

Licensing Committee

Thursday, 30th January, 2020

at 1.30 pm

PLEASE NOTE TIME OF MEETING Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford (Chair)

Councillor McEwing (Vice-Chair)

Councillor G Galton

Councillor B Harris

Councillor Kataria

Councillor Noon

Councillor Prior

Councillor Renyard

Councillor Spicer

Councillor Streets

Contacts

Democratic Support Officer

Pat Wood

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PUBLIC INFORMATION

Role of this Committee

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

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Dates of Meetings: Municipal Year 2019/20:

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

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

Rules of Procedure

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

BUSINESS TO BE DISCUSSED

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

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

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 membership of the 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 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 10)

To approve and sign as a correct record the Minutes of the meeting held on 25 October 2019 and to deal with any matters arising.

5 REVIEW OF THE PRIVATE HIRE KNOWLEDGE TEST (Pages 11 - 16)

Report of the Service Director – Communities, Culture and Homes seeking approval to update the private hire knowledge test.

6 PROPOSED AMENDMENT TO CONDITIONS FOR SEX ESTABLISHMENTS (Pages 17 - 42)

Report of the Service Director – Communities, Culture and Homes proposing amendments to conditions for Sex Establishments.

7 SUMMARY OF LICENSING 2019 (Pages 43 - 52)

Report of the Licensing Manager providing a brief summary of Licensing Act, Gambling Act and Taxi licences.

Wednesday, 22 January 2020

Service Director - Transactions and Universal Services

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 OCTOBER 2019

Present: Councillors G Galton, Kataria, McEwing, Noon, Prior and Renyard

COUNCILLOR MCEWING IN THE CHAIR

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

RESOLVED that the minutes of the meeting held on 24 July 2019 be approved and signed as a correct record.

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

RESOLVED that the Sub-Committee 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 Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

10. **APPLICATION TO EXTEND THE PERIOD OF A PROVISIONAL STATEMENT FOR A LARGE CASINO**

The Committee considered the report of the Service director, Transactions and Universal Services which detailed the application by Aspers Universal Limited to extend the period of a Provisional Statement for a large casino granted to them under the Gambling Act 2005.

James Andrew, Francesca Bennet and Martin Heslop QC, representing Aspers Universal Limited; Andy Granwell and Dishy Umfleet, representing Old Town Residents Association; Kay Labon, representing Old Town Community Forum; Irene MacWilliam, representing Friends of Town Quay Park, and Graham Linecar, representing Southampton Commons and Parks Protection Society; were present and with the consent of the Chair addressed the Committee.

The Committee heard an application by Aspers Universal Limited to extend the period of a provisional statement granted in respect of Royal Pier Waterfront Development, Mayflower Park, Southampton. The provisional statement was granted for a period of three years on 22 March 2016.

The Aspers proposal was one part of what the Committee in its decision described as an ambitious and exciting one for Southampton. It considered that the proposed casino and the scheme were apt for the site, attractive, thoroughly presented and justified, backed by credible participants and supported by a sufficient record of progression to enable the Committee to make a judgment about its likelihood of fruition. On that occasion, the Committee also had the benefit of an Advisory Panel which included experts on the casino industry specifically and wider regeneration initiatives more generally. It concluded that the Aspers proposal was likely to result in the greatest benefit to Southampton of all the schemes presented to it.

At the time of grant, the Committee determined that in accordance with Schedule 9 paragraph 10(3) of the Gambling Act 2005, the period of the provisional statement would be three years. It stated that it expected Aspers to have applied for a premises licence for the proposal within that period. It also noted that Aspers was entitled to apply for an extension of the period, which would enable it to explain the progress of the scheme. It noted that this would enable the licensing authority to retain some control over the pace and timing of delivery.

In the event, no significant progress has been made towards delivery of the scheme.

The application

In its application dated 27 March 2019 for an extension of the period for a provisional statement, Aspers explained that the lack of progress of the wider scheme, and therefore its casino within the scheme, was due to circumstances beyond its control. Specifically, the construction of the casino was wholly dependent upon the reclamation from the sea of the land upon which it would be built, and that work had not yet commenced. It had stressed that it was as committed as ever to the venture. It requested an extension of three years to the provisional statement.

Aspers provided further detail in its letter of 7th May 2019. It explained that the developer, RPW (Southampton) Limited undertook some limited activity in 2016, securing planning permission for the relocation of the Red Funnel terminal and agreeing a masterplan for the overall Royal Pier development scheme, which it believed had the support of the stakeholders. However, there was pressure on feasibility due to the infrastructure costs associated with land reclamation. Furthermore, in 2017 the financial backers of the developer ran into financial difficulties, which effectively meant that no further progress had been made, despite abortive efforts by the backers to find alternative funders for the scheme.

Aspers referred to the “obvious commercial opportunity presented by the Royal Pier scheme”.

Aspers frankly accepted that it could not say what the position would be at the end of a further period of extension. However, it hoped that either the existing developer or a new party would get to a position where the scheme had the credibility to succeed, with a planning consent capable of implementation.

Following advertisement of the application, the Council had received three representations.

Representations

Genting Casinos UK Limited, which was a rival applicant for the large casino licence, stated that it had no objection to the application. It did, however, submit that if the Council wished to award a new provisional statement or premises licence, it should restart the casino competition process and invite new competing applications to be made.

Ros Cassy, who was the convener of the Old Town Community Forum, objected to the extension by an email dated 13th September 2019. She stated, first, that it would be

wrong to extend the provisional statement since it was part of a scheme which was not proceeding. Second, she stated that due to the increase in the density of the local population, there was a further premium on green space, which altered the balance between economic regeneration and preservation of green space. Third, she was concerned about the environmental impact of people leaving the casino late at night, particularly in an era of reduced public services including the police. In a supplemental email dated 19th September 2019, Ros Cassy stated that Members of the Forum were also opposed to the development on the ground that there was now increased information regarding problem gambling and its harmful effects.

Graham Linecar, the Secretary of Southampton Commons and Parks Protection Society ("SCAPPS") objected to the extension by an email dated 13th September 2019. SCAPP's principal concern was the unsuitability of a gambling establishment next to a public park and children's play area. He stated that there was evidently no chance of the scheme proceeding in any event. He was concerned that a smaller scheme may be brought forward, both because of the uncertainty this would create as to the future of the park in the meantime and the likelihood that in any such scheme Asperts would bring their proposal further inland from its current position in the derelict pier, so further threatening the parkland and imposing an unwanted juxtaposition between the casino and children's play space.

The hearing

The Committee heard from Mr Martin Heslop QC on behalf of Asperts.

He stressed there were no objections from relevant authorities or the rival applicants for the large casino licence.

He stated it was entirely a matter for the discretion for the Committee whether the application was granted or refused.

He referred to the power to grant an extension in Schedule 9 paragraph 10(4) of the Gambling Act 2005, which gave a broad and unfettered discretion to grant, subject to the provisions of the Act, but should act fairly, openly and with regard to the licensing objectives and the legitimate representations made.

He emphasised that in granting the provisional statement the Committee had been impressed with the scheme and Asperts' track record of delivery. It had considered that the scheme was head and shoulders above those of the other competitors.

He stated that the failure to progress the scheme had been wholly outside the control of Asperts and was dependent on the reclamation of the land on which the casino would sit, which had not yet started. However, Asperts remained totally committed to the scheme, hence the necessity for this application.

He stated that it would not be true to say that Asperts had done nothing. Asperts remained anxious to proceed with the scheme and had done all it could. It had maintained regulator contact with the developer and the financiers of the development. It had made clear to them Asperts remained ready to start as soon as the land was ready. It had invested a great deal of time, finance and resources to achieve that aim. Representatives had been to Southampton and met with developers and financiers on

a regular basis, making it clear it wished to see the scheme proceed as soon as possible. Not having any contractual relationship with the developers, it was in no position to require them to proceed. It had maintained close contact with the council and the stakeholders, as had its property consultants. There was little more that Aspers could do or could have done. It had not sat back. And, when given the opportunity, Aspers delivered.

Mr Heslop then addressed the benefit of granting the extension. He stated that it was understood that the Council was looking for an alternative developer. If so, the existence of the provisional statement would act as a catalyst for attracting a new developer. The Committee had accepted in 2016 that the presence of Aspers would help to drive the scheme. The same applied now.

He stated that the Committee had contemplated in 2016 that there may be an extension application, recognising that a situation such as this may arise and that Aspers may come before the Committee to explain the state of progress which it had done.

