



NOTICE OF MEETING

LICENSING COMMITTEE

WEDNESDAY, 23 OCTOBER 2013 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lucy Wingham, 023 9283 4662

Email: lucy.wingham@portsmouthcc.gov.uk

Licensing Committee Members:

Councillors Les Stevens (Chair), David Fuller (Vice-Chair), Phil Smith (Deputy Chair), Margaret Adair, Ken Ellcome, Jason Fazackarley, Ken Ferrett, Margaret Foster, Aiden Gray, Jacqui Hancock, Frank Jonas, Lee Mason, Eleanor Scott, Sandra Stockdale and April Windebank

Standing Deputies

Councillors Leo Madden, Hugh Mason, Robert New, Jim Patey and Neill Young

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the deputation (eg. for or against the recommendations). Email requests are accepted. Contact: Lucy Wingham as listed above.

AGENDA

1 Apologies for Absence

2 Declarations of Members' Interests

3 Minutes of the Previous Meeting (Pages 1 - 4)

The minutes of the meeting held on 21 January 2013 are attached.

RECOMMENDED that the minutes of the Licensing Policy Committee meeting held on 21 January 2013 be agreed and signed by the chair as a correct record.

4 Minutes of the Licensing Sub Committee meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013

The minutes of the meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013 are available to view on the council website and can be accessed via the link below:

<http://www.portsmouth.gov.uk/yourcouncil/8249.html>

RECOMMENDED that the minutes of the Licensing Sub Committee meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013 be agreed as a correct record and signed by the relevant chair.

5 Scrap Metal Dealers Act 2013 - New statutory powers to licence scrap metal dealers and motor salvage operators (Pages 5 - 16)

Purpose

The purpose of this report is to inform members of the introduction of a new licensing regime for the control of scrap metal dealers and motor salvage operators under the Scrap Metal Dealers Act 2013 ("The Act"). This new legislation replaces previous simple registration requirements for scrap metal dealers and motor salvage operators.

This report has been prepared for Licensing Committee, Cabinet and Council for consideration and approval of delegations as, due to legal difficulties in the implementation by central government, tight timescales have been set and until such time as changes are made to the Local Authorities (Functions and Responsibilities) Regulations 2000, this licensing function has yet to be

deemed to be a function which is not the responsibility of an authority's executive.

RECOMMENDATIONS

Licensing Committee:

- (i) ***That the contents of the report are noted:***
- (ii) ***That the Licensing Committee recommends to Cabinet to delegate to the Head of Health, Safety and Licensing:***
- ***The administration and enforcement of the function including the setting of fees;***
 - ***The power to request further information of applicants (schedule 1, paragraph 4 of the Act);***
 - ***To determine applications (including refusal), revoke licenses or to impose conditions under section 3(9) of the Act;***
 - ***The power to issue or cancel a closure notice for unlicensed sites, and, where appropriate, to apply for closure orders (schedule 2 of the Act) and take such other action in this respect as may be required.***
- (iii) ***That the Licensing Committee recommends to Council to delegate the function to the Licensing Committee as and when the power to do so comes into effect in accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations.***

A report by the Licensing Manager is attached.

- 6 Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (Pages 17 - 36)**

Sex Establishment Licensing - Considerations and Adoption of Standard Conditions

Purpose

The purpose of the report is for the Licensing Committee to consider and adopt the proposed standard conditions application to all classes of sex establishments, including minimum standards relating to the formulation of Codes of Conduct for dancers and customers in respect of sexual entertainment venues.

RECOMMENDED:-

- a) That the Licensing Committee approve and adopt the standard conditions as set out in Appendix B of this report;***
- b) That the Licensing Committee rescind the existing conditions applicable to sex establishments as sent out in Appendix A; and***
- c) That the Licensing Committee delegates authority to the Head of Health, Safety and Licensing to substitute, delete, vary or amend such conditions at any time.***

A report by the Licensing Manager is attached

- 7 Licensing Act 2003 - Proposed Delegation of Powers to Head of Health, Safety and Licensing - Withdrawal of a Club Premises Certificate (Pages 37 - 42)**

Purpose

The purpose of this report is for the Licensing Committee to consider a proposal to extend powers of delegation to the Head of Health, Safety and Licensing so as to permit the giving of notice under section 90 of the Licensing Act 2003 ("The Act") to withdraw a Club Premises Certificate ("CPC") where a club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.

RECOMMENDED:

- a) That the Licensing Committee note the contents of the report;***
- b) That the Licensing Committee delegates responsibility to the Head of Health, Safety and Licensing to give notice under Section 90 of the Licensing Act 2003 to withdraw a Club Premises Certificate where it appears that a Club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.***

A report by the Licensing Manager is attached.

- 8 Licensing Act 2003 - Application for withdrawal of Club Premises Certificate - Big Slick, 240 Fratton road, Portsmouth, PO1 5HH (Pages 43 - 76)**

Purpose

The purpose of this report is for the Licensing Committee to consider the withdrawal of the Club Premises Certificate in respect of the premises known

as the Big Slick and situated at 240 Fratton Road, Portsmouth, PO1 5HH.

RECOMMENDED:

- a) *That the Licensing Committee note the contents of the report;*
- b) *That the Licensing Committee give notice to the Secretary of Big Slick Club Premises of the withdrawal of the club premises certificate as it appears to the Licensing Authority that the club does not satisfy the conditions for being a "qualifying club" in relation to a qualifying club activity to which the certificate relates (section 61 of the Licensing Act 2003), namely that the club is unable to demonstrate to the satisfaction of the Licensing Authority that it is being run in good faith in that it has failed to provide sufficient evidence that the general conditions are being met and there are a number of concerns regarding the membership, finances and its overall purpose.*

A report by the Licensing Manager is attached.

<p>These documents are available to view on Portsmouth City Council's website. Search under Your Council/ Council Minutes and Meetings/ Regulatory Committees/Planning Committee</p>
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Agenda Item 3

LICENSING POLICY COMMITTEE

MINUTES OF A MEETING of the Licensing Policy Committee held on Monday 21 January 2013 at 9.30am in the executive meeting room, floor 3 of The Guildhall, Portsmouth.

Present

Councillors Les Stevens (chair)
Margaret Adair
Ken Ellcome
Jason Fazackarley
Ken Ferrett
Margaret Foster
Jacqui Hancock
Phil Smith
Sandra Stockdale (Standing deputy for
Councillor Fuller)

1. Apologies for Absence (AI)

Apologies for absence were received from Councillors Lee Mason, Peter Eddis, David Fuller, Eleanor Scott, April Windebank and Neill Young. Councillor Sandra Stockdale was in attendance as the standing deputy for Councillor Fuller.

2. Declaration of Members' Interests (AI 2)

There were no declarations.

3. Minutes of the Licensing Policy Committee meeting held on 12 October 2012 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing Policy Committee meeting held on 12 October 2012 be agreed and signed by the chair as a correct record.

4. Local Government (Miscellaneous Provisions) Act 1976 - Review of Vehicle and Operator Licensing Fees - Consideration of Objections (AI 4)

(TAKE IN REPORT BY THE LICENSING MANAGER)

Ian Thomson, from Fast Track and Bruce Hall, General Manager of Aqua Cars Limited were in attendance.

The Licensing Manager introduced her report and explained that it has always been the policy of the committee to recover, where possible, the cost of undertaking licensing functions. On 5 November 2008, the Committee resolved to review the fees on an annual basis to take into account inflationary and any other increased costs. Members were notified of the proposed increase in licensing fees via the Members Information Service on 30 November 2012. No objections were raised and therefore a public notice was published in The News on 15 December 2012.

The Licensing Manager also explained that in response to Mr Halls objection in which he mentioned that no consultation had taken place with the trade, she had met with Mr Hall at the Aqua Car offices to explain the increases and had apologised both personally and professionally.

During the debate members asked questions relating to the shortfall of the licensing budget, the consultation process, the recovery of the deficit, the proposed charge for a Section 49 Transfer and whether there was an option for the trade to recover the increase.

Mr Hall and Mr Thomson included the following points during their deputations: licensing have moved to 3rd floor accommodation to share costs but the service for the trade has not improved, drivers are having to queue to speak with an officer and are then sent to the parking office to pay their fee, continually increasing fees in line with inflation is wrong, Section 49 transfer fee is unreasonable, increase in fees is another burden to try to bear and may have to put increase onto the travelling public.

In response to the points raised by Mr Hall and Mr Thomson, the Licensing Manager explained that the customer service issue is a corporate improvement approved by the council. Works are currently being undertaken to the ground floor reception area. There are still two members of staff on duty as before. During the next two weeks for renewals, temporary arrangements have been put in place so five members of staff will be situated in one of the conference rooms and will be able to accept payment. With regards to the fees, these are reviewed on an annual basis whilst trying to reduce the licensing deficit. This is an on-going process. £45 for the proposed Section 49 transfer fee is not unreasonable in terms of on-going administrative costs particularly as some transfers are more complex than others. Fees are reviewed with a view to restricting increase to a level equivalent to the rate of inflation unless considered reasonable and appropriate to offset the cost of the provision of the licensing function and deficit is being addressed in a reasonable way in terms of recovering costs.

RESOLVED

- 1. That the committee consider the objections received in response to the proposed variation to licensing fees; and**

- 2. That the committee approve the increase in licensing fees in respect of hackney carriage and private hire vehicle licences and private hire operator licences, without modification and to come into immediate effect.**

The meeting concluded at 10.55am.

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Councillor Les Stevens
Chair of the Licensing Policy Committee

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Agenda Item 5

REPORT TO: LICENSING COMMITTEE 23 OCTOBER 2013
CABINET 4 NOVEMBER 2013
COUNCIL 12 NOVEMBER 2013

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Scrap Metal Dealers Act 2013 – New statutory powers to licence scrap metal dealers and motor salvage operators.

1. PURPOSE OF REPORT

1.1 The purpose of this report is to inform members of the introduction of a new licensing regime for the control of scrap metal dealers and motor salvage operators under the Scrap Metal Dealers Act 2013 ("The Act"). This new legislation replaces previous simple registration requirements for scrap metal dealers and motor salvage operators.

1.2 This report has been prepared for Licensing Committee, Cabinet and Council for consideration and approval of delegations as, due to legal difficulties in the implementation by central government, tight timescales have been set and until such time as changes are made to the Local Authorities (Functions and Responsibilities) Regulations 2000, this licensing function has yet to be deemed to be a function which is not the responsibility of an authority's executive.

2. RECOMMENDATIONS

Licensing Committee:

(i) That the contents of the report are noted:

(ii) That the Licensing Committee recommends to Cabinet to delegate to the Head of Health, Safety and Licensing:

- *The administration and enforcement of the function including the setting of fees;*
- *The power to request further information of applicants (schedule 1, paragraph 4 of the Act);*
- *To determine applications (including refusal), revoke licences or to impose conditions under section 3(8) of the Act;*
- *The power to issue or cancel a closure notice for unlicensed sites, and, where appropriate, to apply for closure orders (schedule 2 of the Act) and take such other action in this respect as may be required.*

(iii) That the Licensing Committee recommends to Council to delegate the function to the Licensing Committee as and when the power to do so comes into effect in accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations.

Cabinet:

(iv) That Cabinet resolves to delegate to the Head of Health, Safety and Licensing:

- ***The administration and enforcement of the function, including the setting of fees;***
- ***The power to request further information of applicants (schedule 1, paragraph 4 of the Act);***
- ***To determine applications (including refusal), revoke licences or to impose conditions under section 3(8) of the Act;***
- ***The power to issue or cancel a closure notice for unlicensed sites, and, where appropriate, to apply for closure orders (schedule 2 of the Act) and take such other action in this respect as may be required.***

Council:

(v) That Council resolves to delegate the function to the Licensing Committee as and when the power to do so comes into effect in accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations.

