



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 19 FEBRUARY 2018 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Democratic Services
Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Lee Mason (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, David Fuller, Colin Galloway, Paul Godier, Scott Payter- Harris, Ian Lyon, Leo Madden, Stephen Morgan, Gemma New, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of : Lee Mason, David Fuller and Gemma New
The reserve member is David Tompkins

(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

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Appointment of Chair**
- 2 Declarations of Members' Interests**
- 3 Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Sex Establishments - Sexual Entertainment Venue - Application for the grant of a licence – Dungen Ltd - Wiggle 1-3 Surrey Street Portsmouth PO1 1JT (Pages 5 - 202)**

Purpose of report

The purpose of this report is for the Committee to determine an application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1-3 Surrey Street Portsmouth PO1 1JT and known by the name of Wiggle. The application has been submitted by Dungen Ltd.

RECOMMENDED

a) that the Committee determine the application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1-3 Surrey Street, Portsmouth, PO1 1JT and known by the name of Wiggle; and

b) in determining this application, the Committee shall have regard to paragraph 7.10a of its statement of licensing policy as set out below:

Notwithstanding the provisions of paragraph 7.10 (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- *The renewal, transfer or variation of an existing sex establishment licence; or*
- *The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.*

- 4 **Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Sex Establishments - Sexual Entertainment Venue - Application for the grant of a licence – Wellhot Ltd - Elegance 1 Granada Road Southsea PO4 0RD (Pages 203 - 502)**

Purpose of report

The purpose of this report is for the Committee to determine an application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1 Granada Road, Southsea, Portsmouth, PO4 0RD and known by the name of Elegance. The application has been submitted by Wellhot Ltd.

RECOMMENDED

a) that the Committee determine the application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1 Granada Road, Southsea, Portsmouth, PO4 0RD and known by the name of Elegance; and

b) in determining this application, the Committee shall have regard to paragraph 7.10a of its statement of licensing policy as set out below:

Notwithstanding the provisions of paragraph 7.10 (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- *The renewal, transfer or variation of an existing sex establishment licence; or*

• The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE – 19 FEBRUARY 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MRS NICKII HUMPHREYS

Local Government (Miscellaneous Provisions) Act 1982
Licensing of Sex Establishments - Sexual Entertainment Venue
Application for the grant of a licence – Dunglen Ltd - Wiggle 1-3 Surrey
Street Portsmouth PO1 1JT

1.0 Purpose of report

The purpose of this report is for the Committee to determine an application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1-3 Surrey Street Portsmouth PO1 1JT and known by the name of Wiggle. The application has been submitted by Dunglen Ltd.

2.0 Recommendation

RECOMMENDED

- a) that the Committee determine the application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1-3 Surrey Street, Portsmouth, PO1 1JT and known by the name of Wiggle; and
- b) in determining this application, the Committee shall have regard to paragraph 7.10a of its statement of licensing policy as set out below:

Notwithstanding the provisions of paragraph 7.10 (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- *The renewal, transfer or variation of an existing sex establishment licence; or*
- *The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.*

3.0 Adoption of Policy

- 3.1 Portsmouth City Council ("PCC") originally adopted the provisions relating to Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") in December 1982. These provisions provided for the control of sex shops and sex cinemas together with the licensing requirements.
- 3.2 On 22 March 2011 PCC decided to adopt Schedule 3 of the 1982 Act (as amended by section 27 of the Policing and Crime Act 2009 ("the 2009 Act")) so that it can regulate sexual entertainment venues ("SEVs") in the City.
- 3.3 On 21 September 2011 the Licensing Committee further considered its preferred approach in the formulation of its sex establishment licence policy and determined that the then Head of Legal, Licensing & Registrars be authorised to draft a policy for consideration and approval by the Licensing Committee, prior to public consultation, which was formulated upon the basis of identification of pre-determined localities and the imposition of numerical controls (Licensing Committee Minute No. 10/11 refers).
- 3.4 Consultation took place on this policy between 1st March 2012 and 12th April 2012 and the final policy was approved by the Licensing Committee on 12th October 2012. (Licensing Committee minute 12/12 refers). A copy of the current policy is attached as **Appendix A** to this report.
- 3.5 A further meeting of the Licensing Committee was held on 23 October 2013 when the adoption of standard conditions was agreed. (Licensing Committee minute 09/13 refers). These conditions are set out from page 25 onwards of the current policy document.

4.0 Background Information

- 4.1 The application for the grant of a sexual entertainment venue licence in respect of the premises known as Wiggle, situated at 1-3 Surrey Street Portsmouth has been submitted by Dunglen Ltd.

The company directors listed for Dunglen Ltd are Mr Jaspal Singh Ojla (Managing Director) and Mrs Rashwinder Kaur Ojla (Director). Dunglen Ltd is also the holder of the premises licence for these premises issued in accordance with the Licensing Act and Mr John-Cortin Fernandez is the designated premises supervisor who is in day-to-day charge of managing the premises.

- 4.2 The applicant has confirmed that neither of its directors or the manager of the premises are not prone to any grounds for refusal set out in paragraph 12 of Schedule 3 to the Act (see sections 9 and 10 of this report as regards these grounds).
- 4.3 The company wishes to operate the premises under the name of "Wiggle" and wishes to trade between the hours of 21:00 and 05:00 hours every day.
- 4.4 A copy of the application and associated documents is attached as **Appendix B**.