The situation was not of Aspers' making. It had done everything it could. It had a track record of delivery of schemes.

Further, refusing the application creates the spectre of a further application which he said was in no-one's interests.

In dealing with the representations, he said that the Committee was confined to the licensing objectives and could not be dealt with on moral or planning grounds.

Dealing with SCAPPS' objection, he pointed out that the site of the development could not be moved, since the provisional statement applied to this particular site. If there is no development, then there cannot be any harm as suggested by SCAPPS.

Addressing Ros Cassy's objection, he said that if the Council wished to continue the scheme for the benefit of the city, which he understood it did, it would need to seek a new developer, and the existence of a provisional statement and a well-regarded anchor tenant would make the proposal more attractive to a prospective developer.

In summary, he asked what the Committee had to lose by granting the application, but said it had a great deal to gain. If there was no new developer, the provisional statement would lapse. If the Council wished to find an alternative developer, there was clear benefit in prolonging the provisional statement. To refuse the extension would be undesirable because it would involve restarting the whole process.

The Committee asked Aspers whether it had made investigations as to any changes in the area. Aspers stated that there had been a planning application on the site which had been withdrawn. It was too early for a new feasibility study, although there had been development around the site, including residential development.

The Committee asked who would pay for reclamation costs and who would deal with Crown Estates. Aspers stated the developer was supposed to reclaim the land. Aspers also accepted that the provisional statement was for this particular site. Aspers could not move the site. If a new site came forward Aspers would work to ensure the casino could be developed in its existing location.

The Committee asked whether if an extension was granted it may be faced with a further application later. Aspers stated that it had spent a lot of time and money winning the provisional statement and remained committed to the site. There had been an application to relocate the Red Funnel ferry and much work had been done on the ecological impacts of land reclamation. So it would not be necessary to start all over again.

The Committee asked whether the benefits would be the same given the changes in the area. Aspers said that the scheme brought in additional benefit, and simply added to the development in the area. It could not say exactly what an alternative scheme would be, but would likely comprise the same elements.

The Committee also asked whether the casino might deter some developers. Aspers stated that it could not say, but it was important that there was an anchor tenant with the desire to enter a long lease.

The Committee asked whether Aspers had taken into account the changing nature of gambling as a whole, whether it would help to support other elements making the scheme as a whole more attractive, and child safeguarding. In answer, it was said that the Aspers operation had not changed. Aspers had a mixed offer, not just gaming and protection of the vulnerable was at the forefront of Aspers' business. It did better in locations where there was a broad offer, e.g. Stratford, London.

On behalf of the Old Town Community Forum it was asked what evidence there was that an extension would make it more likely that the development would proceed in the current economic climate. Aspers accepted that there was no evidence. Aspers was an operator not a developer. There was no current feasibility study. It was also asked whether a scheme would come forward in the next three years. Aspers said if the process moved forward, it was hoped that the scheme would be delivered. It accepted it was unlikely that the reclaiming would happen in the next 3 years.

The Old Town Community Forum further asked whether there would be public health impacts of the scheme in terms of air pollution and NHS costs. The reply was that the Committee had assessed the benefit in 2016 and had decided that it would be beneficial. It was also suggested that public health benefits were irrelevant and that the Committee had made an assessment in 2016. Legal advice was taken and advice was given that the Committee was entitled to take account and make a current day assessment of any benefits or disbenefits in deciding whether to extend the provisional statement. Aspers therefore added that it had established Community Action for Responsible Gaming groups in all cities in which it operated, focussing on responsible gambling in partnership with the community. Aspers could not say whether it had supported the reduction in maximum stake for Category B2 machines from £100 to £2. It could not say what contributions it made to national research, education and training, but through the Schedule 9 agreement it was required to make financial contributions to the community. It also worked with the Gambling Commission. It was asked whether casino workers suffered health problems, e.g. through smoking, and it was said that Aspers had good policies and procedures for employees. The Forum finally asked whether it was aware of any recent research into the impact of casinos on local communities. Aspers said it did not have an Aspers officer there and so could not answer.

Mr Linecar asked how feasible was it that an alternative scheme would leave the casino where it was. Aspers said that a new scheme would need significant reclamation in any case and that the casino could be left in its current proposed position. It was accepted that the provisional statement was for this particular site and that it could not be moved.

Old Town Community Forum

The Forum representatives said that the Old Town was a residential area but the demographic was changing and there were more young families, which raised questions of vulnerability. There was increasing use of the park. This was not a resort area. It was a neighbourhood with the character of a village. There was no benefit to the local area from the casino. There might be benefit to the area as a whole but not locally. The area was already polluted due to the highway and the casino would bring more. The police were overstretched and this would attract further late night crime. It was wrong to extend the provisional statement when the underlying scheme had not progressed.

The Forum representatives added that access to green space had a positive effect on the health of the community. Recent research had reinforced this. The loss of green space was damaging to welfare and imposed costs on the NHS. Therefore, the preservation of green space was economically beneficial. The casino threatened these public health and economic benefits. It also increased the risk of problem gambling, and a significant proportion of casino players were problem gamblers. Research also showed that proximity to casinos increased problem gambling, and that the proximity of the residential population was therefore of concern. A resort casino should not therefore be placed next to a residential community, and that its location would impose a cost on local services. Further, Mayflower Park was used to a large extent by lower income, disadvantaged groups, including children. Further, the city centre population had doubled in the last 10 years. The scheme normalised gambling as a pastime, the costs of which were borne by the City. This was an opportunity for the Council to reconsider the matter in line with its green and health strategies and its aspirations to be a city of culture.

The Forum referred to Aspers' question what was there to lose by extending the provisional statement. It was said three years ago that the casino would remain a catalyst. It was still said that it would be a catalyst. In the meantime, the park remains in a poor unloved state. To grant the extension means that the park would remain unloved and uncertainty would continue.

Southampton Commons and Parks Protection Society ("SCAPPS")

Mr Linecar said that Mayflower was the only city centre green space on the waterfront. It was popular with city visitors. SCAPPS had and continues to have a concern that a gambling establishment should not be located next to a public park. In 2016, the casino was to be sited within a large development including a replacement park, on reclaimed land. When the Royal Pier Waterfront planning application was submitted, SCAPPS objected. The replacement park, it said, was a poor substitute, being above an underground car park, surrounded by bulky and high buildings. SCAPPS expressed concern regarding the uncertainty of what would come forward. Mr Linecar's understanding was that the planning application was still extant, but it was clear there

was no permission, and the Council had announced its withdrawal from the partnership with the developer. Aspers had a hope but no evidence that a new scheme and developer would come forward. We could not know the content of the notional scheme, what mix of uses, whether it would be the same area, or what would happen with Mayflower Park. It was highly likely it would affect the park. SCAPPS could not foresee any condition which would safeguard against juxtaposition of major gaming establishment with play area used by children.

Closing submissions

The objectors did not wish to make closing submissions.

In closing Aspers said that the existence of the scheme as an anchor helped to catalyse the scheme. Many of the objections made had either been dealt with in 2016, or were planning matters and did not fall for consideration by this Committee.

Legal advice

The Committee received legal advice as follows:

- (1) If the provisional statement was extended, the current site for the casino may not be moved under this provisional statement. If a new developer came forward with a different scheme, it would not be bound to build out the development as presented in 2016, but it would be bound to leave the casino in precisely the same place.
- (2) If the provisional statement was not extended, the Council was entitled but not bound to run a new competition, at which point anybody could make a proposal anywhere in the city.
- (3) The Gambling Act 2005 does not set out criteria for the grant or refusal of extensions of provisional statements. As such, the Committee has a discretion which it should exercise so as to further the purposes of the Act. These were both the promotion of the licensing objectives, which were the principal concern at Stage 1 of the casino competition process, and the benefit to the area of the authority, which was the principal concern at Stage 2. In determining the question of benefit, the Council's evaluation criteria and scoring matrix scored proposals out of 1,000, with 750 points going to regenerative impact (including physical regeneration, tourism, employment opportunities and financial contributions towards regeneration), 125 points went to the quality of proposals to address problem gambling, and 125 points went to other financial contributions. The Committee was entitled to bear in mind the hoped for benefits in determining this application.
- (4) The Committee's discretion therefore went beyond the licensing objectives, although this did not extend as far as moral grounds. Further, the likelihood of planning permission was a statutorily irrelevant consideration.
- (5) The Committee had been asked to take account of the potential benefits of extending the provisional statement in helping to attract a new developer to deliver the scheme. This was a relevant benefit, whose merits and weight fall for consideration.
- (6) Aspers had suggested that refusing the extension would create a disbenefit, namely the potential for a further competition; so that extending the provisional statement created a correlative benefit. Whether there was a further competition would be a matter for the Council, and so whether the prospect of a further competition would be regarded as a potential benefit or a disbenefit was a matter for this Committee to weigh.