3. REASONS FOR REPORT RECOMMENDATIONS

- 3.1 a) The legislation gives the Council new statutory licensing powers replacing existing registration powers that came into effect on 1 October 2013.
- b) The Council is required to carry out the function, although, at the date this report was drafted, it has not yet been made clear whether this will be an executive or non-executive function.

4. BACKGROUND

- 4.1 In recent years, metal theft has been one of the fastest growing crimes in the UK. It affects communities, businesses and Councils themselves and a Local Government Survey (LGA) survey established that metal theft cost Councils over £5.25 million in 2010/2011.
- 4.2 Since 2001, a number of organisations including the Police, Councils and the Environment Agency through "Operation Tornado" have been successful in reducing the amount of metal theft in the UK. This led to the LGA along with other bodies pressing the Government to update the regulations relating to scrap metal dealers.
- 4.3 "Scrap Metal" is defined in the Act as *"any old waste or discarded metal or metallic material or any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life. But gold, silver and any alloy of which 2% or*

more by weight is attributable to gold or silver is not considered scrap metal".

4.4 The Act came into effect on 1 October 2013 and repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 (motor salvage operators), replacing them with a new system of licensing to be administered by local authorities.

4.5 The new legislation introduces significant differences in respect of powers available to local authorities to regulate the scrap metal and motor salvage industry. These are as follows:

- Licences as opposed to registrations, with a consequent power to consider the suitability of applicants;
- Scrap metal dealers and motor salvage operators are now regulated under the same legislation;
- Requirement not to issue a licence unless the local authority is satisfied as to the applicant's suitability and also powers to revoke a licence;
- Power to impose licence conditions in case of conviction as to the times when scrap may be received and that scrap metal must be kept in its original form for a specified period following receipt;
- Two categories of licence - sites and collectors;
- No cash payments permitted for scrap metal, although an exception remains for the purchase of vehicles in limited circumstances;
- Power to give notice to close unauthorised sites;
- Licences issued for a three year period;
- The holder of a licence is only permitted to hold one licence in each local authority area, but may hold licences in multiple local authority areas. For example, a holder of a site licence in one area might hold a collector's licence in another;
- The Act requires that a fee is payable in respect of applications made to the local authority;
- Powers available to the Police and local authority in respect of compliance and enforcement measures.

5. SETTING OF FEES

5.1 It is proposed that the following fees should apply in respect of applications made to the Council. They have been calculated in accordance with the legal requirements and recent Home Office guidance to ensure, so far as is possible, that the costs of administering the function and ensuring compliance by licence holders can be met. In addition, joint work, including the calculation of fees, has been undertaken with Southampton City Council in respect of the introduction of the new legislation given the similarities between the respective cities in terms of amount of potential applicants and the resources needed to ensure compliance.

5.2 **Proposed fees:**

Site Licence - Grant and Renewal	£450.00
Site Licence - Variation	£100.00
Collector's Licence - Grant and Renewal	£300.00
Collector's Licence - Variation	£100.00
Replacement Licence	£25.00

6. SCHEME OF DELEGATIONS

- 6.1 Under the scheme of delegation, it is proposed that the function be delegated to the Head of Health, Safety and Licensing, save for those circumstances where it is proposed that an application should be refused, a licence revoked, or conditions imposed and the applicant or licence holder exercises their right to make representations. Such hearings should be dealt with by the Licensing Sub-Committee, when the legal power to delegate that function to that body is available.
- 6.2 Applications will be determined in accordance with the Statutory Guidance issued by the Home Office, a copy of which is attached as Appendix A to this report.
- 6.3 Where an application is refused or a licence is revoked, there is a right of appeal to the Magistrates' Court against the decision.
- 6.4 Currently, because the government has yet to amend the Local Authorities (Functions and Responsibilities) Regulations 2000, the default responsibility for this function is with the Executive.
- 6.5 However, when these regulations have been amended in due course, it is recommended that Council should delegate the function to the Licensing Committee as a non-executive matter.

7. LEGAL IMPLICATIONS

- 7.1 The Act came into effect on 1 September 2013 in respect of setting of fees, from 1 October 2013 in respect of the remainder of the legislation, except for the offences and powers of closure, which come into effect on 1 December 2013.
- 7.2 The Act imposes a duty on the Council to carry out the various functions it sets down.
- 7.3 In addition, Section 17 of the Crime and Disorder Act 1998 requires that:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies 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 it reasonably can to prevent crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local

environment) ..."

- 7.4 The licensing of scrap metal dealers evidently engages with this requirement and it is considered that the Councils obligations will be met if the course of action indicated in this report is followed.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 A preliminary Equality Impact Assessment has been undertaken and it is not considered necessary for a Full Assessment to be carried out.

9. APPENDICES

Appendix A - Home Office Statutory Guidance

Licensing Manager

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Home Office

Scrap Metal Dealers Act 2013

Determining suitability to hold a scrap metal dealer's licence

Statutory guidance for local authorities in England and Wales
First publication: issued 1 October 2013

Introduction

The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013. The majority of the provisions within the Act commence on 1 October 2013 including the requirement in section 1(1) to be authorised by a licence in order to carry on business as a scrap metal dealer. Section 3(1) of the Act states that a local authority must not issue or renew a scrap metal dealer's licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. Section 3(6) states that a local authority must have regard to any guidance on determining suitability issued by the Secretary of State.

Status of the guidance

This is statutory guidance and local authorities are under a duty to have regard to it.

Whose suitability should be assessed?

When assessing an application for a scrap metal dealer's licence, you should consider the suitability of:

- the individual applicant;
- each partner within a partnership;
- any director(s), secretary(s) or shadow director(s) of a company.

You should consider whether a site manager (if an application for a site licence is submitted) has been convicted of a relevant offence or relevant enforcement action and whether this impacts on the applicant's suitability to hold a scrap metal dealer's licence.

What information may you have regard to?

Under section 3(2) of the Scrap Metal Dealers Act 2013, you may have regard to any information which you consider to be relevant when determining the suitability of a person to hold a scrap metal dealer's licence, including:

1. whether the applicant or any site manager has been convicted of any relevant offence

Under Schedule 1, Para 2 (1) (j), of the Act, a person applying for a scrap metal dealer's licence must provide details of any conviction for a relevant offence. The relevant offences, prescribed by the Secretary of State, can be found in Part 1 and 2 of the Schedule of The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 using the following link:

<http://www.legislation.gov.uk/id/ukSI/2013/2258>. Under Regulation 2, a relevant offence is also "attempting or conspiring to commit any offence falling within the Schedule; inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule, and an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) committed in relation to any offence falling within the Schedule". These offences should also be considered when determining suitability.

- A conviction for a relevant offence should not automatically lead to the refusal of a scrap metal dealer's licence. You may consult your local police force (section 3 (7)) for further details about the offence including both the seriousness of the offence and the date of when it was committed. Once you have this, you should consider it alongside any other information you may have regard to when determining suitability. If a site manager has been convicted of a relevant offence, the same process applies.

- Under section 4 (5) of the Act, if a person has been convicted of a relevant offence or is convicted of a relevant offence once a licence has been issued, you may wish to consider, imposing one or both of the following conditions on the licence if you think this is necessary:
 - that the dealer must not receive scrap metal except between 9am and 5pm on any day;
 - that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
 - These conditions are set out at section 3 (8) of the Act and could be applied until you are satisfied that the inclusion of such a condition in the licence is no longer necessary under all the circumstances.
 - If, during your checks, you discover that the applicant has a relevant conviction which was not detailed in a person's application you should request further information from the applicant (Schedule 1, Para 4). You should also consider whether this is a deliberate omission and therefore impacts on suitability. Making a false statement in an application is a criminal offence (Schedule 1, Para 5) and, where this has happened, it will be at your discretion as to whether you refer this to the police.
 - Only unspent convictions should be considered for individual applicants, site managers, partnerships and companies.
2. whether the applicant or any site manager has been the subject of any relevant enforcement action
- The relevant enforcement action you may have regard to when considering suitability to hold a scrap metal licence has been prescribed in Regulation 3 of The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 by the Secretary of State which can be found at: <http://www.legislation.gov.uk/id/uksi/2013/2258>.
 - Under Regulation 3(a), a person is the subject of relevant enforcement if *'the person has been charged with an offence specified in the Schedule to these Regulations, and criminal proceedings in respect of that offence have not yet concluded'*. However, you should **not** refuse a licence on this point alone as the action (pending prosecution) is ongoing. If an applicant details a pending prosecution in their application form, you should note this and monitor the outcome. Only once the action is completed should you consider whether the outcome, if a conviction, impacts on a person's suitability to hold a scrap metal dealer's licence and take any necessary action for instance to impose conditions or, ultimately, to revoke.
 - Under Regulation 3 (b), a person is the subject of relevant enforcement action if *"If an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal"*. You should consult the Environment Agency (in England) or Natural Resources Wales (section 3 (7)) to find out the reasons for the whole or partial revocation and consider if the reasons impact on their suitability.
3. any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal)
- You should check your local authority area's records to find out whether a scrap metal dealer has previously been refused a scrap metal dealer's licence, taking into consideration

the reasons for the refusal. Section 3 (7) of the Act states that you may consult other persons regarding the suitability of an applicant, including in particular, any other local authority or officer of a police force. It will be undesirable for a person who has been refused a licence by one local authority area to be issued a licence by another, therefore if a person has been refused a licence in a different local authority area it will be important to scrutinise the reasons for the refusal. For example, the refusal may have been given because the applicant has not demonstrated that there will be adequate procedures in place to comply with the Act (section 3 (2) (f)) but the applicant has now implemented sufficient changes and the reason no longer applies.

4. any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal)

- You should routinely check whether an applicant is on the Environment Agency's/Natural Resources Wales' register of permits and registrations. If you have any concerns or would like to find out further information you should contact the Environment Agency (in England) or Natural Resources Wales. Additionally, if the applicant does not appear on the register and, therefore, does not hold a relevant environmental permit, exemption, or registration, then you may also wish to consult the Environment Agency or Natural Resources Wales as the applicant should not be operating as a scrap metal dealer without one or other of these.

5. any previous revocation of a scrap metal licence (and the reasons for the revocation)

- You should routinely check the register of scrap metal licences, hosted by the Environment Agency/Natural Resources Wales, to find out if a scrap metal dealer has had a licence revoked in another local authority area. If a person has had a licence revoked, you should contact that local authority to understand the reasons why the licence was revoked (section 3 (7)). It will be important for you to scrutinise the reasons for refusal and consider whether these still apply. The reasons for revoking a licence may not always impact on suitability (section 4 (1) (2)).

6. whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with

- Where you have information that raises concerns about the adequacy of procedures that the applicant or site manager has in place to comply with section 11 (verifying the supplier's identity), section 12 (offence of buying scrap metal for cash) or section 15 (records: supplementary), you may wish to obtain further information about how the applicant will ensure compliance with the requirements of the Act. For example, where you have concerns about the procedures around the offence of buying scrap metal for cash, you may wish to check the details of the back account which the applicant proposes to use. This information should be included in the application form (Schedule 1, Para 2 (1) (i)).

Further information

Although section 3 (2) sets out some information you may have regard to, you may request any relevant information from the applicant (either when the application is made or later) to help you consider the application (Schedule 1, Para 4 (1)), this will include determining suitability.

Reasons for refusal

If a licence application is refused, you should provide full reasons for your decision. This will not only help the applicant to understand the refusal but will allow a Magistrates' Court to clearly understand the reasons should the applicant appeal the decision.