4.5 The premises also benefit from a premises licence issued under the Licensing Act 2003 for the provision of the sale by retail by alcohol, regulated entertainment and late night refreshment. This licence relates to both the ground floor operation as a pub named "The Surrey Arms" and the first floor which operates as a lap dancing venue named "Wiggle". **The application for the lap dancing venue relates to the first floor only.**

4.6 The premises licence issued in accordance with the Licensing Act 2003 was first granted to Dungen Ltd in 2005 and was previously licensed for the same purpose under the Licensing Act 1964. A copy of the current premises licence is attached as **Appendix C**.

5.0 Statutory Advertising Requirements

5.1 Schedule 3 of the 1982 Act requires that the applicant give formal notice of an application for the grant of a sex establishment licence. Satisfactory notice was given both to the Council and Chief Officer of Police. Equally, appropriate public notice was displayed on the premises and given in the Portsmouth News.

6.0 Consultation with the Police and Council

6.1 Details of the application were notified to the Chief Officer of Police, Chief Fire Officer, Planning Services, Director of Children, Families and Learning, City Centre Manager and Ward Councillors should they have wished to submit any representations.

7.0 Objections Received

7.1 As mentioned in paragraph 5.0 above, the Act requires the applicant to give formal notice of his application for the grant of a sex establishment licence.

7.2 Paragraph 15 of the Act states that any person who wishes to object to an application for the grant, renewal or transfer of a licence shall give notice in writing of his objection to the licensing authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application. Any person may object to an application. However, objections must be relevant to the grounds set out in the 1982 Act (See sections 6 and 7 of the statement of licensing policy). Objections based solely on moral grounds/values must not be considered.

7.3 Objections have been received in respect of the application for the grant of a licence and are attached as **Appendix D**. The 1982 Act protects the rights of objectors to remain anonymous. The Licensing Authority will not reveal names or addresses of any objector without their consent. However, general information such as if the objector lives within a certain distance of the premises in question will be released in order to give the applicant an opportunity to rebut any concerns so far as geographical vicinity or locality is concerned.

8.0 The Legislation – Summary and interpretation

- 8.1 In considering this application, the Committee is asked to note various statutory definitions concerning the licensing of sex establishments which may assist their consideration of this application.
- 8.2 The Committee is reminded that they are sitting in a quasi-judicial capacity and thus are obliged to consider the application in accordance with the rules of natural justice and have regard to the established procedure order that has been used by the Committee in considering applications. The Committee must determine the application on merit. No decision, opinions or factual findings must be based on “moral” grounds and all the facts must be considered before reaching a decision.
- 8.3 A sex establishment is either a sex shop, a sex cinema or sexual entertainment venue. In this case the application is for the grant of a sexual entertainment venue in respect of 1-3 Surrey Street.
- 8.4 A sexual entertainment venue is legally defined as follows:-

"Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer." Relevant entertainment is defined as:

"Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".

In terms of considering what constitutes “relevant entertainment” each case shall be judged on its merits but the informal guidance produced by the Home Office suggests that the definition of relevant entertainment would apply to the following forms of entertainment as they are most commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

However, the above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should merely be used as an indicator for certain types of entertainment as ultimately decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

8.5 The following are **not** sexual entertainment venues:

- Sex cinemas and sex shops;
- Premises which provide entertainment on an infrequent basis. These are defined as premises where:-
 - a) No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) No such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State;
- Private dwellings with no public admittance.

8.6 General guidance has been produced by the Home Office in relation to SEVs and this is attached as **Appendix E**.

8.7 A licence can be granted and/or renewed for a period of 1 year or such shorter period as considered necessary. Licences can be granted subject to terms, conditions or restrictions and can be cancelled, revoked and transferred.

8.8 The Committee has a duty to have regard to the comments of the Chief Officer of Police.

9.0 Statutory Refusal of Licences

9.1 The Act sets out a number of statutory grounds where licences cannot be granted. These grounds are:

- a) A licence cannot be granted to a person under 18,
- b) A licence cannot be granted to a person disqualified under the Act,
- c) A licence cannot be granted to a person not resident in the UK,
- d) A licence cannot be granted to a body corporate which is not incorporated in the UK,
- e) A licence cannot be granted to a person who has, within 12 months immediately before the date of an application, been refused the grant of a licence for the same premises.

The above provisions do not apply to this applicant.

10.0 Discretionary Refusal of Licences

10.1 The Act allows for licences to be refused using discretion, for which careful and balanced reasons should be given in the following manner:

- > That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- > If the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
- > That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider is appropriate for that locality
- > That the grant or renewal of the licence would be inappropriate having regard
 - i to the character of the relevant locality
 - ii to the use to which any premises in the vicinity are put or
 - iii to the layout character or condition of the premises in respect to which the application is made

11.0 Sex Establishment Policy Guidelines

11.1 The current policy in relation to the consideration of applications in respect of discretionary grounds for refusal of licences are set out in section 7 of the sex establishment licensing policy adopted by the Licensing Committee. Members may wish to refer to the following policy guidelines when determining this application:

11.2 Unsuitability of applicant

When considering the suitability or otherwise of an applicant, the Licensing Authority will have due regard to not only whether or not an applicant has been convicted of an offence but any other grounds which would call into question his/her suitability.