(7) The Committee should also note and take into account the disbenefits alleged by the objectors to the application in terms of environmental impact, harm to the licensing objectives, and uncertainty in relation to the park. The merits and weights of those points were all matters for the Committee. None of these was, on analysis, a moral ground.

(8) The Committee was entitled to take account of the merits of the scheme as a whole. It was not bound by the criteria before it in 2016, or indeed the findings made in 2016. It could not take account of the likelihood of the scheme obtaining planning permission, but it could take account of matters which were also planning matters, as case law has conclusively established.

(9) The claimed impact on children was an impact on group with protected characteristics. Accordingly, section 149 of the Equality Act 2010 was in play. The substance of section 149 was set out in paragraph 18 of the report. The Committee should have specific regard to this claimed impact, and exercise its duties to have regard to the matters in section 149 with substance and rigour, albeit that the Public Sector Equality duty does not require any particular result.

(10) The site of the casino cannot legally be moved under this provisional statement, so that any concern that the period of extension would be used to resite the casino under this provisional statement was irrelevant.

(11) The Committee should also consider its duties under the Crime and Disorder Act 1998 and the Human Rights Act 1998 as set out in paragraphs 16 and 17 of the report.

(12) The Committee should consider the reasons given for delay in implementation of the scheme, the prospects of realisation of the scheme and the consequences of the grant or refusal of an extension.

(13) How the Committee weighs all of these factors, and any other relevant factors, was a matter of judgment for the Committee.

(14) Its options were to grant the extension for three years as asked, grant for a lesser period, or refuse the extension altogether.

All those present confirmed that they did not take issue with any of the legal advice.

Decision

In making this decision, the Committee had taken account of all that it had heard and read, and had applied the legal advice which it had been given.

The Committee was aware that the Aspers proposal, and the wider scheme of which it forms part, was considered to be an excellent application when it was made, for the reasons set out in its decision in 2016.

The Committee had not heard sufficient evidence to reverse its previous view. It accepted that the scheme would result in at least some benefit to the area for the reasons previously given. While it accepted that there had been surrounding development over the last three years, it did not consider that there were fundamental differences in the surrounding area now as against three years ago.

Therefore, while the Committee was not bound by its decision in 2016 to grant this extension, it gave significant weight to its previous decision.

It acknowledged that all gambling establishments may be associated with problem gambling, but the Gambling Act provided safeguards against such problems, the Schedule 9 agreement provided for further commitments in relation to problem

gambling, and Aspers themselves were a reputable operator. So far as children were concerned, the provisional statement required that gambling activities should not be visible from the exterior of the premises. Further, the Committee had no evidence that casinos posed a significant risk to crime and disorder in the area, or any risk to children. While the casino may have contributed to traffic pollution, this would be true of any development, whether it had a casino in it or not.

As to such negative impacts, the Committee was aware that there had been no objections to this application by any responsible authority or public health body.

Any proposed development, whether in the same or different form, would require planning permission, and at that stage a full assessment of impact would be made, including any impacts arising from the juxtaposition of the development with a park including a play space. On that point, the planning application would be determined on its own merits. The planning authority would not be bound by any determination made by this Committee.

Further, if a proposed developer no longer wished to have a casino, it would not be bound by this extension to incorporate the casino in the scheme.

The Committee noted that the development had not come forward and there was no current evidence of feasibility. However, as a matter of common sense it accepted that a consent for an anchor tenant which was ready and willing to proceed, such as a casino, would help to catalyse the development. On the other hand, if the development did not proceed, nothing was lost by the extension.

For those reasons, the Committee was, on this occasion, prepared to extend the provisional statement for a further period. It considered that the appropriate extension was three years, to maximise the possibility that this development would proceed. If it did not proceed and a further extension application was made, the decision today should not be cited as a reason why the further application should be granted.

RESOLVED that the Committee would extend the provisional statement for a further period of three years.

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| DECISION-MAKER: | LICENSING COMMITTEE | | |
| SUBJECT: | REVIEW OF THE PRIVATE HIRE KNOWLEDGE TEST | | |
| DATE OF DECISION: | 30 JANUARY 2020 | | |
| REPORT OF: | SERVICE DIRECTOR, COMMUNITIES, CULTURE AND HOMES | | |
| <u>CONTACT DETAILS</u> | | | |
| AUTHOR: | Name: | Phil Bates | Tel: 023 8083 3523 |
| | E-mail: | Phil.bates@southampton.gov.uk | |
| Director | Name: | John Harrison | Tel: 023 8083 4897 |
| | E-mail: | John.harrison@southampton.gov.uk | |

| | |
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| STATEMENT OF CONFIDENTIALITY | |
| None | |
| BRIEF SUMMARY | |
| Review of the change of the knowledge test for new private hire drivers. | |
| RECOMMENDATIONS: | |
| | (i) To consider the content of the report and representations from any parties and give a recommendation on the continuance of the current content of the test for new private hire drivers. |
| REASONS FOR REPORT RECOMMENDATIONS | |
| 1. | Officers changed the content of the test in January 2018 to address the number of out of area vehicles working in the city, this was against the wishes of the existing taxi trade representatives. It was agreed to bring a review before the licensing committee after one year. This was done in November 2018 and the licensing committee agreed to keep the tests the same and to review again after another year. |
| ALTERNATIVE OPTIONS CONSIDERED AND REJECTED | |
| 2. | All options are considered in the recommendations. |
| DETAIL (Including consultation carried out) | |
| 3. | It has been the policy of Southampton City Council that applicants for either a private hire or hackney carriage driver's licence must pass a knowledge test as set by the council. |
| 4. | The test has evolved over the years from being part of a driving assessment to a one to one interview style test asking questions to the current format where applicants sit a multiple choice style test using a council computer. |
| 5. | Until the 1st of January 2018 the test for both hackney carriage driver applicants and private hire driver applicants were the same. There were 100 questions split into three sections, 20 questions on legislation and conditions, 40 questions on junctions and 40 questions on locations. To pass a test an applicant needed to achieve a minimum of 80% in each of the three sections. |

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| 6. | This style of test had been in place for a number of years. In that time the taxi trades have seen significant changes such as the impact resulting from technology companies. This resulted in a significant increase of licensed vehicles, in particular private hire vehicles, working in Southampton but licensed elsewhere. |
| 7. | During 2017 the taxi trades reported an estimated 180 vehicles licensed by other authorities were regularly working in Southampton using one of the technology companies' platforms. This raised public safety concerns as these drivers had not been checked by local officers and the vehicles were not subject to local policy and conditions, especially the requirement to have an approved taxi camera fitted. |
| 8. | Officers made enquiries of drivers they came into contact with from other authorities, other authorities and private hire operators to ascertain why drivers (working in Southampton) apply to be licensed elsewhere. The main reason given was the difficulty applicants had passing the Southampton knowledge test. |
| 9. | In one of the taxi trade consultation meetings in 2017 the low pass rate of the knowledge test was raised as companies were struggling to recruit drivers and saw the test as a barrier to their trade. |
| 10. | Officers considered lowering the pass mark but were reluctant to lower standards. The taxi trade were also keen to maintain standards. Officers were aware the larger operators conducted their own assessment and took responsibility for the standard of their drivers. |
| 11. | As any private hire journey has to be pre-booked a driver should have time to prepare for the journey, this reduced the need for a driver to have such a detailed knowledge of the area. |
| 12. | As a result, officers amended the test for both private hire drivers and hackney carriage drivers. <ul style="list-style-type: none"> • Hackney carriage drivers still took a test of 100 questions; 40 on legislation and conditions, 20 on road junctions and 40 on locations • Private hire drivers only had to take the legislation and conditions section of the test The pass mark remained the same at 80% of each section they took. This was implemented on 2nd January 2018. Any private hire driver wishing to become a hackney carriage driver would have to pass the test to the level required for hackney carriage drivers. |
| 13. | Part of the reason for taking this option was the fact private hire operators were already undertaking assessment of drivers and it is in the operator's interest to ensure drivers provide a good service. This change passed the responsibility of service delivery to the operator. |
| 14. | Since changing the test for private hire drivers we have seen a significant increase in applications and this has resulted in a significant increase in the numbers of private hire vehicles and drivers we licence. The table below shows the numbers of both hackney carriage and private hire licences since 2017 |