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Agenda Item 6

REPORT TO: LICENSING COMMITTEE 23 OCTOBER 2013

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009

Sex Establishment Licensing - Consideration and Adoption of Standard Conditions

1. PURPOSE OF REPORT

The purpose of this report is for the Licensing Committee to consider and adopt the proposed standard conditions applicable to all classes of sex establishments, including minimum standards relating to the formulation of Codes of Conduct for dancers and customers in respect of sexual entertainment venues.

2. RECOMMENDATIONS

RECOMMENDED:-

- a) That the Licensing Committee approve and adopt the standard conditions as set out in Appendix B of this report;*
- b) That the Licensing Committee rescind the existing conditions applicable to sex establishments as set out in Appendix A; and*
- c) That the Licensing Committee delegates authority to the Head of Health, Safety and Licensing to substitute, delete, vary or amend such conditions at any time.*

3. LEGAL CONSIDERATIONS

- 3.1 Paragraph 13 of the Act sets out the power of the licensing authority to prescribe terms, conditions and restrictions on or subject to which licences are granted, renewed or transferred.
- 3.2 However, no standard conditions may be prescribed in relation to any matter which could be imposed, prohibited or are requirements under the Regulatory Reform (Fire Safety) Order 2005.
- 3.3 The licensing authority may prescribe different conditions for sex establishments, such as sex shops, sexual entertainment venues (SEVs) and sex cinemas.
- 3.4 The licensing authority may also prescribe conditions regulating:-
 - Hours of opening and closing
 - Displays and advertisements on or in sex establishments

- Visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

- 3.5 Where the licensing authority have made regulations as to standard conditions, every such licence granted, renewed or transferred shall be subject to those conditions unless they have been expressly excluded or varied.
- 3.6 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:
- Specifying minimum distances between the audience and performers
 - Control of access to changing room facilities
 - Control of private viewings.

Additional conditions may be imposed where appropriate and necessary.

4. EXISTING AND PROPOSED CONDITIONS

- 4.1 Attached as Appendix A to this report is a copy of the existing conditions attached to sex establishment premises.
- 4.2 However, as these conditions are predominantly relevant only to sex shops, the proposed new set of conditions incorporate both those existing conditions and introduces new measures to regulate sexual entertainment venues and sex cinemas.
- 4.3 Attached as Appendix B to this report is a copy of the proposed conditions to replace those currently in force.

5. APPENDICES

Appendix A - Existing conditions attached to sex establishment premises

Appendix B - Proposed conditions for sex establishment premises

Licensing Manager

APPENDIX A

CURRENT CONDITIONS FOR SEX ESTABLISHMENTS

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

Interpretation

In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned by Schedule 3 of the Act.

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

- | | |
|--------------------------|---|
| “the Act” | means the Local Government (Miscellaneous Provisions) Act 1982. |
| “the Council” | means Portsmouth City Council and/or any authorised officer acting on behalf of the Director of Corporate Services. |
| “the premises” | means any premises, vehicle, vessel or stall licensed under the Act. |
| “licence holder” | means a person who is the holder of a sex establishment licence. |
| “permitted hours” | means the hours during which the licensed premises are permitted to be open to the public. |
| “licence” | means a licence granted pursuant to Schedule 3 of the Act. |

STANDARD CONDITIONS

Management Of Premises

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.
2. The Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.
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.
 - a) 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, reserve 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.
 - b) The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
4. The licence holder shall retain control over all parts of the licensed premises and shall not let or part with possession of any part.
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.
 - a) To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
6. 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.
7. No public music or dancing shall be permitted on the premises.
 - a) No alcohol shall be sold, offered or consumed by either staff or customers on the premises.
 - b) No facilities to provide or consume food (hot or cold) shall be permitted on the premises.

Hours of Opening and Closing

8. 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.
9. The general permitted hours (unless otherwise varied by the council) for the use of any premises, as a sex establishment shall be:

Monday to Saturday inclusive - 0930 until 2000

Conduct of the Premises

10. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the council.
11. 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.
12. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
13. 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.
14. 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.
15. 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.

Premises Interior and Layout

16. Premises layout shall generally comply with deposited plans unless otherwise approved in writing by the council.
17. The Licence holder shall install and maintain, to the satisfaction of the council and police, a suitable CCTV system compliant with the code of practice issued under the Data Protection Act 1998.
18. 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.
19. 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.

20. 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.
21. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
22. 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.
23. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
24. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
25. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - (a) Ensure that the frontage is of a discreet nature
 - (b) Ensure that it is appropriate to the character of the locality.

General

26. No gaming machines shall be provided on the premises.
27. 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.
28. The council may substitute, delete, vary or amend these conditions at any time.

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

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

Interpretation

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

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

- “**the Act**” means the Local Government (Miscellaneous Provisions) Act 1982, as amended.
- “**the council**” means Portsmouth City Council and/or any authorised officer acting on behalf of the Council.
- “**the premises**” means any premises, vehicle, vessel or stall licensed under the Act.
- “**licence holder**” means a person who is the holder of a sex establishment licence.
- “**permitted hours**” means the hours during which the licensed premises are permitted to be open to the public.
- “**licence**” means a licence granted pursuant to Schedule 3 of the Act.

Part One – General Conditions

Management Of Premises

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.
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.

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.
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.
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.
 - a) To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
6. 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.
7. 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.
8. 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.

Conduct of the Premises

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

Premises Interior and Layout

11. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
12. 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.
13. 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.

14. 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.
15. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
16. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
17. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
18. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - (b) Ensure that the frontage is of a discreet nature
 - (c) Ensure that it is appropriate to the character of the locality.

CCTV

19. A recording CCTV system shall be installed and fully operational whilst the venue is open to the public.
20. 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.
21. A record will be kept of any access made to information held on the system.
22. 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.
23. The system clock will be checked regularly for accuracy taking account of GMT and BST.
24. 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.
25. The CCTV system will have sufficient storage capacity for 31 days of good evidential quality images.

CCTV Access

26. 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.
27. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
28. An operator's manual will be available to assist in replaying and exporting data.
29. 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.

General

30. 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.
31. The council may substitute, delete, vary or amend these conditions at any time.

Part Two – Additional Conditions for Premises Operating as Sex Shops

32. 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.
33. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
34. No public music or dancing shall be permitted on the premises.
 - a) No alcohol shall be sold, offered or consumed by either staff or customers on the premises.
 - b) No facilities to provide or consume food (hot or cold) by members of the public shall be permitted on the premises.

Hours of Opening and Closing

35. 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.
36. The general permitted hours (unless otherwise varied by the council) for the use of any premises, as a sex shop shall be:

Monday to Saturday inclusive - 0930 until 2000

Conduct of the Premises

37. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
38. 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.
39. 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.
40. No film or video recording shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

Premises Interior and Layout

41. 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

External Appearance of the Premises and Public Displays of Information

42. 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.
43. Any external displays or advertising may only be displayed with the prior approval of the Council.

44. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
45. 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.
46. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
47. 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.
48. 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.
49. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
50. The use of flyers and similar promotional material for the premises is prohibited.

Control of Entry to the Premises

51. 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.

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

52. 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.
53. 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.
54. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
55. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
56. A policy of random searches of persons entering the premises shall be operated.
57. 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.

58. 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.
59. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

Conduct of Performers and Rules relating to performances of sexual entertainment

60. 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.
61. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in Appendix B to this policy.
62. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.
63. 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.
64. 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.
65. 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.

Code of Conduct for Customers

66. 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.
67. The code shall include the basic criteria as set out in Appendix C to this policy.
68. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
69. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
70. 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.

71. All management and staff (including security staff) must be aware of and familiar with the content of the Code of Conduct for Customers and shall ensure it is complied with at all times.
72. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
73. 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.

Disciplinary Procedure for Performers

74. 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.
75. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
76. 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.

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

77. Performers shall be provided with secure and private changing facilities.
78. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
79. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
80. The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
81. 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.
82. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
83. Any private booths shall be fitted with a panic button or security alarm.

Record Keeping and Management

84. 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.
85. 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.
86. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
87. 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.
88. 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.

Dress Code

89. 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

Film Exhibition

90. No film shall be exhibited unless:
 - a) 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
 - b) The film has been passed by the council as U, PG, 12, 15, 18 or RESTRICTED (18).
91. 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.
92. 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.

93. 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.
94. 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.
95. 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.
96. 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.
97. 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:

PORTSMOUTH CITY COUNCIL

(Insert title of film here)

Has been passed by Portsmouth City Council as
(insert the definition of the category and the category assigned)

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

PORTSMOUTH CITY COUNCIL

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

99. 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.

Refusals/Incident Log

100. The Licence holder shall ensure that an incident/refusals log is maintained at the premises. The log shall record the following information:

- Any ejections from the premises
- Any refused admissions
- Any refused sales
- Any inappropriate behaviour by patrons
- Any failure in the CCTV system

- Any incidents of crime or disorder
 - Any complaints made by patrons
101. The record shall show the date and time of the incident; the name of the member of staff reporting the incident; a brief description of the customer involved where appropriate and brief details of the incident together with any action taken by the staff/management of the premises.
102. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.
103. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in such cases as described above.
104. The Licence holder shall ensure that the incident log is checked periodically and at least on a monthly basis to ensure that staff are completing the log as and when appropriate.
105. The incident log shall be made available for inspection to the Police or authorised council officers upon request.

General

106. 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.

Appendix B

Sexual Entertainment Venues – Code of Conduct for Dancers

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

- There shall be no intentional physical contact between performers and customers 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.

Appendix C

Sexual Entertainment Venues – Code of Conduct for Customers

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

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

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

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Agenda Item 7

REPORT TO: LICENSING COMMITTEE 23 OCTOBER 2013

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Licensing Act 2003 - Proposed Delegation of Powers to Head of Health, Safety and Licensing - Withdrawal of a Club Premises Certificate

1. PURPOSE OF REPORT

The purpose of this report is for the Licensing Committee to consider a proposal to extend powers of delegation to the Head of Health, Safety and Licensing so as to permit the giving of notice under section 90 of the Licensing Act 2003 ("the Act") to withdraw a Club Premises Certificate ("CPC") where a Club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.

2. RECOMMENDATIONS

RECOMMENDED:

- a) *That the Licensing Committee note the contents of the report;*
- b) *That the Licensing Committee delegates responsibility to the Head of Health, Safety and Licensing to give notice under Section 90 of the Licensing Act 2003 to withdraw a Club Premises Certificate where it appears that a Club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.*

REASONS:

- a) *For operational reasons and expediency with regard to the regulation of club premises, it would be more efficient for officers to be able to issue the notice of withdrawal, thus minimising the risk of failed clubs continuing to operate contrary to the law.*

2. BACKGROUND AND LEGAL CONSIDERATIONS

2.1 In order for a Club Premises Certificate (CPC) to be granted under the Licensing Act 2003, clubs must be qualifying clubs which have general conditions that it must satisfy. These are:

- A person cannot be a member without an interval of 48 hours from when an application is made and then granted;
- That the club is established and conducted in good faith;
- That the club has a least 25 members;

- That alcohol is only supplied to members on the premises on behalf or by the club;
- Additional conditions in relation to the supply of alcohol must also be complied with which are:
 - That any alcohol purchased for and supplied by the club is done by members of the club who are over 18 years of age and are elected to do so by the members;
 - That no person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club;
 - That there are no arrangements for anyone to receive directly or indirectly a pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests.

2.2 The overall effect of the qualifying conditions on a members club once a certificate has been issued is that if at any time during the life of the club it ceases to abide by the conditions as listed above, it will consequently fail to qualify as a club and the licensing authority must issue a notice withdrawing the club premises certificate in accordance with Section 90 of the Act.

2.3 The Act states:

"Where it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61 of the Act), the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity."

2.4 In those circumstances where the membership falls below 25, the notice gives a three month period of grace, starting from the date the notice is issued, before it takes effect. If at the end of that period of time the membership has grown back to at least 25 members, the notice withdrawing the CPC will not take effect.