Para 7.3 - The Licensing Authority will wish to be satisfied that:

- *The applicant is sufficiently trustworthy to run the sex establishment in accordance with the terms and conditions imposed on any licence granted, as well as the law;*
- *The welfare of the performers at the licensed premises will be protected;*
- *That the safety of the public attending the premises will be provided for; and*

- *The needs and rights of persons/businesses living or working in the area, and indeed the area itself, are recognised and respected.*

Para 7.6 - In considering the overall suitability of an applicant to hold a licence, the following factors will be taken into account by the Licensing Authority:

- *Honesty and integrity of the applicant;*
- *Relevant experience of running similar sex establishments;*
- *Understanding of the terms and conditions relating to sex establishments;*
- *Reliability to run the premises in accordance with the licence;*
- *Track record of compliance in relation to other premises and/or licensing regimes;*
- *Intention to manage the premises himself or to employ others in that role;*
- *Existence or otherwise of a management structure to demonstrate compliance with operating conditions incorporating such matters as:*
 - ✓ *Managerial competence*
 - ✓ *Presence*
 - ✓ *Credible management structure, which will include employment of individuals who have sufficient experience in running such premises*
 - ✓ *Internal enforcement of rules (including training, monitoring, publication of rates for performers and customers)*
 - ✓ *Viable business plan*
 - ✓ *Demonstrate ability to act in the best interests of performers*
 - ✓ *Preparation and enforcement of a written welfare policy for performers*
 - ✓ *Procedures in place to ensure performers are adults and entitled to live and work in UK*
 - ✓ *Demonstrate measures to protect the public (such as transparent rate of charges and prevention of solicitation)*

In all cases, the Licensing Authority will give serious consideration to the observations of the Chief Officer of Police in relation to concerns expressed about the suitability of an individual applicant, body corporate or an individual officer of a company.

11.3 Unsuitable manager of the business or other beneficiary

Para 7.7 - The Licensing Authority will need to be satisfied that the proposed premises and activities are not a device to facilitate illegal activity and that those persons in ultimate control of the sex establishment can demonstrate that they will operate the premises in such a manner so as to promote the objectives of the legislation.

11.4 Number of sex establishments

Para 7.8 - PCC recognises that the Act allows discretion by the Licensing Authority to impose a numerical control on the number of sex establishments in a particular locality (including the provision that nil may be an appropriate number) and that this control can apply to both the overall number of sex establishments and also the number of each kind.

11.5 *Para - 7.10 the Licensing Authority has reached the preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.*

Para - 7.10a Notwithstanding the provisions of paragraph 7.10 above (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- ***The renewal, transfer or variation of an existing sex establishment licence; or***
- ***The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.***

11.6 Character of the relevant locality

Para 7.11 - Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of what may or may not be an appropriate number of sex establishment licences within the locality. In considering whether it is appropriate to grant a licence having regard to the character of the relevant locality, the Licensing Authority will take account of the following factors, together with such other factors as may be considered relevant in the individual circumstances of the case:

- *The general character of the area (e.g. family residential, family leisure or educational area);*
- *The impact of the premises on the character of the area;*
- *The current use for night-time leisure activities including existing sufficient representation of sex-orientated uses;*
- *Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all);*
- *Raising the fear of crime in the locality should further sex-orientated uses be authorised;*
- *Effects upon regeneration and tourism in the area;*

- *Level of genuine demand (including the risk that excess supply would drive down standards and lead to problems associated with compliance with conditions.*

11.7 Use of premises in the vicinity

Para 7.12 - Applications for sex establishment licences may be refused where the Licensing Authority considers that the grant of a licence would be inappropriate having regard to the use of other premises in the vicinity. Whilst the term “vicinity” is not defined in the 1982 Act, the Licensing Authority considers that “vicinity” will be a smaller area than “locality” as referred to in paragraph 7.8 above.

Para 7.13 - Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of the character of a locality or indeed what may or may not be an appropriate number of sex establishment licences within it.

Para 7.14 - When considering the type of uses which may be deemed to be inappropriate, due regard will be given to the suitability of the proposed location of the premises and will take into account relevant factors including, but not limited to, the presence of what may be regarded as sensitive issues (e.g. dwellings, places of worship, schools, youth clubs, community centres, women’s refuges, libraries, parks or swimming pools)

Para 7.15 - Without prejudice to the above, applicants should also be aware that applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of:

- *Places of worship;*
- *Swimming pools;*
- *Leisure centres;*
- *Parks;*
- *Youth centres;*
- *Historic buildings;*
- *Tourist attractions;*
- *Educational premises;*
- *Schools;*
- *Play areas;*
- *Nurseries;*
- *Children’s centres;*

Or any other similar premises.

11.8 Layout, character or condition

Para 7.17 - When considering the issue of a licence in terms of its layout, character or condition, the Licensing Authority will give consideration to general factors such as:

- *Provision of proper access for disabled people;*

- *Safe in terms of its structure and overall standards of maintenance for the building;*
- *Sufficient provision for surveillance and overall supervision;*
- *Standard of fit out of the premises;*

While the Licensing Authority will not refuse a licence merely because the premises do not have planning permission for use as a sex establishment, the authority will take into account the absence of planning permission to the extent relevant to the statutory grounds for renewal.