| | Date | Hackney Carriage | Hackney Carriage Driver | Private Hire Vehicle | Private Hire Driver |
|-------------------------------|---|------------------|-------------------------|----------------------|---------------------|
| | 1 st January 2017 | 283 | 467 | 660 | 848 |
| | 1 st January 2018 | 283 | 436 | 682 | 848 |
| | 1 st January 2019 | 283 | 436 | 858 | 1127 |
| | 1 st January 2020 | 283 | 439 | 1089 | 1420 |
| 15. | This has not completely resolved the issue of out of area vehicles working in Southampton, however, it has significantly reduced the numbers. Some of this change must be attributed to Uber moving to a regionalised operating model but Uber drivers would have the option of licensing in other areas in the region, by changing the test we have captured the vast majority of this group. | | | | |
| 16. | There was always a concern this move would see Southampton licensed vehicles working in areas other than Southampton and this has occurred to a very small degree. We are aware of around 5-10 vehicles in Brighton/Hove/Lewis area, around 4 in the area of Oxford and about the same number in Bournemouth. Licensing Enforcement Officers work with other authorities and are checking compliance of vehicles operating outside of the Southampton area. We have not seen the mass licensing of vehicles working in other areas that some other licensing authorities have experienced at this time. | | | | |
| 17. | Another concern of the trade was there would be an increase in complaints of drivers not knowing where they are going. This has not been realised in the record of complaints held by the authority. | | | | |
| 18. | In reviewing this change officers are satisfied the change in the test has made a significant contribution to reducing the numbers of out of area vehicles working in the city and therefore improving public safety. There is a real concern if we reverted to the original exam we would see a large number of drivers and vehicles licence elsewhere but continue to work in the city. | | | | |
| 19. | Officers are aware that it is not unrealistic that drivers are checked on their basic geographical awareness including some of the significant locations in the city and around the region. Therefore licensing officers are currently writing a separate bespoke knowledge test that will include the current range of law questions as well as bringing in an element of basic topography. | | | | |
| RESOURCE IMPLICATIONS | | | | | |
| <u>Capital/Revenue</u> | | | | | |
| 20. | As the fees paid are ring fenced to service paid for the additional fees received have been considered in a restructure of the licensing team which has seen an increase in establishment of one and half officers. A further assessment of income and costs has been conducted and the licensing team | | | | |

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| | are in the process of recruiting two more enforcement staff. Further reviews on staffing levels are planned within the next year with a view to a possible further increase again. |
| <u>Property/Other</u> | |
| 21. | None |
| LEGAL IMPLICATIONS | |
| <u>Statutory power to undertake proposals in the report:</u> | |
| 22. | Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 |
| <u>Other Legal Implications:</u> | |
| 23. | Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its 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. |
| 24. | Human Rights Act 1998 - 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 affect 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 those obligations. |
| RISK MANAGEMENT IMPLICATIONS | |
| 25. | I assess this as low risk. There is no financial risk. There is a medium risk to reputational image if this matter is not addressed. |
| POLICY FRAMEWORK IMPLICATIONS | |
| 26. | None |

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| KEY DECISION? | No |
| WARDS/COMMUNITIES AFFECTED: | All |
| <u>SUPPORTING DOCUMENTATION</u> | |
| Appendices | |
| 1. | |
| 2. | |

Documents In Members' Rooms

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| 1. | |
| 2. | |

Equality Impact Assessment

| | |
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| Do the implications/subject of the report require an Equality and | No |
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| Safety Impact Assessment (ESIA) to be carried out. | | |
| Data Protection Impact Assessment | | |
| Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out. | | No |
| Other Background Documents 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. | | |
| 2. | | |

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| DECISION-MAKER: | LICENSING COMMITTEE | | |
| SUBJECT: | PROPOSED AMENDMENT TO CONDITIONS FOR SEX ESTABLISHMENTS | | |
| DATE OF DECISION: | 30 JANUARY 2020 | | |
| 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: | John Harrison | Tel: 023 8083 4897 |
| | E-mail: | John.harrison@southampton.gov.uk | |

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| STATEMENT OF CONFIDENTIALITY | | |
| N/A | | |
| BRIEF SUMMARY | | |
| The Council has previously adopted legislative provisions enabling the regulation of sex establishments, including sexual entertainment venues. | | |
| This report seeks approval to amend the standard licence conditions relating to Sex Establishments. | | |
| RECOMMENDATIONS: | | |
| 1. | (i) | That the Committee approve the variation of the conditions for sex establishments, subject to any amendments the Committee wish to make. |
| REASONS FOR REPORT RECOMMENDATIONS | | |
| 2. | The provisions of the Local Government (Miscellaneous Provisions) Act 1982 which pertain to the regulation of sex establishments have been adopted by the Council and amended provisions relating to sexual entertainment venues. Once the provisions were adopted, it was necessary to introduce a licensing policy and application form in relation to sex establishments generally, as well as a pool of licensing conditions to be imposed upon individual licences as necessary. This was approved by the Committee on 25 th April 2013, however a variation to several conditions is now deemed appropriate. | |
| ALTERNATIVE OPTIONS CONSIDERED AND REJECTED | | |
| 3. | The Council should implement and review conditions for sex establishments in order to support and underpin the statutory licensing process contained within the Act. | |
| DETAIL (Including consultation carried out) | | |
| 4. | <p><u>Adoption of legislation:</u></p> <p>Sex establishments can be regulated under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), provided the appropriate provisions of that Act have been adopted by Council as licensing authority for the area. The definition of sex establishments</p> | |

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| | traditionally included sex cinemas, hostess bars and sex shops, but was widened by section 27 of the Policing and Crime Act 2009 to include sexual entertainment venues. |
| 5. | The Council originally adopted Schedule 3 of the 1982 Act insofar as it related to sex shops and sex cinemas in 1983, and subsequently readopted the provisions with effect from 3 July 1995. |
| 6. | A report was considered by the Licensing Committee on 14 July 2011 regarding the adoption of the power to licence sexual entertainment venues as provided for in the amended 1982 Act. A public consultation was subsequently carried out, and a further report was considered by the Committee on 22 March 2012, which resolved to recommend Council formally adopt the new powers. Council adopted the powers at its meeting of 11 July 2012, and delegated authority to the Head of Legal, HR and Democratic Services to prepare a draft policy (including application form) and standard conditions to be adopted by the Licensing Committee. These were adopted by the Licensing Committee on 25 th April 2013. |
| 7. | <p><u>Sex Establishment Licensing Conditions:</u></p> <p>Schedule 3 to the 1982 Act gives the licensing authority the power to make regulations prescribing standard conditions applicable to licences for sex establishments. Conditions are effectively terms, conditions or restrictions placed upon a licence when it is granted, renewed or transferred. Standard conditions may include, but are not limited to:</p> <ul style="list-style-type: none"> • Opening and closing hours; • Displays and advertisements on or in sex establishments; • Visibility of the interior of a sex establishment to passers-by; • Any change in use from one kind of sex establishment to another. |
| 8. | <p>The licensing authority may also specify other conditions specific to individual premises, dependent on the type of activity undertaken and the type of premises. These may include, but are not limited to:</p> <ul style="list-style-type: none"> • Specifying minimum distances between the audience and performers; • Control of access to changing room facilities; • Control of private viewings. |
| 9. | The current Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues are attached as Appendix 1 to this report. Section 6.2 states: The council may substitute, delete, vary or amend these conditions at any time. |
| 10. | The amended Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues are attached as Appendix 2 to this report, and are presented to the Committee for initial comment before final adoption. |
| 11. | <p>The following amendments to the current conditions are recommended for approval to bring these in line with current practices:</p> <p>Part One – General Conditions</p> <p>4. CCTV</p> <p>4.7 The CCTV system will have sufficient storage capacity for 31 days of good evidential quality images.</p> <p>To amend to 28 days which will fall in line with standard requirements.</p> |