2.5 Currently, in accordance with existing delegations, any decision to withdraw a club premises certificate would have to be made by the Licensing Committee as the Constitution does not delegate authority to officers to issue withdrawal notices for CPCs.

2.6 Given the time period that may elapse between the problem coming to the attention of officers and any delays before the matter can be determined by the Licensing Committee, there is potential for a club to continue to operate under its CPC when notice should have been served withdrawing the certificate. This approach carries the risk of condoning and prolonging breaches of the Act.

- 2.7 The Act places the Licensing Authority under a duty to withdraw a CPC in circumstances as set out earlier in this report. It is suggested that in order to ensure the proper and effective administration and enforcement of the Act that Officers should have the authority to withdraw certificates as soon as it appears to them that a Club is no longer meeting the conditions for being a qualifying club.
- 2.8 Members are reminded that qualifying clubs enjoy enhanced benefits which are recognised in the Statutory Guidance issued in accordance with section 182 of the Act. For example, no DPS or personal licence holder is required to supply alcohol, late night refreshment is an automatic entitlement to members and both the Police and authorised officers of the Council have limited powers of entry.

For those reasons, any club activity which is provided contrary to the conditions outlined in paragraph 2.1 above should be dealt with robustly and promptly.

- 2.9 The proposal to delegate authority to the Head of Service is human rights compliant as there is an appeal process available against any decision which may be made by the Club which holds or held the club premises certificate as applicable (Schedule 5, part 2, paragraph 15 of the Act) to the Magistrates' Court within the period of twenty one days from the date of receipt of the notification of the decision.

3.0 APPENDICES

Appendix A - Proposed Notice of Withdrawal of a Club Premises Certificate.

Licensing Manager

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Licensing Service Civic Offices Guildhall Square Portsmouth PO1 2AL

Telephone: 023 9283 4604

Email: Licensing@portsmouthcc.gov.uk

Our Ref:

Your Ref:

NOTICE OF WITHDRAWAL OF CLUB PREMISES CERTIFICATE - LICENSING ACT 2003, SECTION 90

To: The Secretary

Of:

Being the club holding a club premises certificate issued by Portsmouth City Council

Club Premises Certificate number:

In respect of club premises known as:

Portsmouth City Council, being the relevant licensing authority, hereby give you notice of the **withdrawal** of the club premises certificate for the premises mentioned above, as it appears to the Licensing Authority that the club does not satisfy the conditions for being a "qualifying club" in relation to a qualifying club activity to which the certificate relates (section 61, Licensing Act 2003), namely:-

The club is unable to demonstrate to the satisfaction of the Licensing Authority that it is being run in good faith in that

This notice takes effect immediately / at end of the period of three months following the date of this notice.

Date:

Signed:

Time:

Position:

Licensing Manager

The officer appointed for this purpose

Where a club premises certificate is withdrawn because the club's membership has fewer than the required number of members (currently 25), the withdrawal will not have effect until immediately after the end of the period of three months following the date of the notice, and will not take effect if, at the end of that period, the club again has at least the required number of members (currently 25) (section 90(2) of the Act).

Note: An appeal against this decision may be made by the club which holds or held the club premises certificate as applicable (schedule 5, part 2, paragraphs 14 and 15 - Licensing Act 2003) to the East Hampshire Magistrates' Court within the period of 21 days from the date of receipt of the notification of the decision.

ADDITIONAL INFORMATION -

On service of this notice, either:

- Where it is to take immediate effect, or
- Where it is to take effect after the end of the period of three months following the date of the notice and there are not at least 25 club members (section 90(2), Licensing Act 2003),

It is an offence under section 136 of the Licensing Act 2003 to operate other than in accordance with the provisions of a Club Premises Certificate, Premises Licence or Temporary Event Notice (TEN):

UNAUTHORISED LICENSABLE ACTIVITIES

Licensing Act 2003, section 136

(1) A person commits an offence if -

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

(5) In this Part "authorisation" means -

(a) a premises licence,

(b) a club premises certificate, or

(c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

CLOSURE NOTICE AND ORDER

Criminal Justice and Police Act 2001, sections 19 to 28

In addition, either the Police or the Local Authority may serve a closure notice on any premises under section 19 of the Criminal Justice and Police Act 2001 if they are satisfied that the premises are being, or within the last 24 hours have been, used for an unauthorised sale of alcohol for consumption on or in the vicinity of the premises.

At any time between seven days and six months after the service of a closure notice, the Police or the Local Authority may apply for a closure order from the Magistrates' Court in respect of the premises specified in the closure notice (section 20, Criminal Justice and Police Act 2001).

It is an offence to open the premises, without reasonable excuse, in contravention of a closure order. The maximum penalty, on summary conviction, is a fine not exceeding £20,000, or imprisonment for a term not exceeding three months, or to both.

Agenda Item 8

REPORT TO: LICENSING COMMITTEE 23 OCTOBER 2013

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Licensing Act 2003 - Application for withdrawal of Club Premises Certificate
Big Slick 240 Fratton Road Portsmouth PO1 5HH

1. PURPOSE OF REPORT

The purpose of this report is for the Licensing Committee to consider the withdrawal of the Club Premises Certificate in respect of the premises known as the Big Slick and situated at 240 Fratton Road, Portsmouth, PO1 5HH.

2. RECOMMENDATIONS

RECOMMENDED:

- a) *That the Licensing Committee note the contents of the report;*
- b) *That the Licensing Committee give notice to the Secretary of Big Slick Club Premises of the withdrawal of the club premises certificate as it appears to the Licensing Authority that the club does not satisfy the conditions for being a "qualifying club" in relation to a qualifying club activity to which the certificate relates (section 61 of the Licensing Act 2003), namely that the club is unable to demonstrate to the satisfaction of the Licensing Authority that it is being run in good faith in that it has failed to provide sufficient evidence that the general conditions are being met and there are a number of concerns regarding the membership, finances and its overall purpose.*

2. INTRODUCTION AND BACKGROUND

- 2.1 The premises known as the Big Slick are in possession of a Club Premises Certificate issued under the Licensing Act 2003 and a Club Gaming Permit under the Gambling Act 2005.

A complaint was made to the Licensing Authority by the Gambling Commission that gaming activities (Poker games/tournaments) were being provided at these premises contrary to the requirements of both the Licensing Act 2003 and the Gambling Act 2005.

Following numerous enquiries and requests for information which have either not been submitted or the responses have been insufficient, your reporting officer is concerned that the club is operating as a commercial enterprise and is not being conducted solely for the benefit of its members; and also that the premises are not established and conducted wholly or mainly for purposes other than gaming.

A copy of the original request for information and subsequent response is attached as Appendix A to this report.

Since the commencement of the investigation by the Licensing Service it would appear that the Club Management Committee have no wish to continue to operate as a qualifying club and have been given notice to vacate the premises with effect from 1 October 2013.

Suggestions have been made to the Club Secretary to surrender the certificate on behalf of the Members on the basis that the club appears to no longer meet the qualifying conditions but no formal request has been received.

3. LEGAL CONSIDERATIONS

- 3.1 Clubs are organisations where members have joined together for particular social, sporting or political purposes. Technically, the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.
- 3.2 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.
- 3.3 In order for a Club Premises Certificate (CPC) to be granted under the Licensing Act 2003, clubs must be qualifying clubs which have general conditions that it must satisfy. These are:
- A person cannot be a member without an interval of 48 hours from when an application is made and then granted;
 - That the club is established and conducted in good faith;
 - That the club has a least 25 members;
 - That alcohol is only supplied to members on the premises on behalf or by the club;
 - Additional conditions in relation to the supply of alcohol must also be complied with which are:
 - That any alcohol purchased for and supplied by the club is done by members of the club who are over 18 years of age and are elected to do so by the members;
 - That no person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club;
 - That there are no arrangements for anyone to receive directly or indirectly a pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests.

3.4 Section 90 of the Licensing Act 2003 sets out that in those circumstances where a club holds a CPC and it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club (as set out above), the Authority must give a notice to the club withdrawing the certificate.

3.5 The Act states:

"Where it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61 of the Act), the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity."

3.4 An appeal against this decision may be made by the Club which holds or held the club premises certificate as applicable (Schedule 5, part 2, paragraph 15 of the Act) to the Magistrates' Court within the period of twenty one days from the date of receipt of the notification of the decision.

4. APPENDICES

Appendix A - Letter from Licensing Manager and response from Big Slick Club

Licensing Manager

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Mr Jason Weston
Shuffles
240 Fratton Road
Portsmouth
Hants
PO1 5HH

Date: 04 April 2013

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Fax: 023 9283 4811

Email: Licensing@
portsmouthcc.gov.uk

Our Ref:LACPC/11303 &
GACGP/11381

Dear Mr Weston

**LICENSING ACT 2003 & GAMBLING ACT 2005
SHUFFLES (BIG SLICK) 240 FRATTON ROAD PORTSMOUTH PO1 5HH**

I refer to our recent telephone conversation and sincerely apologise for the delay in contacting you formally in respect of the matters we discussed.

Based upon recent information received by this authority and an initial investigation of gaming activities being provided at your premises, I am concerned that potential offences are being committed in respect of both the Licensing Act 2003 and the Gambling Act 2005

I have set out below the concerns in terms of the relevant legislation which are as follows:

Club Premises Certificate (Licensing Act 2003)

Clubs must be qualifying clubs which have general conditions that it must satisfy. These are:

- A person cannot be a member without an interval of 48 hours from when an application is made and then granted;
- That the club is established and conducted in good faith;
- That the club has at least 25 members
- That alcohol is only supplied to members on the premises on behalf or by the club;
- Additional conditions in relation to the supply of alcohol must also be complied with which are:

- That any alcohol purchased for and supplied by the club is done by members of the club who are over 18 years of age and are elected to do so by the members;
- That no person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club;
- That there are no arrangements for anyone to receive directly or indirectly a pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests.

Section 90 of the Licensing Act 2003 sets out that in those circumstances where a club holds a club premises certificate and it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club (as have been set out above), the Authority must give a notice to the club withdrawing the certificate.

My current concerns are that:

- a) The club is operating as a commercial enterprise and is not being conducted solely for the benefit of its members; and
- b) That the premises are not established and conducted wholly or mainly for purposes other than gaming.

Gambling Act 2005

As you are aware, a members club with a club gaming permit is allowed to offer members poker with unlimited stakes and prizes.

However, commercial clubs are not entitled to club gaming permits and equally there are important tests to determine whether or not a club is a genuine members club. Any club which offers poker as the primary or only activity of the club, or on a commercial basis, does not qualify as a members club under the Gambling Act 2005 and, therefore, cannot have a club gaming permit.

Based upon our discussions and the manner in which the club is promoted it appears that the primary purpose for the club is for and therefore is not entitled to hold a club gaming permit and as a consequence the licensing authority may cancel the permit if an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Further information required

In order that the licensing authority can be satisfied that the club premises meets the requirements of both the Licensing Act 2003 and the Gambling Act 2005, I would ask that you provide sufficient information and documents in respect of the following matters:

- Further information and supporting evidence to show the primary purpose of the club's activities
- Further information and supporting evidence as to how the profits are retained and utilised in the club for the benefit of the members
- Details of the current number of members, please provide information, including details of domestic addresses on the register of members. A copy of the members list would be helpful
- Are members able to participate in the activities of the club via the internet?
- Provide details of guests of members admitted to the premises, including copies of the signing in register for guests and which member they are linked to
- Demonstrate how the 48 hour rule is managed between applying for membership and participating in any gaming
- Details of annual accounts for more than one year
- Further information as to how the club is advertised and listed in directories, including on the internet
- Are children permitted access to the premises?
- Provide a list of committee members and evidence of their election by the members of the club
- Provide copies of minutes of committee and other meetings
- Provide a copy of the club's constitution and evidence that the constitution was approved by the members of the club
- Provide details of who makes commercial decisions on behalf of the club and what are the governance arrangements
- Details of the aims of the club
- Are there shareholders or members associated with the running of the club?
- How many nights is poker made available?
- How does the club advertise the provision of poker?
- Do you operate leagues with weekly/monthly/annual winners?
- Details of any non-playing members
- Does the club provide teaching sessions to promote poker?

