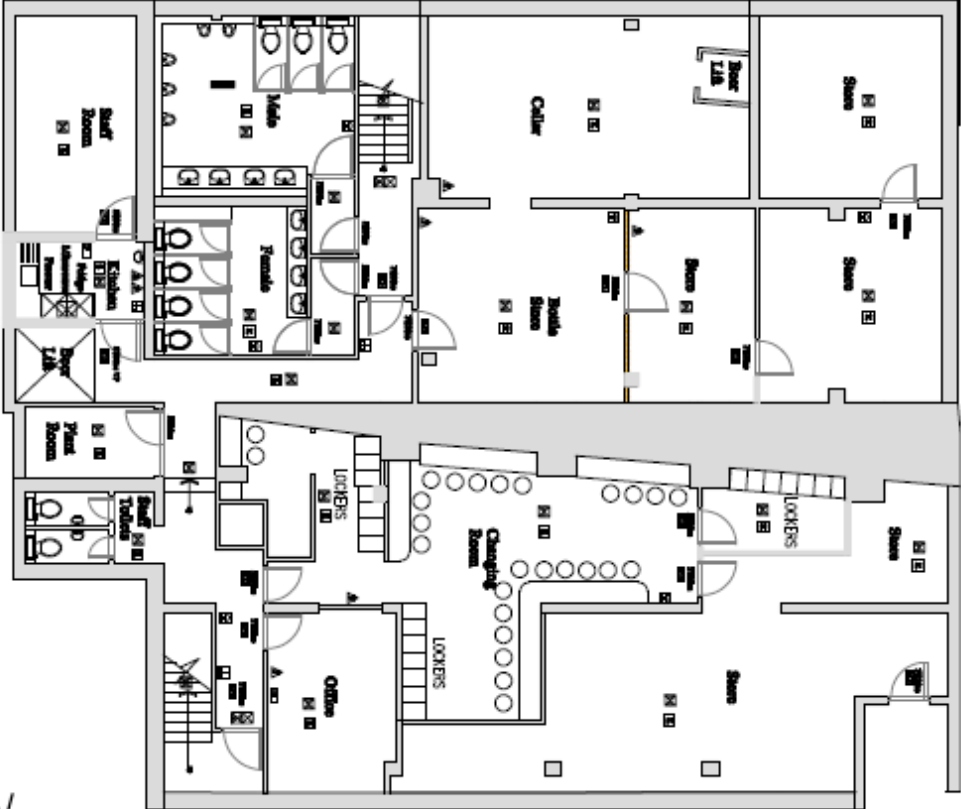




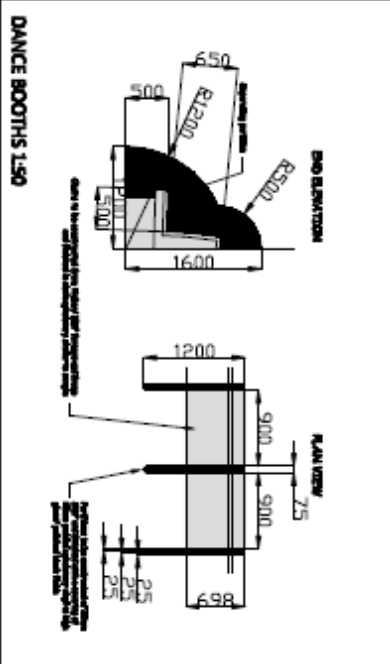
A3 1:100



SCALE



BASEMENT PLAN 1:100



NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

2. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE NATIONAL BUILDING REGULATIONS.

3. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE NATIONAL BUILDING REGULATIONS.

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JON HOLT ASSOCIATES

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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 the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and 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.