11.9 Plans and photographs of the immediate area are attached for consideration as Appendix E.

12.0 Consideration of the Application

12.1 The Committee must consider the application having regard to the factors outlined in this report.

12.2 If the Committee is mindful to grant the licence, the Committee should consider whether or not it is appropriate to impose conditions. Conditions may be “standard” and/or contain special conditions to reflect on individual premises.

12.3 A copy of the Council’s current standard conditions and those specific to sexual entertainment venues are attached as appendices to the sex establishment policy in Appendix A.

12.4 If the Committee is mindful of refusing the application then valid, proportionate and relevant reasons must be given in writing and within 7 days to the applicant. There are no grounds to statutorily refuse the application and therefore the Committee’s deliberations must be concentrated on the following discretionary options to refuse:

- Are the number of sex establishments in the relevant locality at the time the application is made equal to or exceed the number which the Committee consider is appropriate for that authority?
- Is the grant of the licence inappropriate having regard to;
 - the character of the relevant locality;
 - the use to which any premises in the vicinity are put; or
 - the layout, character or condition of the premises.

13.0 Human Rights

13.1 The Human Rights Act 1998 applies to this matter. The Committee must act proportionately and consider the rights of all parties affected by the application.

14.0 Appeals

If the Committee refuse the grant of the licence, there is a right of appeal to the Magistrates' Court.

15.0 Appendices

Appendix A - Copy of the current sex establishment licence policy;

Appendix B – Copy of the application together with associated documents;

Appendix C - Copy of the current premises licence issued under the Licensing Act 2003

Appendix D - Copies of objections received;

Appendix E - Home Office Guidance relating to SEVs; and

Appendix F – Plan of the immediate area;

Appendix G - Geographical Analysis of Representations;

Appendix H - Photographs of premises.

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Licensing Manager
For Head of Service

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Sex Establishment Licensing Policy

October 2012

www.portsmouth.gov.uk

1.0 Background to Consultation on Policy

- 1.1 On 22 March 2011 Portsmouth City Council (“PCC”) decided to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) (as amended by section 27 of the Policing and Crime Act 2009 (“the 2009 Act”)) so that it can regulate sexual entertainment venues (“SEVs”) in the City.
- 1.2 For ease of reference, the full resolution of PCC is set out below (Council Minute No. 31/11 refers):
- *Council note that at its meeting on 23 February 2011, the Licensing Committee considered the recent amendments to the 1982 Act and recommended that Council adopt the new licensing arrangements for SEVs;*
 - *Council resolve to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, and the following recommendations shall apply:*
 - *That the new statutory provisions shall apply to the Portsmouth UA area with effect from 1 November 2011;*
 - *That Council arranges for its Licensing Committee to discharge its statutory functions (including the setting of fees) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended;*
 - *That the Licensing Manager be given authority to arrange formal publication of the statutory notices in a local newspaper;*
 - *In such cases where no objections are made to the grant, renewal, transfer or variation of such licences, the City Solicitor be given delegated authority to approve such applications;*
 - *That the Licensing Manager prepares a draft policy together with standard conditions applicable to sexual entertainment venues for consideration and adoption by the Licensing Committee and that the Licensing Manager should include in that draft policy his/her consideration of whether applications should be refused if they are within three miles of any place of worship, swimming pool, leisure centre, park, youth centre, historic building, tourist attraction, educational premises, school, play area, nursery, children’s centre or similar premises.*
- 1.3 Those parts of Schedule 3 of the 1982 Act relating to sex shops and sex cinemas have previously been adopted by resolution of the Council on 27 October 1982 and continue to have effect.
- 1.4 On 21 September 2011 the Licensing Committee further considered its preferred approach in the formulation of its draft sex establishment licence policy and determined that the then Head of Legal, Licensing & Registrars be authorised to draft a policy for consideration and approval by the Licensing Committee, prior to public consultation, which was formulated upon the basis of identification of pre-determined localities and the imposition of numerical controls (Licensing Committee Minute No. 10/11 refers).

- 1.5 In preparing this policy, PCC recognised the important role that the regulatory agencies, licensed trade and local communities undertake and considers that their contribution of views was necessary in the formulation of this policy. Therefore, prior to final approval and publication of the policy, PCC consulted widely on the draft proposals.
- 1.6 Consultation on this policy took place with:
- The Chief Officer of Police for Hampshire Constabulary;
 - Persons/bodies representative of existing operators of sex establishments in the licensing authority area;
 - Persons/bodies representative of those likely to be affected by or have an interest in the Policy which may include but is not limited to:
 - Regulatory bodies such as the Fire and Planning Authorities;
 - Community Safety and Children’s Social Care and Safeguarding;
 - Interested parties such as local residents associations, trade associations and interest groups.
- 1.7 PCC had due regard to the views of those consulted on this policy and those responses were given appropriate weight when the policy was determined.
- 1.8 Consultation took place on this policy between 1st March 2012 and 12th April 2012 and the final policy was approved by the Licensing Committee on 12th October 2012. This policy will be subject to regular review and amendments may be made from time to time based upon any relevant government guidance, changes to legislation or local circumstances.
- 1.9 Comments on this policy should be sent via email, post or fax to the following address:

The Licensing Manager
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Email: licensing@portsmouthcc.gov.uk
Fax: 023 9283 4811

2.0 Aim of the Policy

- 2.1 The aim of this policy is to provide guidance for prospective applicants, persons who may wish to object to or support an application and members of the Council's Licensing Committee when making a decision in respect of an application.
- 2.2 Whilst each application will be considered on its individual merits, this policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining an application. This document also sets out the expectations of the Licensing Authority on the applicant when receiving an application.
- 2.3 No policy will ever be considered absolute and there may be occasions where the Licensing Committee may depart from policy having regard to the unique characteristics of any one particular application.