- Is there a tie-in with other clubs offering poker through tournaments or leagues?
- Is your club sponsored in anyway by poker or other gaming organisations?

I shall be away from the licensing office until Monday 22 April so I would ask that the above information is supplied to me by no later than Friday 26 April 2013.

If you have any queries in the meantime, please contact my colleague, Ross Lee on 023 9283 4830 or email at Ross.lee@portsmouthcc.gov.uk

Yours sincerely

Nickii Humphreys
Licensing Manager

Received 26/4/13

Ms.N Humphries
Licensing Manager
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Shuffles PMC
Secretary
240 Fratton Rd.
Portsmouth
PO1 5HH

Dear Ms. H Humphries

May I beg in the future, if communicating with the Club would you please address all correspondence to the Secretary/Treasurer Ms. D Tegerdine thank you.

We have enclosed answers (in Red)to your questions, asked within your letter dated 04-04-13 regarding Shuffles club (PMC)in Fratton Road Portsmouth. Going through our books on membership applications/guests there does seem to be a few mistakes made by one if not two of our volunteer helpers (members). We have spoken to them and are now assured there will be no more mistakes made. (a little Retraining was done)

I am sure there will be other question that need expanding on but I hope this goes some way Meeting your requirements.

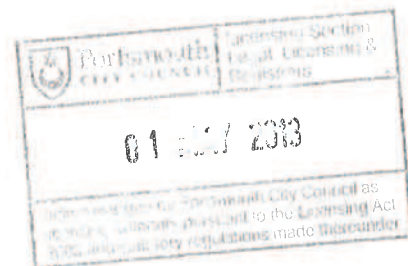
Kind Regards

[Redacted Signature]

For Management Committee

Please find Enclosed

- Club Constitution
- 10 sets of Minutes
- 3 AGM complete with Balance sheets
- 2 Answer Sheets (attached)



1. Further information and supporting evidence to show the primary purpose of the club's activities. **Please refer to paragraphs 2.3 & 2.4 of our constitution.**
2. Further information and supporting evidence as to how the profits are retained and utilised in the club for the benefit of the members. **Please refer to Minutes of meetings.**
3. Details of the current number of members, please provide information, including details of domestic addresses on the register of members. A copy of the members list would be helpful. **Due to the data protection act, we believe we are not at liberty to disclose personal information to a third party. If this is incorrect please notify the Management Committee and information will be made available to you.**
4. Are members able to participate in the activities of the club via the internet? **NO**
5. Provide details of guests of members admitted to the premises, including copies of the signing in register for guests and which member they are linked to. **As 3 above**
6. Demonstrate how the 48 hour rule is managed between applying for membership and participating in any gaming. **All applicants have their application forms posted on the clubs notice board for 48 hours to allow members to object if they wish.**
7. Details of annual accounts for more than one year **See AGM's Reports**
8. Further information as to how the club is advertised and listed in directories, including on the internet. **We have our website ""www.shufflesportsmouth.com**
9. Are children permitted access to the premises? **NO**
10. Provide a list of committee members and evidence of their election by the members of the club. **See Minutes**
11. Provide copies of minutes of committee and other meetings. **Supplied as requested**
12. Provide a copy of the club's constitution and evidence that the constitution was approved by the members of the club **Supplied as requested**
13. Provide details of who makes commercial decisions on behalf of the club and what are the governance arrangements **The Committee make decisions as to the Day to Day running of the club**
14. Details of the aims of the club. **The provision of a Club that has no boundaries to Membership providing that person is over 18 years of age. We welcome all religions, cults, ethnic diversity and any sexual orientation to a place of non judgement where every Member is treated equally.**
The primary purpose of the Club is the association of likeminded Members who wish to participate in a Social Club environment without fear of discrimination of any kind.

PAGE 4

- 15 Are there shareholders or members associated with the running of the club? **NO**
- 16 How many nights is poker made available? **5 Please refer to Web Site**
- 17 How does the club advertise the provision of poker? **It does not**
- 18 Do you operate leagues with weekly/monthly/annual winners? **NO**
- 19 Details of any non-playing members **NO**
- 20 Does the club provide teaching sessions to promote poker? **NO**

BigSlick T/A Shuffles (Private Members Club) 10



Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

Minutes of committee meeting dated Sept 9th Sunday 11am 2012

Present X

Members Present:-

Mr R Singh	(Bob)	Chairman
Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
Mr G. Devenish	(Grant)	House Manager
Mr S. Fernegore	(Steve)	Manager/Social Events
Mr P. Bentley	(Paul)	Gaming Manager
Mr D. Marks	(Drew)	General Co-opted
Mr M. M ^c Combie	(Marshal)	Competitions Manager
Ms D Khopkar	(Dee)	Membership Secretary
Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Deborah Drew seconded

Bob's Bit (Chairman)

Dark glasses are needed in the Poker playing area as we have had new lights fitted. I'm sure there is more but ????. On to business, we have as you should know a temporally rental reduction by the Leasing company (Weston & Yim). This action will allow us to increase ours opening times thus putting more into our Cash Pot.

Secretary/Treasurer Deborah

By the next meeting I will have a full report on how we stand financially I suspect that we are slightly down on income. I won't have an answer until all bills have been paid, With reduction in rent we are on the verge of being solvent, albeit we eventually have to increase funding ... membership Fees springs to mind ?

There were no other reports from committee members.

The chairman asked if there was any other Business

Bob's other Bit. Unfortunately Brian Evill (76) our Minutes Secretary as you know is disabled and has major mobility problems will be retiring from the club on health reasons. He has not been able to come to the committee meetings very often and feels that there is another scribe within the club. He will however write these minutes up for the next meeting which is Sunday 13th January 2013 . We wish him many thanks for all his past work. Remember to send notes to Brian usual way

The meet

Signed...

Secretary..

Signed...

Chairman

Date signed

13/1/13...

BigSlick T/A Shuffles (Private Members Club) 9

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH



Minutes of committee meeting dated May Sunday 20th . 11am 2012

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman
	Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
	Mr G. Devenish	(Grant)	House Manager
	Mr S. Fernegore	(Steve)	Manager/Social Events
	Mr P. Bentley	(Paul)	Gaming Manager
	Mr D. Marks	(Drew)	General Co-opted
	Mr M. M ^c Combie	(Marshal)	Competitions Manager
	Ms D Khopkar	(Dee)	Membership Secretary
	Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Marshal seconded Deborah

Bob's Bit (Chairman)

We have now renewed the kitchen facilities and we are now supplying Roast dinners to our members on Sundays. We are looking into the possibility of removing a couple of Beer Engines we await the reason for this possibility. Minutes to Brian please.

Secretary/Treasurer Deborah

We think the beer is not selling well and we have lots of wastage. Our income is much better but we are still running at a loss. Not sure as to what will increase our income. Open for longer hours, Run many more Competitions or perhaps introduce a membership charge per year say £50 to £100. With the number of members we have we would be in a much better situation.

There were no other reports from committee members.

The chairman asked if there was any other Business

There was no other noteworthy items.

The meeting was held at [Redacted]
 Signed [Redacted] Secretary..
 Signed [Redacted] Chairman

Date signed 9/9/12

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to be sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick T/A Shuffles (Private Members Club) 8

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

Minutes of committee meeting dated January Sunday 22nd .11am 2012

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman
	Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
	Mr G. Devenish	(Grant)	House Manager
	Mr S. Fernegore	(Steve)	Manager/Social Events
	Mr P. Bentley	(Paul)	Gaming Manager
	Mr D. Marks	(Drew)	General Co-opted
	Mr M. M ^c Combie	(Marshal)	Competitions Manager
	Ms D Khopkar	(Dee)	Membership Secretary
	Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Paul seconded Grant

Bob's Bit (Chairman)

We have a full house today. What's New? We think we need a new part-time Manger (Part-Time) as the club is open for extended hours we can't have employees falling to sleep. We need "On the Ball" people". We have many things we are going to try this year, not taking corporate bookings for this June (Note:- All people coming must supply their name and address and DOB to our membership secretary no less than a week prior to visiting the club) At present the Pool tables are being used, does it pay? We await the Treasurers report with interest. Please remember to send minute notes either by phone message/text or email to Brian.

Secretary/Treasurer Deborah

Have paid rent for another 3 months £6000 taken from the Club coffers to Yin & Weston. We have the utility bills very soon and that will be in order approximately £6,500. We are talking to the leaseholder Yin & Weston as to the payment of certain charges which we maybe not libel for.

Manager/Social Events Steve

We have corporate bookings (Redtooth Pub Poker) for the following dates 3rd June, 1st September and 1st December I have figures for Goodwood and Fontwell which are on the Notice Board.

Membership Secretary Dee

We are still getting new applications sometimes up to 10/15 a week all are having wait a minimum of 48 hours

There were no other reports from committee members.

The chairman asked if there was any other Business

There was no other noteworthy items.

The meet

Signed...

Secretary..

Signed...

Chairman

Date signed

20/5/12

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to be sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick T/A Shuffles (Private Members Club) 7



Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

Minutes of committee meeting dated Sept Sunday 25th .11am 2011

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman
	Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
	Mr G. Devenish	(Grant)	House Manager
	Mr S. Fernegore	(Steve)	Manager/Social Events
	Mr P. Bentley	(Paul)	Gaming Manager
	Mr D. Marks	(Drew)	General Co-opted
	Mr M. M ^c Combie	(Marshal)	Competitions Manager
	Ms D Khopkar	(Dee)	Membership Secretary
	Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Deborah seconded Dee

Bob's Bit (Chairman)

We now lost the Snooker Table and replaced it with 2 Pool tables. We wait and see if we get sufficient income to pay for hire, if not they may follow the Snooker table. Please send your notes ref. this meeting to Brian

Secretary/Treasurer Deborah

Have paid rent for 3 months £6000 taken from the Club coffers to Yin & Weston. With new member figures increasing our income from various sources Bar, Food, Machines etc. are up. But as yet we have not balanced the books.

There were no other reports from committee members.

The chairman asked if there was any other Business

There was no other noteworthy items.

The meeting closed at 11.30

Signed... Secretary..

Signed... Chairman Date signed 25/1/12

<p>All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to be sent to the secretary within 2 weeks of the informed Committee date of the said meeting.</p>
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BigSlick T/A Shuffles (Private Members Club) 6



Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

Minutes of committee meeting dated May Sunday 22nd . 11am 2011

Present X

Members Present:-

Mr R Singh	(Bob)	Chairman
Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
Mr G. Devenish	(Grant)	House Manager
Mr S. Fernegore	(Steve)	Manager/Social Events
Mr P. Bentley	(Paul)	Gaming Manager
Mr D. Marks	(Drew)	General Co-opted
Mr M. M ^c Combie	(Marshal)	Competitions Manager
Ms D Khopkar	(Dee)	Membership Secretary
Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Deborah seconded Grant

Bob's Bit (Chairman) Not Present

Minutes Secretary Deborah

Have paid rent for 3 months £6000 taken from the Club coffers to Yin & Weston.

Membership Secretary

Still have a demand by people applying for membership, many think they can come in immediately I explain that is not possible by the rules of BigSlick (PMC) and all have to wait 48 hours.(by Law)

Minutes Secretary Brian

Just a note, you can email me with your Minutes report at [redacted] I believe that some get lost in transit, Possible from behind the bar as some committee members said they were left notes behind the bar.