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| 12. | <p>Part One – General Conditions 5. CCTV Access 5.4 The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.</p> <p>In order to clarify the correct Police department to be amended to read:</p> <p>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 Licensing department responsible for this area. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence</p> |
| 13. | <p>Part Two – Additional Conditions for Premises Operating as Sex Shops 7. Hours of Opening and Closing 7.1 Licensed premises shall not, unless approved in writing by the council, be open for the purposes for which the licence is granted on any Sunday, bank or public holiday.</p> <p>To amend the Bank/Public Holidays to read stated days only amending to read:</p> <p>7.1 Licensed premises shall not, unless approved in writing by the council, be open for the purposes for which the licence is granted on any Sunday, Good Friday, Easter Monday, Christmas Day or Boxing Day.</p> <p>7.2.1 Monday to Saturday inclusive - 0930 until 2000</p> <p>To be amended to work with current practices to read:</p> <p>7.2.1 Monday to Saturday inclusive - 0900 until 2000</p> |
| 14. | <p>Part Three – Additional Conditions for Premises Operating as Sexual Entertainment Venues 11. Control of Entry to the Premises 11.1 The Licensee will operate a Challenge 21 Policy whereby prospective customers who appears to be aged 21 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.</p> <p>To be amended in line with current good practices to Challenge 25:</p> <p>11.1 The Licensee will operate a Challenge 25 Policy whereby prospective customers who appears to be aged 25 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.</p> |
| 15. | <p>Part Three – Additional Conditions for Premises Operating as Sexual Entertainment Venues 13. CCTV 13.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection Act 1998).The said images shall be down loaded on</p> |

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| | <p>request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.</p> <p>To comply with any changes in legislation to be amended to read:</p> <p>13.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection legislation at the time).The said images shall be downloaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.</p> |
| RESOURCE IMPLICATIONS | |
| <u>Capital/Revenue</u> | |
| 16. | There are no financial implications. |
| <u>Property/Other</u> | |
| 17. | Not applicable. |
| LEGAL IMPLICATIONS | |
| <u>Statutory power to undertake proposals in the report:</u> | |
| 18. | The Local Government (Miscellaneous Provisions) Act 1982 as amended, gives licensing authorities the ability to regulate sex establishments with the adoption of Schedule 3 to the Act. |
| <u>Other Legal Implications:</u> | |
| 19. | <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> |
| 20. | <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> |
| 21. | <p>RISK MANAGEMENT IMPLICATIONS</p> <p>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.</p> |
| POLICY FRAMEWORK IMPLICATIONS | |
| 22. | None |

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| KEY DECISION? | No | |
| WARDS/COMMUNITIES AFFECTED: | N/A | |
| <u>SUPPORTING DOCUMENTATION</u> | | |
| Appendices | | |
| 1. | The current Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues | |
| 2. | A draft copy of the amended Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues | |
| 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 | |

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

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 1.5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
- 1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
- 1.8. Neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.
- 1.9. Where the Licence holder is a body corporate or an unincorporated body, any change of director, or other person responsible for the management of the body is to be notified in writing to the council within 14 days of any such change. In addition, the Licence holder shall provide any details as the council may require in respect of any new director, officer or manager upon request in writing from the council.

2. Conduct of the Premises

- 2.1. No change from one type of sex establishment to another shall be made without the written consent of the council.
- 2.2. No part of the premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

3. Premises Interior and Layout

- 3.1. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
- 3.2. No alterations, additions or modifications to either the internal or external parts of the licensed premises shall be made without the prior written consent of the council.

- 3.3. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 3.4. The premises shall be fitted with an inner entrance lobby door or partition screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 3.5. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 3.6. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - Ensure that the frontage is of a discreet nature
 - Ensure that it is appropriate to the character of the locality.

4. CCTV

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

5. CCTV Access

- 5.1. Police and authorised officers of the council shall have access to data from the systems quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
- 5.2. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
- 5.3. An operator's manual will be available to assist in replaying and exporting data.
- 5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.

6. General

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

Part Two – Additional Conditions for Premises Operating as Sex Shops

- 6.3. The Licensee shall notify the council of the name, address and date of birth of any manager or employee at the licensed premises at least 7 days prior to commencing employment. The council, in consultation with the police, reserves the right to object to the employment of any person by reason of general unsuitability and/or because of any recorded conviction, reprimand, warning or caution considered relevant in which event the individual concerned shall not be employed at the premises.
- 6.4. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
- 6.5. No public music or dancing shall be permitted on the premises.
 - 6.5.1. No alcohol shall be sold, offered or consumed by either staff or customers on the premises.
 - 6.5.2. No facilities to provide or consume food (hot or cold) by members of the public shall be permitted on the premises.

7. Hours of Opening and Closing

- 7.1. Licensed premises shall not, unless approved in writing by the council, be open for the purposes for which the licence is granted on any Sunday, bank or public holiday.
- 7.2. The general permitted hours (unless otherwise varied by the council) for the use of any premises, as a sex shop shall be:
 - 7.2.1. Monday to Saturday inclusive - 0930 until 2000

8. Conduct of the Premises

- 8.1. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 8.2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show the price being charged.
- 8.3. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
- 8.4. No film or video recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Certification and bears a certificate to that effect.

9. Premises Interior and Layout

- 9.1. Any facilities on the premises for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area. The positioning of any playback or viewing equipment shall be approved by the council.

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

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

- 10.1 The grant of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 of the Act.
- 10.2 The Premises shall be maintained in good repair and condition.
- 10.3 The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises.
- 10.4 At no time shall performances be capable of being seen from outside of the premises
- 10.5 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 10.6 The copy of the licence and of any Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Act shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed aforesaid shall be suitably protected and the copy of any Regulations shall be retained in a clean and legible condition.

11. Control of Entry to the Premises

- 11.1 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (for so long as that Authority is operative).
- 11.2 The Licensee must ensure that a sufficient number of authorised door supervisors are employed in the premises to check entrants; enforce the venue Drugs Policy, House Rules and Dancer Code of Conduct; complete the incident book as necessary and supervise customers and performers whilst sexual entertainment is provided.
- 11.3 No person under the age of 18 shall be admitted to the premises at any time that it is offering sexual entertainment and a notice to this effect shall be clearly displayed at the entrance(s) to the premises.
- 11.4 The Licensee will operate a Challenge 21 Policy whereby prospective customers who appears to be aged 21 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
- 11.5 Information shall be clearly displayed within the internal exit areas of the premises, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.
- 11.6 Prospective customers shall be informed of the House Rules.

12. Advertising

- 12.1 The Licensee shall not permit the display on the exterior of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which may offend public decency.
- 12.2 The Licensee shall have regard to the Advertising Standards Authority CAP Code.
- 12.3 Where the Council has given notice in writing to the Licensee objecting to any public advertisement on the grounds that, if displayed, it would offend public decency or be

likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

13. CCTV

- 13.1 The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of the Police. The equipment will be password protected and have a constant and accurate time and date generation.
- 13.2 CCTV shall be installed in any private performance areas. Such areas will also be specifically monitored.
- 13.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection Act 1998). The said images shall be down loaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.
- 13.4 Records must be made on a weekly basis and retained for at least one year to demonstrate that the CCTV system is functioning correctly and that data is being securely retained. These will be made available to a police officer or authorised Council officer on request.
- 13.5 In the event of a technical failure of the CCTV equipment the Licensee must report the failure to the Southampton Police Licensing unit.

14. Performers

- 14.1 Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.
- 14.2 Performers must remain fully dressed in public areas and in all other areas except while performing.
- 14.3 No personal performances shall be given to customers seated at the bar or to standing customers.
- 14.4 Performers must re-dress when the performance has ended.
- 14.5 Performers must not perform a nude table dance unless in a supervised area and within sight of a floor supervisor.
- 14.6 Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.
- 14.7 There shall be no intentional full body contact between customers and performers during a performance except for the placing of money or tokens into the hand or garter of the performer at the beginning or conclusion of the performance.
- 14.8 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.
- 14.9 No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
- 14.10 Performers must not engage with the customer in any act of, or communication likely to lead to an act of, prostitution or solicitation.
- 14.11 The Licensee is to implement a policy for the safety of the performers when they leave the premises.

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- 15.1 Customers must remain seated during the entire performance of a private dance.
- 15.2 Customers must remain fully dressed at all times.