3.0 Introduction

- 3.1 In this policy we refer to these categories of uses as “sex establishments” unless we say otherwise.
- 3.2 The role of PCC when undertaking its statutory function as the Licensing Authority is to administer the licensing regime in accordance with the law and will not exercise its duties in accordance with any moral standing and will not take into account any unrelated or non-germane considerations that would call into question the validity or vires of any subsequent decision(s) made. All decisions will be based on the facts of an individual case and having regard to any policy in force. PCC recognises that Parliament has made it a lawful activity to operate a licensed sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 3.3 This policy document relates to the administration of applications for licences for sex establishments. Sex establishments will fall into one of the following categories:
- Sex shops
 - Sex cinemas
 - Sexual entertainment venues

4.0 Background Information

- 4.1 The City of Portsmouth is situated in the ceremonial County of Hampshire which contains 11 District Councils in total. It is at the heart of Britain's southern coastline, with long established direct rail and road links to London, the Midlands and Wales and close to three international airports.

Portsmouth is undergoing rapid change, growing in confidence and developing a renewed sense of itself. As the UK's only island city, this waterfront city combines centuries of maritime history with an attractive contemporary lifestyle.

A significant naval port for centuries, it is home to the world's oldest dry dock, which is still in use today, and to world-famous historic ships, including Admiral Lord Nelson's flagship, HMS Victory, HMS Warrior 1860 and King Henry VIII's Mary Rose. Now new investment around the harbour has transformed the waterfront and attracts generations of new visitors to the city.

In recent years the city has hosted major international events including the International Fleet Review and in 2005 the events to mark 200 years after the Battle of Trafalgar. Portsmouth is also fast becoming the home of ocean racing, hosting the Global Challenge yacht race in 2004/5 and in 2006 the city is the only UK port chosen to host the Volvo Ocean Race.

The Spinnaker Tower at Gunwharf Quays opened in 2005 and is a new icon for the city and the south coast. At 170 metres high, it has already changed the skyline forever and provides an unparalleled view of Portsmouth and the surrounding area from its three observation decks.

This dynamic waterfront city still has an important role as a major dockyard and home base for the Royal Navy. BAE Systems has brought shipbuilding back to the city and in 2006 HMS Clyde was the first ship launched here for 40 years. The council-owned commercial port also continues to thrive and serves more destinations on the continent with freight and passenger traffic than any other UK port.

Portsmouth has a population of 200,000 in an area of only 4,196 hectares, which makes it one of the most densely occupied cities in the country outside London.

Portsmouth offers a vibrant mix of entertainment facilities for residents and visitors alike. This ranges from theatres, restaurants, cinemas and concert venues to club premises, bars, nightclubs and pubs in various locations around the city. The provision of such facilities contributes much to the growth of the local economy for Portsmouth and offers an important role for employment within the city.

- 4.2 At the time of drafting this policy, one licensed sex shop is operating in the City but for many years there were two sex shops operating in different parts of the City.

5.0 Definitions

- 5.1 For the purposes of this policy, the following definitions will apply, provided that any subsequent amendments to the 1982 Act will also be taken into account:

5.2 Sex Shop¹

Any premises, vessel, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- a) Sex articles; or

¹ Paras 4(1) & (2), Schedule 3 of the 1982 Act

- b) 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.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

5.3 **Sex Article²**

Anything made for use in connection with, or for the purpose of stimulating or encouraging:

- i. Sexual activity; or
- ii. Acts of force or restraint which are associated with sexual activity; and anything to which the sub-paragraph below applies.

This sub-paragraph applies:

- a) To any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) To any recording of vision or sound, which
 - i. Is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii. Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

5.4 **Sex Cinema³**

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - i. Sexual activity; or
 - ii. Acts of force or restraint which are associated with sexual activity; or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

But does not include a dwelling-house to which the public is not admitted.

² Paras 4(3) & (4), Schedule 3 of the 1982 Act

³ Paras 3(1) & (2), Schedule 3 of the 1982 Act

No premises shall be treated as a sex cinema by reason only –

- a) If they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation.
- b) By their use for an exhibition to which section 6 of the Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the former Cinemas Act 1985.

5.5 Sexual Entertainment Venue⁴

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

Relevant entertainment is defined as:

Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).

In terms of considering what constitutes “relevant entertainment” each case shall be judged on its merits but the informal guidance produced by the Home Office suggests that the definition of relevant entertainment would apply to the following forms of entertainment as they are most commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

However, the above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should merely be used as an indicator for certain types of entertainment as ultimately decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

5.6 The following are **not** sexual entertainment venues for the purposes of this policy:

- Sex cinemas and sex shops;
- Premises which provide entertainment on an infrequent basis. These are defined as premises where:-
 - a) No relevant entertainment has been provided on more than 11 occasions within a 12 month period;

⁴ Paras 2A(1) &(2), Schedule 3 of the 1982 Act as amended by section 27 of the 2009 Act

- b) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) No such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State;
 - Private dwellings with no public admittance.