There was no other noteworthy items.

The mee

Signed.

..... Secretary..

Signed..

..... Chairman Date signed 25/9/11

COMP-MAU

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to be sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick T/A Shuffles (Private Members Club) 5

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

Minutes of committee meeting dated January Sunday 23rd. 11am 2011

Present X

Members Present:-

Mr R Singh	(Bob)	Chairman
Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
Mr G. Devenish	(Grant)	House Manager
Mr S. Fernegore	(Steve)	Manager/Social Events
Mr P. Bentley	(Paul)	Gaming Manager
Mr D. Marks	(Drew)	General Co-opted
Mr M. M ^c Combie	(Marshal)	Competitions Manager
Ms D Khopkar	(Dee)	Membership Secretary
Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Paul seconded Grant

Bob's Bit (Chairman)

We have bought some Bar stools and awaiting delivery along with various barriers as previously mentioned and we have in mind to remove our one and only Snooker table as the demand has fallen to virtually zero. We are also thinking of having 2 pool tables (still deciding though). We changed the décor moved a few things to insert barriers where appropriate. Please remember to give to the manager all notes as to be added to the Minutes **THANK YOU**

Minutes Secretary Deborah

I have nothing to report as far as communications go, albeit I am paying out various wages (cash) to the part-time staff, all of which work less than 16 hours.

Competition & Social Events Manager Report (Steve)

We have had many suggestions as to "Off Site" entertainment. Horse Racing, A golf Tournament (among members) and for the Petrol Heads Motor Racing ! I will look at costs and post them on the notice board.

The chairman asked if there was any other Business

There was no other noteworthy items.

The meeting was closed at 11.15am

Signature [Redacted] Secretary..

Signature [Redacted] Chairman Date signed 22/5/11

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to be sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick (Private Members Club) 4

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH



Minutes of committee meeting dated Sept. Sunday 26th. 11am 2010

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman	<input checked="" type="checkbox"/>
	Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary	<input type="checkbox"/>
	Mr G. Devenish	(Grant)	House Manager	<input checked="" type="checkbox"/>
	Mr S. Fernegore	(Steve)	Manager/Social Events	<input checked="" type="checkbox"/>
	Mr P. Bentley	(Paul)	Gaming Manager	<input type="checkbox"/>
	Mr D. Marks	(Drew)	General Co-opted	<input type="checkbox"/>
	Mr M. M ^c Combie	(Marshal)	Competitions Manager	<input checked="" type="checkbox"/>
	Ms D Khopkar	(Dee)	Membership Secretary	<input type="checkbox"/>
	Mr. B. Evill	(Brian)	Minutes (Secretary)	<input checked="" type="checkbox"/>
	Mr. Weston	(Jason)	Property Manager/Services Manager (for Yim & Weston)	

Minutes were read for previous meeting accepted Proposed Brian seconded Grant

Bob's Bit (Chairman)

We are looking around for various items, seating and separation barriers to isolate various pastimes, snooker, pool and poker etc. We are waiting for some quotes for the bits we want. **NAME CHANGE We will be Trading as the name of Shuffles as from next Month.** The clubs signage will be changes ASAP.

Minutes Secretary Deborah

The absence of Deborah I am informed by her that that are income is getting better. (Brian)

Competition & Social Events Manager Report (Steve)

Nothing to report

The Chairman thanked Jason for attending the Meeting The chairman asked if there was any other Business

There was no other noteworthy items.

The meeting was closed 11.15am

Signed.....



Secretary..

MANAGER SOCIAL

Signed.....

Chairman

Date signed

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick (Private Members Club) 3

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH



Minutes of committee meeting dated May Sunday 23rd. 11am 2010

Present X

Members Present:-

Mr R Singh	(Bob)	Chairman
Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary
Mr G. Devenish	(Grant)	House Manager
Mr S. Fernegore	(Steve)	Manager/Social Events
Mr P. Bentley	(Paul)	Gaming Manager
Mr D. Marks	(Drew)	General Co-opted
Mr M. M ^c Combie	(Marshal)	Competitions Manager
Ms D Khopkar	(Dee)	Membership Secretary
Mr. B. Evill	(Brian)	Minutes (Secretary)

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Minutes were read for previous meeting accepted Proposed Bob , seconded Steve

Bob's Bit (Chairman)

No much to report other than we seem to be busier, We are playing more tournaments and getting more applications which are dealt mostly with the 2 day period, there have been the odd case of the applicant having to wait up to a week as we were not satisfied with the information given. We have also turn away applicants we were not happy with. (mainly due to information received) This information came from Dee.

Secretary's /Treasurer's report (Deborah)

We have no official communications. Our income is beginning to increase but we need more members to use all our facilities e.g. Machines, Bar services and billiards, snooker, poker etc. Information will be passed on to Brian to produce the minutes.

Competition & Social Events Manager Report (Steve)

We have been asked to put on many events From Pool to Poker . Crib to Canasta. We have asked to be included in the Portsmouth & District Pool league.

There was no other noteworthy items.
The meeting was closed 11.30am

Signed... [Redacted] Secretary..

Signed... [Redacted] Chairman Date signed 26/9/10

defamatory

All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to sent to the secretary within 2 weeks of the informed Committee date of the said meeting.

BigSlick (Private Members Club) 2

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH



Minutes of committee meeting dated January Sunday 31st. 11am 2010

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman	
	Ms D. Tegerdine	(Deborah)	Treasurer & Temporary Secretary	X
	Mr G. Devenish	(Grant)	House Manager	X
	Mr S. Fernegore	(Steve)	Manager/Social Events	X
	Mr P. Bentley	(Paul)	Gaming Manager	O
	Mr D. Marks	(Drew)	General Co-opted	O
	Mr M. M ^c Combie	(Marshal)	Competitions Manager	X
	Ms D Khopkar	(Dee)	Membership Secretary	O
	Mr. B. Evill	(Brian)	Minutes (Secretary)	X

X
X
X
O
O
X
O
X
O

Previous minutes were read out by Secretary Proposed Bob, seconded Drew passed unanimously.

Bob's Bit (Chairman)

As Brian is not present please make notes as these will be passed on to Brian to write the minutes up.

Things are looking better by the day, new members are joining, the sales through Bar and Food are also gathering pace. We have been asked for more events

Secretary's/Treasurer's report (Deborah)

Should be noted that Jason Weston (weston & Yim) has purchased some articles for the Club and will be reimbursed by the management of the BigSlick from the clubs income.

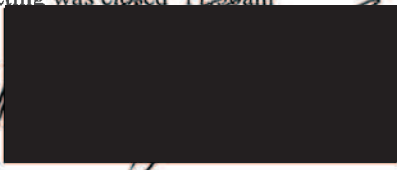
There were no questions asked of the Treasurer.

There were no other reports from committee members .

There was no other noteworthy items.

The meeting was closed 11.50am

Signed..



Date signed

23/5/10

Signed.....

...Secretary..

<p>All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to sent to the secretary within 2 weeks of the informed Committee date of the said meeting.</p>

BigSlick (Private Members Club) 1

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH



Minutes of committee meeting dated October Sunday 4th. 11am 2009

Present X

Members Present:-	Mr R Singh	(Bob)	Chairman	<input checked="" type="checkbox"/>
	Ms D. Tegerdine	(Deborah)	Treasurer & Temp. Secretary	<input checked="" type="checkbox"/>
	Mr G. Devenish	(Grant)	House Manager	<input checked="" type="checkbox"/>
	Mr S. Fernegore	(Steve)	Manager/Social Events	<input checked="" type="checkbox"/>
	Mr P. Bentley	(Paul)	Gaming Manager	<input checked="" type="checkbox"/>
	Mr D. Marks	(Drew)	General Co-opted	<input checked="" type="checkbox"/>
	Mr M. M ^o Combie	(Marshal)	Competitions Manager	<input checked="" type="checkbox"/>
	Ms D Khopkar	(Dee)	Membership Secretary	<input checked="" type="checkbox"/>
	Mr. B. Evill	(Brian)	Minutes (Secretary)	<input checked="" type="checkbox"/>

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PRIOR TO THIS MEETING

A general meeting of all members was called and the following was discussed:- The Constitution document was read out and a vote was held to accept it, all the members present voted to accept it as is.

All members were asked to vote for a 9 committee members from a list of 12 members all suitable proposed and seconded of which One was for the Treasurers Position and one was for Hon. Secretary. The other 6 being ordinary member's their committee positions decided amongst their selves, outcome as listed above.

Ms. D Tegerdine was elected to Treasurer. No one was elected as Hon. Secretary. Ms Tegerdine to do both jobs temporary. Brian Evill offered to produce minutes from information given (notes ,verbal & email etc.) (because being registered disabled he could not always be in attendance at the committee meetings) When in attendance he would ask his wife along as his carer.

As this is the First Committee meeting of the BIGSLICK (Private Members Club)
There are no previous minutes albeit the Secretary will say a few words about the voting for the persons mentioned above

Bob's Bit (Chairman)

A new Era as started now we are a Private members Club and a different set of rules apply. This basically means each member has an equal right to use the facilities, but in this case unfortunately the members do not hold the free hold of the building hence the necessity for an income to pay the leasing costs (Rental) and many other outgoing to occupy and use the building.

We hope to supply our members many games from Snooker, darts, pool and all Card games including Whist, Bridge & Poker etc. in a pleasant environment with Food & Drinks (both soft and alcoholic) available.

This will take the management committee some time to get things right but eventually it will perhaps make for a better place to enjoy peoples spare time.

Secretary's /Treasurer's report (Deborah)

We held a vote of the members present and elected the members listed. These members then voted who was going to do what. The outcome is as listed above. We (committee) have decided that Committee meetings will be held tri-monthly unless urgent decisions need to be made quickly. It should be noted that Jason Weston (Property Manager/Services Manager) has purchased many articles for the club and will be reimbursed by the management of the Private Members from their various sources of income

You will notice we are using the name BigSlick for the Club albeit the Original. We have had no correspondence from any Gaming authorities.

See Estimated Expenditure and Income Cost sheet

We need an income for general expenses which amount approximately to £3,570 per Month. Added to that is the Wages which are again approximately £1100 per week. All employees are based on Part-time working.

In the next minutes I will present a estimate of our income and expenditure.
There were no questions asked of the Treasurer.

Competition & Social Events Manager Report (Steve)

We have been asked to put on many events From Pool to Poker we have asked to be included in the Portsmouth & District Pool league.

The chairman asked if there was any other Business

There was no other noteworthy items. The meeting was closed 11.50am

Signed..... Secretary..

Signed..... Chairman Date signed 31/1/10

<p>All members of the committee will be duly informed 4 weeks before the due date unless important circumstances arise which need immediate answers. Please note that any notifiable business needs to sent to the secretary within 2 weeks of the informed Committee date of the said meeting.</p>

AGM MEETING FOR BIGSLICK T/A SHUFFLES

Held on Sunday 31st October 10am 2010 (1)

Frodden Buildings, Fratton Road, Portsmouth PO1 5HH

The Chairman Bob Singh opened the meeting by saying that he is very disappointed by the lack of Members present. A quick count produced a figure of 16 out of a total of 1000 plus, and went on to say all members have been told and notices have been up in the club for over 6 weeks. It was agreed by the committee that Jason Weston should be invited as the representative the leasing company "Weston & Yim"

1. Chairman Bob. We have been running for just over one year. We are recruiting members and persevering to pay all the bills, we have income from the Bar, Machines, Gaming (Table hire etc.) but as yet we do not balance the books. We feel that with more members and more competitions arranged we will strive eventually to be the place to go and enjoy. Just a Point I expect that not many members noticed we are now trading under the name SHUFFLES, we think BigSlick was good but "Shuffles" is more modern.
2. Secretary / Treasurer (Debbie. Tegerdine) We have our pot of money (Cash) and have paid all necessary bills, to keep the club active albeit we could do with more. I have laid out on the next page the Income and outgoings and as you can see, (passed copies to all present) we are down £16,547.00 . We expected a loss in the first year trading and the Committee have been discussing about introducing membership fees, at present there are no joining or annual fees. This may be introduced in the future. Now regarding Committee elections. Half the committee stepped down, but offered to continue if asked to stand again. From the members present all accepted the re-standing committee members. No questions were asked of Debbie
3. Competitions and other events are happening most evenings and we have been asked to extend our hours. Again, this is a balance as to the financial gain or loss. Is it worth it?