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

- 15.3 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;
- 15.4 All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.
- 15.5 The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the council.
- 15.6 Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 15.7 A policy of random searches of persons entering the premises shall be operated.
- 15.8 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
- 15.9 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
- 15.10 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

16 External Appearance of the Premises and Public Displays of Information

- 16.1 The exterior of the premises shall not contain any displays or depictions of the human form, or any imagery that suggests or indicates relevant entertainment takes place at the premises, or other language stating the nature of such activities, including use of the word "nude". The condition does not prevent the use of the words "Licensed Sexual Entertainment Venue" on a single plate in characters no higher than 10 cm at the entrance to the premises.
- 16.2 Any external displays or advertising may only be displayed with the prior approval of the Council.
- 16.3 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior of the premises.
- 16.4 All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 16.5 Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
- 16.6 No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
- 16.7 Performers may not stand in any lobby, reception or foyer areas or outside the premises

entrance for the purposes of greeting customers or encouraging customers to enter the venue.

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

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

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

17.1 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.

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

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

17.4 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.

17.5 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.

17.6 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.

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18.1 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.

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

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

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

18.5 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.

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

18.8 Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct shall be banned from the premises.

19 Disciplinary Procedure for Performers

19.1 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.

- 19.2 All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
- 19.3 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.

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

- 20.1 Performers shall be provided with secure and private changing facilities.
- 20.2 All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
- 20.3 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
- 20.4 The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
- 20.5 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.
- 20.6 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
- 20.7 Any private booths shall be fitted with a panic button or security alarm.

21 Record Keeping and Management

- 21.1 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.
- 21.2 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.
- 21.3 Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
- 21.4 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.
- 21.5 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.

22 Dress Code

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

Part Four – Additional Conditions for Premises Operating as Sex Cinemas

23 Film Exhibition

- 23.1 No film shall be exhibited unless:
- It has been passed by the British Board of Film Classification ("BBFC") as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the council; or

- The film has been passed by the council as U, PG, 12, 15, 18 or RESTRICTED (18).
- 23.2 If the Licence holder is notified by the council, in writing, that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
- 23.3 The Licence holder shall give at least 28 days notice in writing to the council of any proposal to exhibit any film which has not been classified as specified above. Such a film shall only be exhibited if consent has been obtained from the council in writing and subject to any terms or restrictions contained within such written consent.
- 23.4 When the programme includes a film in the 12, 15 or 18 category, no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.
- 23.5 If the council does not agree with the category of any film as passed by the BBFC, it may alter the category or prohibit the showing of the film.
- 23.6 Where any notice is given by the council to the Licence holder that it has altered the category of any film, the film shall thereafter be treated as being in the altered category and the conditions application to the exhibition of films in the altered category shall be observed accordingly.
- 23.7 Immediately before each exhibition at the premises of a film (other than a current news-reel) passed by the BBFC, there shall be exhibited on the screen for at least ten seconds and in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the BBFC or, as regards a trailer, of the statement approved by the BBFC indicating the category of the film.
- 23.8 For a film passed by the council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them and which consist of the following wording:

SOUTHAMPTON CITY COUNCIL

(Insert title of film here)

Has been passed by Southampton City Council as

(insert the definition of the category and the category assigned)

- 23.9 Where a trailer is to be exhibited advertising a film passed by the council, the notice shall state:

SOUTHAMPTON CITY COUNCIL

*(Insert the category of trailer here) **trailer advertising** (insert the category of the film) **film***

- 23.10 Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises shall indicate clearly the category of the film.

24 General

- 24.1 No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Sexual Entertainment Venues – Code of Conduct for Dancers

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

- There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
- The performer may not simulate any sexual act during a performance.
- Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
- Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
- There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
- There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
- Performers must fully dress (i.e. no nudity) at the end of each performance.
- Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
- There shall be no photography permitted by customers on the premises.
- Customers must remain seated for the duration of a performance.
- Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
- Dancers shall not perform if under the influence of alcohol or drugs.
- All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

Sexual Entertainment Venues – Code of Conduct for Customers

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

- Customers may not touch dancers during a performance.
- Customers may not make lewd or offensive comments to performers.
- Customers must not harass or intimidate performers.
- Customers must not ask dancers to perform any sexual favour.
- Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

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

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 1.5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
- 1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
- 1.8. Neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.
- 1.9. Where the Licence holder is a body corporate or an unincorporated body, any change of director, or other person responsible for the management of the body is to be notified in writing to the council within 14 days of any such change. In addition, the Licence holder shall provide any details as the council may require in respect of any new director, officer or manager upon request in writing from the council.

2. Conduct of the Premises

- 2.1. No change from one type of sex establishment to another shall be made without the written consent of the council.
- 2.2. No part of the premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

3. Premises Interior and Layout

- 3.1. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
- 3.2. No alterations, additions or modifications to either the internal or external parts of the licensed premises shall be made without the prior written consent of the council.

- 3.3. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 3.4. The premises shall be fitted with an inner entrance lobby door or partition screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 3.5. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 3.6. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - Ensure that the frontage is of a discreet nature
 - 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 **28** days of good evidential quality images.

5. CCTV Access

- 5.1. Police and authorised officers of the council shall have access to data from the systems quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
- 5.2. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
- 5.3. An operator's manual will be available to assist in replaying and exporting data.
- 5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police **Licensing Department responsible for the area.** The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.

6. General

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

Part Two – Additional Conditions for Premises Operating as Sex Shops

- 6.3. The Licensee shall notify the council of the name, address and date of birth of any manager or employee at the licensed premises at least 7 days prior to commencing employment. The council, in consultation with the police, reserves the right to object to the employment of any person by reason of general unsuitability and/or because of any recorded conviction, reprimand, warning or caution considered relevant in which event the individual concerned shall not be employed at the premises.
- 6.4. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
- 6.5. No public music or dancing shall be permitted on the premises.
- 6.5.1. No alcohol shall be sold, offered or consumed by either staff or customers on the premises.
- 6.5.2. No facilities to provide or consume food (hot or cold) by members of the public shall be permitted on the premises.

7. Hours of Opening and Closing

- 7.1. Licensed premises shall not, unless approved in writing by the council, be open for the purposes for which the licence is granted on any Sunday, **Good Friday, Easter Monday, Christmas Day or Boxing Day.**
- 7.2. The general permitted hours (unless otherwise varied by the council) for the use of any premises, as a sex shop shall be:
 - 7.2.1. Monday to Saturday inclusive - **0900** until 2000

8. Conduct of the Premises

- 8.1. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 8.2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show the price being charged.
- 8.3. All printed matter offered for sale, hire, exchange or loan within a sex establishment shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
- 8.4. No film or video recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Certification and bears a certificate to that effect.

9. Premises Interior and Layout

- 9.1. Any facilities on the premises for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area. The positioning of any playback or viewing equipment shall be approved by the council.

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

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

- 10.1 The grant of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 of the Act.
- 10.2 The Premises shall be maintained in good repair and condition.
- 10.3 The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises.
- 10.4 At no time shall performances be capable of being seen from outside of the premises
- 10.5 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 10.6 The copy of the licence and of any Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Act shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed aforesaid shall be suitably protected and the copy of any Regulations shall be retained in a clean and legible condition.

11. Control of Entry to the Premises

- 11.1 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (for so long as that Authority is operative).
- 11.2 The Licensee must ensure that a sufficient number of authorised door supervisors are employed in the premises to check entrants; enforce the venue Drugs Policy, House Rules and Dancer Code of Conduct; complete the incident book as necessary and supervise customers and performers whilst sexual entertainment is provided.
- 11.3 No person under the age of 18 shall be admitted to the premises at any time that it is offering sexual entertainment and a notice to this effect shall be clearly displayed at the entrance(s) to the premises.
- 11.4 The Licensee will operate a Challenge 25 Policy whereby prospective customers who appears to be aged 25 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
- 11.5 Information shall be clearly displayed within the internal exit areas of the premises, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.
- 11.6 Prospective customers shall be informed of the House Rules.

12. Advertising

- 12.1 The Licensee shall not permit the display on the exterior of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which may offend public decency.
- 12.2 The Licensee shall have regard to the Advertising Standards Authority CAP Code.
- 12.3 Where the Council has given notice in writing to the Licensee objecting to any public advertisement on the grounds that, if displayed, it would offend public decency or be

likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

13. CCTV

- 13.1 The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of the Police. The equipment will be password protected and have a constant and accurate time and date generation.
- 13.2 CCTV shall be installed in any private performance areas. Such areas will also be specifically monitored.
- 13.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (**subject to the Data Protection legislation at the time**). The said images shall be down loaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.
- 13.4 Records must be made on a weekly basis and retained for at least one year to demonstrate that the CCTV system is functioning correctly and that data is being securely retained. These will be made available to a police officer or authorised Council officer on request.
- 13.5 In the event of a technical failure of the CCTV equipment the Licensee must report the failure to the Southampton Police Licensing unit.