6.0 Mandatory Grounds for Refusal of an Application⁵

6.1 The 1982 Act sets out 5 mandatory grounds for refusing a sex establishment licence which are set out below:

That the applicant:

- a) Is under the age of 18;
- b) Is for the time being disqualified from holding a sex establishment licence;
- c) Is not a body corporate, and is not resident or has not been resident in an EEA state for six months preceding the date of the application;
- d) Is a body corporate which is not incorporated in an EEA state;
- e) Has, in the period of 12 months preceding the date of the application, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.0 Discretionary Grounds for Refusal of an Application⁶

7.1 The 1982 Act also sets out 4 discretionary grounds for refusing a sex establishment licence. The grounds are set out below and further expanded upon within this section of the policy:

- a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) If the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- c) The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

⁵ Para 12(1), Schedule 3 of the 1982 Act

⁶ Para 12(3), Schedule 3 of the 1982 Act

- d) The grant would be inappropriate, having regard –
- i. To the character of the relevant locality;
 - ii. To the use to which any premises in the vicinity are put;
 - iii. To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

7.2 a) Unsuitability of applicant

When considering the suitability or otherwise of an applicant, the Licensing Authority will have due regard to not only whether or not an applicant has been convicted of an offence but any other grounds which would call into question his/her suitability.

7.3 The Licensing Authority will wish to be satisfied that:

- The applicant is sufficiently trustworthy to run the sex establishment in accordance with the terms and conditions imposed on any licence granted, as well as the law;
- The welfare of the performers at the licensed premises will be protected;
- That the safety of the public attending the premises will be provided for; and
- The needs and rights of persons/businesses living or working in the area, and indeed the area itself, are recognised and respected.

7.4 In those cases where an applicant has been convicted of an offence, the Licensing Authority will consider, on individual merit, the nature and seriousness of the offence and the time which has elapsed since the date of conviction.

7.5 Applicants should be aware that certain offences will give rise to particular concerns and in particular will include:

- Sexual offences;
- Offences involving prostitution, drugs, dishonesty or violence; and
- Licensing offences.

7.6 In considering the overall suitability of an applicant to hold a licence, the following factors will be taken into account by the Licensing Authority:

- Honesty and integrity of the applicant;
- Relevant experience of running similar sex establishments;
- Understanding of the terms and conditions relating to sex establishments;
- Reliability to run the premises in accordance with the licence;
- Track record of compliance in relation to other premises and/or licensing regimes;
- Intention to manage the premises himself or to employ others in that role;
- Existence or otherwise of a management structure to demonstrate compliance with operating conditions incorporating such matters as:

- ✓ Managerial competence
- ✓ Presence

- ✓ Credible management structure, which will include employment of individuals who have sufficient experience in running such premises
- ✓ Internal enforcement of rules (including training, monitoring, publication of rates for performers and customers)
- ✓ Viable business plan
- ✓ Demonstrate ability to act in the best interests of performers
- ✓ Preparation and enforcement of a written welfare policy for performers
- ✓ Procedures in place to ensure performers are adults and entitled to live and work in UK
- ✓ Demonstrate measures to protect the public (such as transparent rate of charges and prevention of solicitation)

In all cases, the Licensing Authority will give serious consideration to the observations of the Chief Officer of Police in relation to concerns expressed about the suitability of an individual applicant, body corporate or an individual officer of a company.

7.7 **b) Unsuitable manager of the business or other beneficiary**

The Licensing Authority will need to be satisfied that the proposed premises and activities are not a device to facilitate illegal activity and that those persons in ultimate control of the sex establishment can demonstrate that they will operate the premises in such a manner so as to promote the objectives of the legislation.

7.8 **c) Number of sex establishments**

PCC recognises that the Act allows discretion by the Licensing Authority to impose a numerical control on the number of sex establishments in a particular locality (including the provision that nil may be an appropriate number) and that this control can apply to both the overall number of sex establishments and also the number of each kind.

7.9 In formulating this policy in relation to the number of sex establishments, the Licensing Authority has taken the following factors into account:

- Portsmouth's Local Strategic Partnership vision for the city where, in particular, we want to:
 - Develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all;
 - Make Portsmouth a city where everyone feels and is safe;
 - Make Portsmouth an attractive and sustainable city;
 - Deliver affordable, quality housing where people want to live;
 - Encourage and enable healthy choices for all and provide appropriate access to health care and support;
 - Enhance Portsmouth's reputation as a city of culture, energy and passion, offering access for all to arts, sports and leisure;

- Celebrate the many diverse and different communities within Portsmouth and work together to create an inclusive city for everyone;
 - Protect and support our more vulnerable residents by shaping public services to meet their needs.
-
- Location and residential density of housing in Portsmouth as shown on Map SELP1 (Page 19);
 - Location of facilities for children including schools, playgroups and children’s centres throughout the city as shown on Map SELP2 (Page 20);
 - Location of places of worship throughout the city as shown on Map SELP3 (Page 21);
 - Location of premises attracting vulnerable people such as GP surgeries, health centres, hospitals, dentists as shown on Map SELP4 (Page 22);
 - Areas and premises attracting families such as leisure and sport facilities, play spaces, parks and open spaces including tourist attractions as shown on Map SELP5 (Page 23);
 - Location of areas associated with commerce, retail and commercial use as shown on Map SELP6 (Page 24);
 - Promotion of gender equality, particularly in relation to reducing the fear of crime among women and community attitudes to sex establishments;
 - The Portsmouth Regeneration Strategy;
 - Community Safety Strategy;
 - The Portsmouth Plan (Portsmouth’s Core Strategy);
 - Southsea Seafront Strategy.