The re-elected Chairman Bob asked if anybody at the meeting wanted to say anything, he was met with silence.

He then went on to say that it seems members want the club to continue to supply various sports and pastimes but don't want to do anything. He then went on to praise all the committee for their time and effort.

There were a couple of members present who said a membership fee would enable the club to continue to operate.

No firm answer from the committee came forth, but the Chairman did say it would be discussed soon.

4. The representative for Weston & Yim leasing Company announced that (Weston& Yim) will delay invoicing as to the rent £2,000 monthly allowing us to continue and eventually break even.

After that excellent news Bob asked if there any other business. There was None..

DATES OF COMMITTEE MEETINGS FOR 2012 are 23rd January ,22nd May & 25 Sept

See Page 2 for Chart produced prior to Announcement above. (In Red)



Rules of "BigSlick" Private Members Club

1 Name

The BigSlick Private Members Club

2 Object and Purpose

The objects of the club are:

- 2.1 The association in a club of any one of persons wishing to play snooker, pool, darts, chess, backgammon, card games (including without prejudice to the generality of the foregoing) cribbage, poker and kalooki and rummy.
The provision and maintenance of club premises at Frodden Buildings, 240 Fratton Road, Portsmouth. PO1 5HH
- 2.2 The other advantages and benefits usually associated with a club including the provision of recreation and entertainment facilities and substantial refreshment.
- 2.3 **The provision of a Club that has no boundaries to Membership providing that person is over 18 years of age. We welcome all religions, cults, ethnic diversity and any sexual orientation to a place of non judgement where every Member is treated equally.**
- 2.4 **The primary purpose of the Club is the association of likeminded Members who wish to participate in a Social Club environment without fear of discrimination of any kind.**

3 Qualification for membership

one that is not less than 18 years of age is eligible for membership. As stated above
The Shuffles Club prides itself on its diversity of Membership with a common rule of respect and tolerance for each Members individual ideas or cultures. We openly welcome and expect a wide range of Members to the Club and any discrimination will not be tolerated. A waiting time of 48 hours when applying for membership is mandatory for management to accept or reject the application.

4 Constitution

- 4.1 The club may not have more than 10000 ordinary and life members (and not more than 100 honorary and temporary members)
- 4.2 The first members of the club are the signatories to these rules and whose a candidates being elected he must:
 - 1.1.1 be given a valid Membership card
 - 1.1.2 be furnished with a copy of these rules

11 Voluntary Donations

Members of the club can as they see fit, donate to activities within the Club where the Member feels that he has had good value or good service in an area of activity whereby the Club for various reasons may not be in a position to charge a fee for that activity. This would be an entirely voluntary donation and would in no way affect the Membership status of that Member.

12 Entrance fee and subscription

- 12.1 The entrance fee is whatever sum the committee determines from time to time.
- 12.2 The annual subscription is the sum decided upon from time to time at the annual general meeting of the club.

13 Temporary members

13.1 The committee may elect temporary members, while resident in England (or on such terms as it may determine, for any period not exceeding 12 months provided that there may not be more than 2 temporary members at any one time.

14 Privileges of honorary and temporary members

Honorary and temporary members are entitled to all benefit and privileges of membership except that they are not qualified to be officers or members of the committee, or to vote as members, or to claim any share of the property of the club on its dissolution.

17 Resignation of members

17.1 Any member may resign his membership by giving notice in writing to that effect to the secretary.

17.2 Every such notice must, unless otherwise expressed, be deemed to take effect as from 7 days next following its receipt provided that any member giving such notice after the day of in any year must pay his subscription for the following year.

20 Expulsion of members

20.1 If at any time the committee considers that the interests of the club require it they must invite a member to withdraw from the club, by a letter specifying the time before which the withdrawal should be made.

20.2 If the member concerned does not withdraw the committee must submit the question of his expulsion to a special general meeting to be held within six weeks after the date of the letter.

20.3 Not less than two weeks notice of the meeting must be given to the members.

20.4 The secretary must inform the member in question of the time and place of the meeting and the nature of the complaints against him in sufficient time to afford him a proper opportunity of offering his explanation.

20.5 At the meeting the member must be allowed to offer an explanation of his conduct verbally or in writing and if after that two-thirds of the members present vote for his expulsion he will immediately cease to be a member of the club.

20.6 The committee may exclude from the club until the special general meeting is held any member whose withdrawal has been requested.

21 Effect of ceasing to be a member

On ceasing to be a member of the club a person forfeits all to and claim upon the club and its property and funds.

22 Committee

22.1 The first members of the committee shall be those set out in Schedule One.

22.2 The management of the club (except as otherwise provided by these rules) is deputed to a committee of not more than 10 members who must be elected at the annual general meeting.

22.3 In addition to the elected members, the president, treasurer and trustees are ex- officio members of the committee.

23 Election of members of the committee

23.1 At each annual general meeting 5 members of the committee (not being trustees or the president for the time being or members of the committee appointed under rule 30) must retire, but are eligible for re-election.

23.2 To create a sufficient number of vacancies, the members of the committee must retire in order of seniority, and in case of equal seniority the order of retirement must be determined by lot.

- 23.3 The committee must nominate a sufficient number of members of the club to fill the vacancies, and a list of the names of those who retire and those who are proposed to fill their places must be posted in the club premises 14 days before the annual general meeting.
- 23.4 Any two members may propose any other candidate or candidates, by notice in writing to the secretary, seven days at least before the annual general meeting, and the secretary must immediately post the proposals in the club premises.
- 23.5 Balloting lists must be issued containing in alphabetical order all the names so obtained, distinguishing the candidates proposed by the committee, and showing the names of the proposers of other candidates.
- 23.6 Every member of the club is entitled, but not obliged, to vote for as many candidates as there are vacancies to be filled and no more.
- 23.7 Up to the number of vacancies, the candidates who receive most votes must be declared elected, and in the case of two or more candidates receiving an equal number of votes, the chairman of the meeting has a second or casting vote.

24 Vacancies on committee

- 24.1 The committee may appoint a member to fill any casual vacancy on the committee until the next annual general meeting.
- 24.2 Any member so appointed must retire at the next annual general meeting but may be elected as a member of the committee at that meeting.

25 Officers and trustees

- 25.1 The president and treasurer must be elected by the committee, to hold office until the death or resignation unless removed from office by a resolution of the committee.
- 25.2 The property of the club must be vested in the trustees except for cash which must be under the control of the treasurer.
- 25.3 The trustees must deal with the property of the club as directed by resolution of the committee and an entry in the minute book is conclusive evidence of a resolution.
- 25.4 There must not be less than 2 or more than 4 trustees of the club.
- 25.5 The first trustees must be appointed by the committee and the property of the club (other than cash which must be under the control of the treasurer) must be vested in them to be dealt with by them as the committee from time to time directs by resolution and the entry in the minute book is conclusive evidence of a resolution.
- 25.6 The trustees may be indemnified against risk and expense out of the club property.
- 26 The trustees hold office until death, resignation or until removed from office by a resolution of the committee, which may for any reason seem sufficient to a majority of the members of the committee present and voting at any meeting remove any trustee from the office of trustee.
- 26.1 Here by a reason of the death, resignation or removal of a trustee a new, trustee needs to be appointed, or if the committee deems it expedient to appoint an additional trustee or additional trustees, the committee may by resolution nominate the person or persons to be appointed as the new trustee or trustees.
- 26.7 To give effect to a nomination:
- 26.7.1 The president is nominated as the person to appoint new trustees of the club within the meaning of the Trustee Act 1925 Section 36, and
- 26.7.2 the president must by deed appoint the person or persons nominated the committee as the new trustee or trustees of the club and the provisions of the Trustee Act 1925 apply to any appointment.
- 26.8 Any statement of fact in a deed of appointment of new trustees, in favour of a person dealing bona fide and for value with the club or the committee, is conclusive evidence of the fact so stated.

27 Meetings of committee

- 27.1 The committee must meet at least once in every 3 months to examine the accounts and arrange the affairs of the club.
- 27.2 4 members of the committee forms a quorum
- 27.3 Minutes of all proceedings of the committee must be taken and must be open to inspection by any member of the club on application to the secretary.
- 27.4 At the first meeting of the committee following each annual general meeting the committee must elect from its members a chairman and a secretary and any other honorary officers as it may decide to remain in office until the committee meeting following the next annual general meeting.

28 Regulations

- 28.1 The committee may from time to time make, repeal and amend any regulations (not inconsistent with these rules) as it thinks expedient for the management and well-being of the club and may impose reasonable fines not exceeding £100 for any breach of these regulations.
- 28.2 A member who has incurred a fine must be notified by the secretary, and requested to pay the fine immediately, and in default of payment within one month from the date of the notice, he ceases to be a member of the club.
- 28.3 All regulations made by the committee under this rule are binding on the members until repealed by the committee or set aside by a resolution of a general meeting of the club.

29 Secretary and other servants

The committee may appoint, pay and dismiss a secretary and such other servants as it deems necessary (and may elect an employee an honorary member of the club during his tenure of office or for such shorter times as it thinks fit).

30. Gaming Supervisor

The committee shall appoint a Gaming Supervisor as it deems necessary who will be a member of the Club. The duties of the Gaming Supervisor are to ensure that any gaming taking place at the club premises is conducted in a fair an open way and in accordance with the regulatory requirements under the Gambling Act 2005 and any Code of Practice or other Advice issued by the Gambling Commission. It shall also be the duty of the Gaming Supervisor to report to the Committee as required on any matters of concern or generally in relation to the provision of gaming at the club.

31 Borrowing powers

- 31.1 If at any time the club in general meeting passes a resolution authorising the committee to borrow money:
 - 31.1.1 The committee may borrow for the purposes of the club the amount of money (either at one time or from time to time) and at the rate of interest, in the form and manner and upon the security specified in the resolution, and
 - 31.1.2 the trustees must at the direction of the committee make any disposition of the club or any part of it and enter into any disagreement in relation to the club property as the committee thinks proper to give security for the loan and interest.
- 31.2 Every member of the club, whether he votes on a resolution authorising borrowing or not, and everyone becoming a member of the club after the passing of such a resolution, is deemed to have assented to the resolution as if he had voted in favour of it.

32 Annual general meeting

The annual general meeting of the club must be held in September in each year on a date and at a time to be fixed by the committee and must:

- 32.1 receive from the committee a report, balance sheet and statement of accounts for the preceding financial year and an estimate of the receipts and expenditure of the current financial year;
- 32.2 fill the vacancies in the committee and (appoint an auditor or elect auditors) for the ensuing year;
- 32.3 attend to the election of committee members in accordance with Rule 23
- 32.4 decide on any resolution which may be submitted to the meeting in the manner provided below;
- 32.5 fix the annual subscription of the club and
- 32.6 consider any other business as determined by the committee.

33 Notice of business at annual general meeting

Any member who desires to move any resolution at the annual general meeting must give notice in writing to the secretary not later than 21 days prior to the Annual General Meeting.