14. Performers

- 14.1 Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.
- 14.2 Performers must remain fully dressed in public areas and in all other areas except while performing.
- 14.3 No personal performances shall be given to customers seated at the bar or to standing customers.
- 14.4 Performers must re-dress when the performance has ended.
- 14.5 Performers must not perform a nude table dance unless in a supervised area and within sight of a floor supervisor.
- 14.6 Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.
- 14.7 There shall be no intentional full body contact between customers and performers during a performance except for the placing of money or tokens into the hand or garter of the performer at the beginning or conclusion of the performance.
- 14.8 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.
- 14.9 No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
- 14.10 Performers must not engage with the customer in any act of, or communication likely to lead to an act of, prostitution or solicitation.
- 14.11 The Licensee is to implement a policy for the safety of the performers when they leave the premises.

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- 15.1 Customers must remain seated during the entire performance of a private dance.
- 15.2 Customers must remain fully dressed at all times.

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

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- 15.4 All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.
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- 15.9 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
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- 16.7 Performers may not stand in any lobby, reception or foyer areas or outside the premises

entrance for the purposes of greeting customers or encouraging customers to enter the venue.

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19.1 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.

- 19.2 All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
- 19.3 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.

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

- 20.1 Performers shall be provided with secure and private changing facilities.
- 20.2 All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
- 20.3 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
- 20.4 The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
- 20.5 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.
- 20.6 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
- 20.7 Any private booths shall be fitted with a panic button or security alarm.

21 Record Keeping and Management

- 21.1 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.
- 21.2 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.
- 21.3 Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
- 21.4 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.
- 21.5 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.

22 Dress Code

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

Part Four – Additional Conditions for Premises Operating as Sex Cinemas

23 Film Exhibition

- 23.1 No film shall be exhibited unless:
- It has been passed by the British Board of Film Classification ("BBFC") as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the council; or

- The film has been passed by the council as U, PG, 12, 15, 18 or RESTRICTED (18).
- 23.2 If the Licence holder is notified by the council, in writing, that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
- 23.3 The Licence holder shall give at least 28 days notice in writing to the council of any proposal to exhibit any film which has not been classified as specified above. Such a film shall only be exhibited if consent has been obtained from the council in writing and subject to any terms or restrictions contained within such written consent.
- 23.4 When the programme includes a film in the 12, 15 or 18 category, no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.
- 23.5 If the council does not agree with the category of any film as passed by the BBFC, it may alter the category or prohibit the showing of the film.
- 23.6 Where any notice is given by the council to the Licence holder that it has altered the category of any film, the film shall thereafter be treated as being in the altered category and the conditions application to the exhibition of films in the altered category shall be observed accordingly.
- 23.7 Immediately before each exhibition at the premises of a film (other than a current news-reel) passed by the BBFC, there shall be exhibited on the screen for at least ten seconds and in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the BBFC or, as regards a trailer, of the statement approved by the BBFC indicating the category of the film.
- 23.8 For a film passed by the council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them and which consist of the following wording:

SOUTHAMPTON CITY COUNCIL

(Insert title of film here)

Has been passed by Southampton City Council as

(insert the definition of the category and the category assigned)

- 23.9 Where a trailer is to be exhibited advertising a film passed by the council, the notice shall state:

SOUTHAMPTON CITY COUNCIL

*(Insert the category of trailer here) **trailer advertising** (insert the category of the film) **film***

- 23.10 Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises shall indicate clearly the category of the film.

24 General

- 24.1 No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Sexual Entertainment Venues – Code of Conduct for Dancers

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

- There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
- The performer may not simulate any sexual act during a performance.
- Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
- Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
- There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
- There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
- Performers must fully dress (i.e. no nudity) at the end of each performance.
- Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
- There shall be no photography permitted by customers on the premises.
- Customers must remain seated for the duration of a performance.
- Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
- Dancers shall not perform if under the influence of alcohol or drugs.
- All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

Sexual Entertainment Venues – Code of Conduct for Customers

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

- Customers may not touch dancers during a performance.
- Customers may not make lewd or offensive comments to performers.
- Customers must not harass or intimidate performers.
- Customers must not ask dancers to perform any sexual favour.
- Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

| | | | |
|-------------------------------|----------------------------------|--|---------------------------|
| DECISION-MAKER: | LICENSING COMMITTEE | | |
| SUBJECT: | SUMMARY OF LICENSING 2019 | | |
| DATE OF DECISION: | 30 JANUARY 2020 | | |
| REPORT OF: | LICENSING MANAGER | | |
| <u>CONTACT DETAILS</u> | | | |
| AUTHOR: | Name: | Phil Bates | Tel: 023 8083 3523 |
| | E-mail: | Phil.bates@southampton.gov.uk | |
| Director | Name: | John Harrison | Tel: 023 8083 4897 |
| | E-mail: | John.harrison@southampton.gov.uk | |

| | |
|--|---|
| STATEMENT OF CONFIDENTIALITY | |
| N/A | |
| BRIEF SUMMARY | |
| This report provides a brief summary of licences under the Licensing Act 2003, Gambling Act 2005, Scrap Metal Act 2013 and Taxi licensing. | |
| RECOMMENDATIONS: | |
| | (i) For members to note the contents of this report and appendices. |
| REASONS FOR REPORT RECOMMENDATIONS | |
| 1. | The contents of this report provides basic information not normally brought to the attention of all members through the year. |
| ALTERNATIVE OPTIONS CONSIDERED AND REJECTED | |
| 2 | N/A |
| DETAIL (Including consultation carried out) | |
| 3. | <p>The licensing team in Southampton carries out a variety of work to support the objectives of Southampton City Council and the various licensing objectives set within the different pieces of legislation governing licensable activities.</p> <ul style="list-style-type: none"> • Chasing of Licensing Act 2003 (LA03) and Gambling Act 2005 (GA05) annual fees – failure to pay annual fees triggers an automatic suspension or revocation • 21 visits to docks checking on taxi trade – this includes checking of private hire trade and compliance with the docks permit rules • Evening working checking various licences, taxis and premises – These checks involve making sure compliance with licence conditions and promotion of the licensing objectives, no unlicensed activity taking place such as unlicensed takeaways operating after 11pm. • Two impromptu vehicle mechanical check operation with Hampshire police – Numerous vehicles are checked, those that show sin of poor maintenance are sent for an immediate inspection. • Joint premises visits with immigration • Sex shop visits |

| | |
|----|--|
| | <ul style="list-style-type: none"> • Festival/Event checks- all the festivals are visited to ensure compliance of licence and promotion of licensing objectives • GA05 and LA03 premises visits • Scrap metal inspections • Street Trading checks including one prosecution for breach of control of sales order. – this work is to ensure the public are protected from rogue traders and maintain a safe and free flow of movement in Above Bar precinct. • Charitable collection checks – to protect the public from bogus collectors. • 1,000 complaints/enquiries/service requests dealt with |
| 4. | A breakdown of live licences, permits and notifications as of 17th January 2020 is attached as Appendix 1. A breakdown of the main licences follow. |
| 5 | <p><u>Licensing Act 2003</u></p> <p>The Statistical return provided to the Home Office in 2018 identified Southampton had:-</p> <ul style="list-style-type: none"> • 819 licensed premises, • 29 club premises certificates • 4052 personal licence holders. <p>Of the premises licences:-</p> <ul style="list-style-type: none"> • 315 were licensed for both on and off sales of alcohol • 146 for on sales only • 219 off sales only <p>139 no alcohol sales (Late Night Refreshment or regulated entertainment without alcohol)</p> |
| 6. | <p><u>Gambling Act 2005</u></p> <ul style="list-style-type: none"> • 9 Adult Gaming centres • 31 betting offices • 4 bingo premises licences • 3 Casinos plus 1 Provisional Statement for a Large Casino • 5 Family Entertainment Centres • 1 Track betting licence (St Marys stadium) |
| 7. | <p><u>Taxi trades</u></p> <ul style="list-style-type: none"> • 283 hackney carriages • 1068 private hire vehicles <p>The number of hackney carriages is restricted to 283.</p> <p>The legislation does not allow the authority to restrict the number of private hire licences and over the last few years we have seen a significant increase in the number of private hire licences as shown in the table below.</p> |

| | | | |
|---|------|------|--|
| | Year | PHVs | |
| | 2014 | 572 | |
| | 2016 | 630 | |
| | 2018 | 683 | |
| | 2020 | 1080 | |
| A summary of officer delegated decisions in relation to the taxi trades is attached as appendix 2 | | | |

RESOURCE IMPLICATIONS

Capital/Revenue

8. Nil

Property/Other

9. Nil

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

10. N/A

Other Legal Implications:

11. N/A

RISK MANAGEMENT IMPLICATIONS

12. The only decision is to note the contents of this report. It is assessed as low risk

POLICY FRAMEWORK IMPLICATIONS

13. N/A

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED: All

SUPPORTING DOCUMENTATION

Appendices

1. Live licences as of 17th January 2020

2. Summary of officer delegated decisions in relation to the taxi trades in 2019

Documents In Members' Rooms

1. None

2.