7.10 Given the various factors set out above, the Licensing Authority has reached the preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

7.10a Notwithstanding the provisions of paragraph 7.10 above (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- The renewal, transfer or variation of an existing sex establishment licence; or
- The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that

during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.

7.11 **d) Character of the relevant locality**

Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of what may or may not be an appropriate number of sex establishment licences within the locality.

In considering whether it is appropriate to grant a licence having regard to the character of the relevant locality, the Licensing Authority will take account of the following factors, together with such other factors as may be considered relevant in the individual circumstances of the case:

- The general character of the area (e.g. family residential, family leisure or educational area);
- The impact of the premises on the character of the area;
- The current use for night-time leisure activities including existing sufficient representation of sex-orientated uses;
- Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all);
- Raising the fear of crime in the locality should further sex-orientated uses be authorised;
- Effects upon regeneration and tourism in the area;
- Level of genuine demand (including the risk that excess supply would drive down standards and lead to problems associated with compliance with conditions.

7.12 **e) Use of premises in the vicinity**

Applications for sex establishment licences may be refused where the Licensing Authority considers that the grant of a licence would be inappropriate having regard to the use of other premises in the vicinity. Whilst the term “vicinity” is not defined in the 1982 Act, the Licensing Authority considers that “vicinity” will be a smaller area than “locality” as referred to in paragraph 7.8 above.

7.13 Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of the character of a locality or indeed what may or may not be an appropriate number of sex establishment licences within it.

7.14 When considering the type of uses which may be deemed to be inappropriate, due regard will be given to the suitability of the proposed location of the premises and will take into account relevant factors including, but not limited to, the presence of what may be regarded as sensitive issues (e.g. dwellings, places of worship, schools, youth clubs, community centres, women’s refuges, libraries, parks or swimming pools)

7.15 Without prejudice to the above, applicants should also be aware that applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of:

- Places of worship;
- Swimming pools;
- Leisure centres;
- Parks;
- Youth centres;
- Historic buildings;
- Tourist attractions;
- Educational premises;
- Schools;
- Play areas;
- Nurseries;
- Children's centres;

Or any other similar premises.

7.16 Applicants are advised to consider the impact of their proposed application prior to considering whether or not they wish to operate a sex establishment business in an area and state in their application how they believe any potential impacts could be mitigated. The Licensing Authority reserves the right to take into account other issues or considerations that may arise at the application and consultation stage as well as during the licence period.

7.17 **Layout, character or condition**

When considering the issue of a licence in terms of its layout, character or condition, the Licensing Authority will give consideration to general factors such as:

- Provision of proper access for disabled people;
- Safe in terms of its structure and overall standards of maintenance for the building;
- Sufficient provision for surveillance and overall supervision;
- Standard of fit out of the premises;

While the Licensing Authority will not refuse a licence merely because the premises do not have planning permission for use as a sex establishment, the authority will take into account the absence of planning permission to the extent relevant to the statutory grounds for renewal.

8.0 **Application Process**

8.1 Application forms are available from the Licensing Service and are also available for download on the Council's website at:

<http://www.portsmouth.gov.uk/living/11752.html>

8.2 Upon receipt of an application for the grant, renewal, transfer or variation of a licence, the Licensing Authority will consult with the following bodies/individuals and will have regard to any observations received as a result:

- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- Head of Children’s Social Care and Safeguarding
- Head of Planning Services
- Ward Councillors

8.3 An application for the grant, renewal, transfer or variation of a licence must be formally advertised in two specific ways:

- a) Within 7 days after the date of application, the applicant must arrange for a public notice to be published in a local newspaper (The News – www.portsmouth.co.uk)
- b) Where the application is in respect of premises, the applicant must also display a notice of the application on or near the premises in question. The notice must be placed in such a position so that it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of the application.

8.4 The notice must include information relating to:

- Details of the premises to which the application relates;
- Details of the applicant;
- Type of sex establishment licence being applied for;
- Whether the application is for the grant, renewal, transfer or variation of a licence;
- Details of how persons may object; and
- Closing date for representations.

Templates for public notices are available from the Licensing Service or are available to download from PCC’s website at <http://www.portsmouth.gov.uk/living/11752.html>.

8.5 The applicant must also send a copy of the application to the Chief Officer of Police no later than 7 days after the date of application, unless the application is submitted electronically and in which case the Licensing Authority will serve notice on the Police.