34 Special general meeting

- 34.1 The committee may call a special general meeting at any time for any special purpose, and must do so immediately upon a requisition in writing (stating the purposes for which the meeting is required) from any members or one-fifth of the total membership entitled to vote.
- 34.2 Any special general meeting must be held on not less than 7 days notice being provided to the club membership by the posting of a Notice giving details of the time and date of the meeting and its purposes. The Notice should be posted in a prominent position in the club premises.
- 34.3 In the event of an emergency as determined by the committee on a majority vote, a special general meeting may be held on less than 7 days notice as prescribed in Rule 34.2 although a Notice of that meeting giving details of the time and date and its purposes should still be posted at the club premises as soon as reasonable practicable.

35 Convening general meetings

- 35.1 At least 28 days before the annual general meeting, notice of the meeting and the business to be transacted as it must be posted in the club house and a copy of the notice sent to every member.
- 35.2 No business other than that of which notice has been given may be brought forward at a general meeting.
- 35.3 The report, balance sheet, statement of accounts and budget must be placed in the principal club room at least 14 days before the annual general meeting.

36 Proceedings at general meetings

- 36.1 At all general meetings of the club the president, or in his absence a member selected by the committee, must take the chair.
- 36.2 Every ordinary or life member present is entitled to one vote upon every motion, and in case of an equality of votes the chairman may have a second or casting vote.
- 36.3 The committee may, if it thinks fit, make regulations enabling members unable to be present to vote by proxy or in writing.

37 Quorum

The quorum of all general meetings is:

- 37.1 for motions proposing any repeal, addition to, or amendment of the rules 20;
- 37.2 for repeal of any regulations 6
- 37.3 for motions relating to the expulsion of any member 6 and
- 37.4 for all other businesses 4.

38 Amendments

- 38.1 No amendments (other than a motion for adjournment) may be moved to any resolution proposed at any annual or special general meeting unless written notice of the amendment has been sent to the secretary not less than seven days previous to the meeting or the meeting consents.
- 38.2 Whenever notice of any amendment to be proposed is given, it must be posted in one of the club's principal rooms immediately.

39 Financial year

The financial year of the club ends on (date) in each year, and the accounts of the club must be balanced to that day.

40 Audit of accounts

- 40.1 The accounts must be audited by a professional accountant as soon as practicable after the end of the financial year.
- 40.2 The accountant auditor must be appointed at each annual general meeting and must not be a member of the club.

41 Opening of club premises

- 41.1 The club premises are open to members daily between the hours the committee from time to time determines.
- 41.2 The committee may close the club premises for such times as it considers necessary for cleaning and repairs or staff holidays.

42 Visitors

- 42.1 Every member may introduce visitors, subject to any regulations made from time to time by the committee.
- 42.2 Every visitor is the guest of and must be accompanied by the member introducing him. No one member may introduce more than 4 guests at any one time to the club premises at the discretion of the committee.
- 42.3 A individual guest may not be introduced by a member to the club premises on more than 4 occasions in any calendar year. Details of the guest including name and address and the introducing member should be entered into the Visitors Book at the time of entry to the premises.
- 42.4 No one who has been expelled from membership, or whose conduct or presence on the club premises is considered by the committee objectionable or prejudice to the interest of the club, may be introduced as a visitor into the club.

43 Payment of members' accounts

- 43.1 Charges for meals, refreshments and the like, and for the billiards, snooker and other games must be fixed by the committee.
- 43.2 Every member must, before leaving the club, ensure that all such charges (whether incurred on his own account or for a guest) are paid.

44 Members not to make profit out of the club

No member may on any pretence or in any other manner receive any profit, salary or emoluments from the funds or transactions of the club, except for professional services rendered at the request of the committee.

45 Club addresses not to be used for business

No club member may give the address of the club in any advertisement or use the club for business purposes.

46 Members' addresses

Every member of the club must from time to time communicate his address or that of his banker or agent to the secretary, and all notices sent by first class post to that address are considered to have been given on the day following the date of posting.

47 Interpretation of rules

47.1 The committee is the sole authority for the interpretation of these rules and the regulations made by it from time to time.

47.2 The decision of the committee upon any question of interpretation or upon any matter affecting the club and not provided for by these rules or by the regulations is final and binding on the members.

48 Amendment of rules

These rules may be added to, repealed or amended by a resolution passed at any annual or special general meeting by a majority of at least two-thirds of the members voting on it.

49 Dissolution of club

If at any general meeting a resolution for the dissolution of the club is passed by a majority of the members present and at a special general meeting held not less than six weeks later (of which not less than four weeks' written notice has been given to each member) and at which not less than one-half of the members are present that resolution is confirmed by a resolution passed by a majority of two-thirds of the members voting on it, the committee must immediately, or at such future date as is specified in the resolution, proceed to realise the property of the club and after the discharge of all liabilities must divide such property rateably in proportion to the amount that each member has paid in entrance fee and in subscriptions among all the ordinary and life members, and on the completion of the division the club will be dissolved.

50 Headings

The headings to these rules are for ease of reference only and are not to be taken into account in their interpretation.

PLEASE NOTE

THE FOLLOWING PAGES ARE NOT AVAILABLE TO THE GENERAL MEMBERSHIP AS INFORMATION ON THESE PAGES (MEMBERS PERSONAL INFORMATION) ARE RESTRICTED TO THE MEMBERSHIP SECRETARY ONLY AS PART OF DATA PROTECTION FOR THIS MEMBERS ONLY CLUB.

OTHER MEMBERS OF THE COMMITTEE CAN ON WRITTEN REQUEST TO THE CHAIRMAN (ASSUMING A VALID REASON IS GIVEN) VIEW INFORMATION HELD.

THE SOUTH COAST'S FASTEST GROWING PRIVATE MEMBERS CLUB.
CURRENT MEMBERS TOTAL: 2267

240 Fratton Road
Portsmouth
PO1 5HH
SIGN UP FOR OUR FREE NEWSLETTER

02392 294964
07967 521384



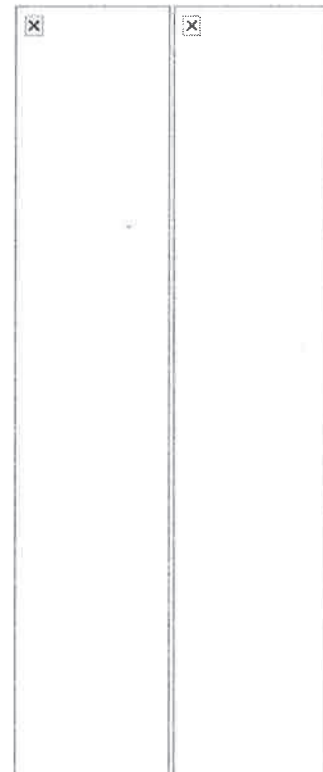
Welcome to our web site

At Shuffles Portsmouth there is always plenty to enjoy in a safe and friendly environment. Situated near the town centre, the club offers great entertainment from evening till late.

Enjoy a great night out at Shuffles Portsmouth Private Members Club. Join now and enjoy FREE internet access, along with a wide variety of games - snooker, pool, darts, bridge, backgammon, pontoon and the very best in live poker action with a full range of poker tournaments and poker games, including Texas Holdem and Omaha, plus guaranteed prize money.

[read more](#)

Online Partner



Card Room

Find details about our upcoming Events, League tables and our Tournament results in our Card Room section.

We are also looking for dealers so get in contact if your interested!

[read more](#)

Associates



Internet

Shuffles Portsmouth Offers FREE Internet Access for all members by providing an internet cafe with high speed internet access throughout opening hours!



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HOME GAMES ROOM CARD ROOM GALLERY ABOUT US JOIN CONTACT CORPORATE

Weekly Schedule

Schedule		
Monday:	Buy-in: Chips / Time: Levels:	£15 w/optional add-on for £10 7500 / 7:30PM Four 20 Minute/15 Minute Throughout
Tuesday:	Buy-in: Chips / Time: Levels:	£15 Triple Chance 7500 / 7:30PM Four 20 Minute/15 Minute Throughout
Thursday:	Buy-in: Chips / Time: Levels:	£40 Deepstack (w/ £15 add-on) £1000 GPP 7500 / 7:30PM 20 Minutes Throughout
Friday:	Buy-in: Chips / Time: Levels:	£40 Deepstack FreezeOut 15000 / 7:30PM Four 20 Minute/15 Minute Throughout
Saturday:	Buy-in: Chips / Time: Levels:	£20 Deepstack w/ optional £10 add-on of 10k 15000 / 4 PM 15 Minutes Throughout
Sunday:	Buy-in: Chips / Time: Levels:	£20 / £20 SEMI FreezeOut (Jackpot Game) 7500 / 7:30PM Four 20 Minute/15 Minute Throughout

**THURSDAY
THOUSAND
£1000
GUARANTEED
£40 FREEZE-OUT**

**£15 OPTIONAL
ADD ON OF 10000
15K STARTING
STACK**

**20 MIN CLOCK
7:30PM SHARP**

**SUNDAY
ROAST
DINNERS!**

1PM Till Late

**TO BOOK CALL
07552 682110**

**TAKE AWAY
AVAILABLE
BRING OWN
PLATES!**

£750 GUARANTEED
at SHUFFLES PORTSMOUTH

£15 TREBLE CHANCE
7500/15000/20000 CHIPS
15 MINUTE CLOCK
2PM START

**ROLLING GUARANTEE - EVERYTIME YOU BEAT THE GUARANTEE,
WE WILL UP IT BY 15%**

EVERY SUNDAY FROM 10th MARCH

**REFER
A FRIEND**

£10

**ONLINE
CREDIT**

Ask for full details

**£6000 GUARANTEED
£50 FREEZE-OUT**
AT SHUFFLES PORTSMOUTH

**14TH, 15TH, 16TH MARCH
FINAL 17TH MARCH**

**15K CHIPS/20 MIN CLOCK
7.30PM START**

BACK BUT WITH A BIGGER GUARANTEE!



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HOME GAMES ROOM CARD ROOM GALLERY ABOUT US JOIN CONTACT CORPORATE

Welcome to our web site

There has been a snooker club at number 240 Fratton Road for well over 10 years. Formerly occupied by the Masters Club, the premises is now the home of a newly formed private members club - run by the members for the benefit of the members.

Against this background, a group of likeminded players of snooker, pool and other skill-based games such as chess, backgammon, bridge and poker have banded together to set up a properly constituted private members club that conforms to the 2005 Gaming Act.

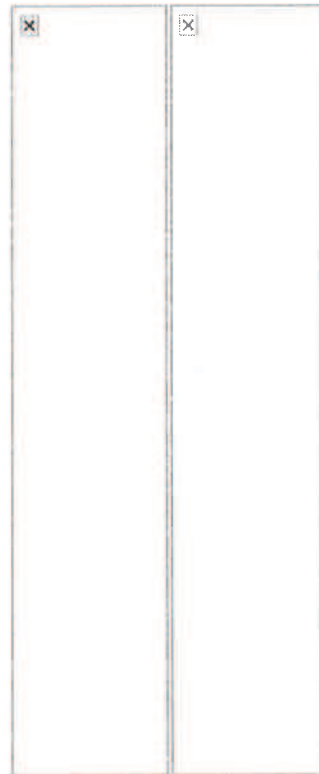
As has been said before - 'a good club is all about its members.' We hope that many will become part of our new venture, participate regularly in the club's activities, support it and grow it to create a centre for entertainment and relaxation in which all members feel at home.

We hope that you will enjoy being a member of the club and that you will want to bring along your friends and encourage them to join too.

At Shuffles Portsmouth there's always plenty to enjoy in a safe and friendly environment. Situated near the town centre, the club offers great entertainment 6 days a week, from early 'til late



Online Partner



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