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out. No

| | | |
|--|---|-----------|
| Data Protection Impact Assessment | | |
| Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out. | | No |
| Other Background Documents | | |
| 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. | | |
| 2. | | |

Agenda Item 7

Appendix 1

| Licence Type | Reference |
|--|-----------|
| AGC Licence - Fast Track Conversion | 6 |
| AGC Licence - New | 3 |
| Alcohol Licensed Permit - New | 13 |
| Alcohol Licensed Permit - Transfer | 4 |
| Alcohol Licensed Permit - Variation | 7 |
| Alcohol Licensed Premises Notification | 78 |
| Betting Premises Licence - FT Conversion | 11 |
| Betting Premises Licence - New | 3 |
| Betting Premises Licence - Transfer | 17 |
| Bingo Club Licence - FT Conversion | 2 |
| Bingo Club Licence - Variation | 2 |
| Boat Licence | 6 |
| Boatman Licence | 2 |
| Casino Licence - Variation | 3 |
| Club Gaming Permit - New | 3 |
| Club Gaming Permit - Renewal | 1 |
| Club Machine Permit - New | 10 |
| Club Machine Permit Renewal | 2 |
| Club Premises Certificate - Conversion | 8 |
| Club Premises Certificate Minor V | 9 |
| Club Premises Certificate - Variation | 12 |
| FEC Permit New | 5 |
| Hackney Carriage | 297 |
| HC - Driver | 453 |
| House To House Collection Licence | 18 |
| Large Casino - Provisional Statement | 1 |
| Late Temporary Event Notice | 5 |
| Minor Variations | 113 |
| Notification of Interest in Premises | 10 |
| Personal Licence | 3251 |
| Personal Licence - Conversion | 803 |
| PH - Driver | 1418 |
| PH Restricted Driver | 80 |
| Premises Licence | 220 |
| Premises Licence - Conversion | 34 |

| | |
|--|------|
| Premises Licence - DPS Variation | 385 |
| Premises Licence - Transfer | 124 |
| Premises Licence - Variation | 54 |
| Private Hire Operator | 57 |
| Private Hire Vehicle | 1068 |
| Private Hire Vehicle Restricted | 65 |
| Review of Club Premises Certificate | 1 |
| Review of Premises Licence | 5 |
| Scrap Metal 2013 COLLECTOR | 3 |
| Scrap Metal 2013 SITE | 10 |
| Sex Establishment Licence | 7 |
| Small Society Lottery | 62 |
| Street Collection Permit | 24 |
| Street Trading Consents | 1 |
| Temporary Event Notice | 30 |
| Track Betting Prem Lic - FT Conversion | 1 |

REVIEW OF 2019

SUMMARY OF OFFICER DECISIONS RESULTING IN SUSPENSION, REVOCATION OR REFUSAL

Unless stated all decisions were in consultation with either the Chair or Deputy chair of the Licensing Committee.

January 2019

PHD suspended as no longer has right to work in the UK (Officer decision)

PHD suspended for one week, 2 weeks after receiving a warning and attending a driver awareness course for poor driving standards is seen parked on zig zags by Asda crossing causing a danger.

March 2019

PHD suspended one week after running a red light and causing an accident.

PHD and HCD licence holder revoked after conviction of assault. This matter is in the process of an appeal.

HCD application refused by Service Director TUS, this applicant makes an annual application since revocation in 2015 and has previously been refused twice by members sitting on the Licensing (General) Sub-Committee

May 2019

PHD revoked after arrest for rape x 2 and indecent assault.

PHD revoked after arrest for possession of drugs with intention to supply

PHD and HCD licence holder revoked after arrest for Drug Driving.

PHD suspended for one week after performing sexual act on themselves whilst parked in a public place.

PHD applicant refused after caught cheating by using mobile phone in knowledge test for licence

June 2019

PHD revoked after arrest for rape (Officer decision)

HCD revoked after being charged with an offence of failing to provide a sample after being involved in an accident in a licensed vehicle.

PHD applicant refused after not disclosing he had previously held a licence and DBS certificate provided information of allegations of him holding inappropriate comments with lone females whilst working as a licensed driver in another area.

PHD applicant refused as has a conviction for sexual assault in 2019 and has a sexual harm prevention order.

PHD suspended one week after seen taking passengers without a booking, insufficient evidence to prosecute though.

July 2019

PHD driver advertising for work on facebook without an operator licence. Plying for hire. No evidence of him accepting any work therefore suspension of one week.

August 2019

A driver who holds both PH and HC drivers licences failed to provide a DBS certificate to confirm he is a fit and proper person. Licences suspended.

A Private Hire driver had an expired photocard driving licence. Licence suspended.

Hackney Carriage Driver revoked as his application to remain in the UK was refused on appeal. This terminated his right to work pending the outcome of the appeal. He has made a further application but Home Office have said he has no right to work pending this application.

September 2019

An operator advised us they had a complaint from a female passenger that the driver had stroked her leg, made inappropriate comments and drove erratically. Taxi camera shows passenger as quite chatty and happy, as she is sorting payment the driver touches her chin, this does not seem to worry her, however as she goes to leave she goes to hug the driver who returns the hug and gives her a kiss on the cheek. She delays getting out as she gathers her things and he is seen to stroke her back and then his hands disappear out of shot but lower down her body. Driver said it was a cultural clash, there was nothing sexual in this, it was his culture. Enquiries with SCC community officer revealed his suggestions about his culture were not supported by his community leaders. Revoked.

October 2019

Hackney carriage driver of 4 years , no complaints took a fare from docks to East End of London and charged £375. Did not agree fare upfront or run meter. Normally fare would be around £250. His proprietor got him to refund £100. Driver spoken to, very remorseful and admitted he was wrong. Due to previous good record 2 week suspension with advice on negotiating fares properly.

Applicant for a private hire drivers licence has a caution in 2017 for harassment, had applied in 2018 and was refused because of the caution. Applied again this year but failed to disclose the caution and the previous refusal, despite being specifically asked on the application form. Application refused.

Hackney driver convicted of hit and run RTA, received 12 month ban at court – licence revoked

November 2019

New PHD applicant caught with mobile phone in test – refused.

New PHD applicant caught with additional mobile phone in test, tried to say he forgot the second phone was in his pocket and it started to ring in the test. Staff had seen him looking at his lap, called

another member to confirm who saw same thing so applicant had plenty of time to report matter to staff. Applicant sent three emails with further information, the standard of English was extremely poor and not to a standard we would expect of a licensed driver and not of the standard required to pass a basic skills test. – Refused

New PHD application. Applicant previously licensed by PCC. Found mobile phone in back of cab and threw it away in a bin after a few days. Failed to hand in to police. Loser saw phone in the cab the following day when they tried to retrieve it but could not find the driver. The phone owner took a photo of the phone. The driver was called in by PCC to provide an account. He denied knowledge of the phone until he was shown the photo. This all resulted in a conviction of fail to comply with byelaw (not handing phone in), failing to assist an officer and make a false statement (lying about the phone). PCC revoked his licence as well. – Refused.

December 2019

New PHD applicant caught with a mobile phone in the knowledge test. Denied cheating but was seen looking at lap and then screen during test. – Refused.

New PHD applicant caught using mobile phone during test – Refused

New HCD applicant with a conviction from 2015 for drug importation. He was revoked as a consequence of this conviction and is seeking his licence back. - Licence refused – believe he is appealing

New PHD applicant caught using phone in test – refused

New PHD driver application with old convictions for violence and recent conviction for drug possession – refused

Private Hire Driver was suspected by operator of taking another drivers booking, on investigation found driver was calling in his own bookings and had been covering camera. Revoked.

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