8.6 The address details for the Police are as follows:

The Chief Officer of Police
Hampshire Constabulary
Portsmouth Licensing and Violent Reduction Unit
Community Safety Unit
Civic Offices
Guildhall Square
Portsmouth
PO1 2BY

Tel: 0845 045 4545
Direct Dial: 023 9268 8754
Fax: 023 9268 8513
Email: portsmouth.licensing@hampshire.pnn.police.uk

9.0 Consideration of an Application

- 9.1 The Licensing Authority will have regard to all information provided by an applicant in support of an application.
- 9.2 Any person wishing to object to an application must give notice of their objection in writing, stating the general terms of the objection no later than 28 days after the date of the application. Any person may object to an application. However objections must be relevant to the grounds set out in paragraph 12, Schedule 3 of the 1982 Act. Those grounds are set out in sections 6 and 7 of this policy. Objections based solely on moral grounds/values will not be considered.
- 9.3 The Licensing Authority will notify the applicant, in writing, of the general terms of any objection received within the 28 day period allowed for objections.
- 9.4 The 1982 Act protects the rights of objectors to remain anonymous. The Licensing Authority will not reveal names or addresses of any objector to the applicant without their consent. However, general information such as the objector lives within a certain distance of the premises in question will be released in order to give the applicant an opportunity to rebut any concerns so far as geographical vicinity or locality is concerned.

10.0 Determining an Application

- 10.1 All applications where objections have been received or where consultees have raised concerns will be referred to the Licensing Sub-Committee for determination at a hearing and all parties will be given the opportunity to put forward their case at the hearing.
- 10.2 The Licensing Authority will consider each application on its individual merits. Reasons for grant or refusal may vary depending upon whether the application relates to a sex shop, sex cinema or sexual entertainment venue.
- 10.3 The Licensing Sub-Committee will retire at the end of the hearing to make its decision on the facts of the case in private.
- 10.4 In most cases the Licensing Sub-Committee will deliver its decision and reasons at the end of the hearing. However, where it is considered proportionate and necessary to do so, the Licensing Sub-Committee may delay making a decision so as to allow for consideration of the respective cases put before it and so as to permit further time for a reasoned decision to be formulated. Any decision and reasons will be communicated, in writing, to the applicant and all other parties within 10 working days of the hearing.

11.0 Hearings

- 11.1 Hearings will be arranged as soon as reasonably practicable following the end of the consultation period. Applicants and other interested parties will be given at least 10 days notice of the proposed date for hearing and more where possible to do so.

- 11.2 All applicants will be given the opportunity to appear before and be heard by the Licensing Sub-Committee responsible for determining the application. Applicants will be entitled to be represented by a legal advisor or similar agent. Witnesses may be called with permission from the Chair of the Sub-Committee.
- 11.3 Persons objecting to applications will also be given the opportunity to appear at the hearing to discuss their objections.
- 11.4 The hearing will take place in public except where the public interest requires otherwise, although members of the public being disruptive will be required to leave the meeting.
- 11.5 All parties will be allowed an equal maximum period of time for the presentation of their case but it is expected that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

12.0 Appeals

- 12.1 A right of appeal exists for applicants in respect of the refusal of applications for the grant, renewal, transfer or variation of a sex establishment licence. A right of appeal is also available in relation to the imposition of conditions and revocation of licences.
- 12.2 However, appeals against mandatory refusals (see section 6 of this policy document) can only be lodged on the basis that the mandatory ground does not apply to the appellant.
- 12.3 Additionally, no appeal provisions exist in respect of refusals to grant or renew licences on the discretionary grounds of:
- The number of sex establishments in the relevant locality;
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put;
 - The layout, character or condition of the premises.
- 12.4 The time limit for lodging an appeal to the Magistrates' Court is 21 days beginning with the date of notification of the decision. The commencement time for the purposes of this section will be from when the applicant receives formal written notification of the decision and reasons.
- 12.5 The 1982 Act also provides for further appeal to the Crown Court.

13.0 Duration of Licences

- 13.1 Licences for sex establishments may be granted for a maximum period of one year but the Licensing Authority may grant a shorter period of time if it thinks fit.

14.0 Licence Conditions

14.1 The Licensing Authority will impose standard conditions that are relevant to all licensed sex establishments. These may include, but are not limited to:

- Opening and closing hours
- Displays and advertisements on or in sex establishments
- Visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another.

The Licensing Authority has made Regulations as to standard conditions which are set out at Appendix A to this policy. Such conditions will be imposed unless they are varied in an individual case. Any applicant for such variation must set out the variation requested in the application, together with reasons why the variation is sought and how it intends to achieve the objectives of the standard conditions if a variation is permitted.

14.2 The Licensing Authority may also specify other conditions specific to individual premises dependant 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.

15.0 Waiving of the need for a Sex Establishment Licence⁷

15.1 In certain circumstances the Licensing Authority may waive the need for a sex establishment licence. However, applicants should be aware that it is considered that the waiver system is not a substitute for the licensing regime but may be useful in certain borderline cases or where events are minor or temporary. Equally it may be an appropriate alternative solution where clarity or regularisation is considered necessary.

15.2 An application for a waiver can either be made as part of an application for a licence or on a separate basis. The Licensing Authority may grant a waiver if it considers that to require a licence would be unreasonable or inappropriate.

15.3 In those cases where a waiver is granted the Licensing Authority will confirm, in writing, to the applicant that such a waiver has been approved. The waiver can last for any such period that the Licensing Authority think fit but equally it can be terminated by the Authority at any time subject to a notice period of 28 days.

15.4 The Licensing Authority will consider such applications on an individual basis. However, the Licensing Authority considers that in normal cases, licences should be sought for licensable activities and waivers will be granted only in exceptional cases.

⁷ Para 7, Schedule 3 of the 1982 Act.

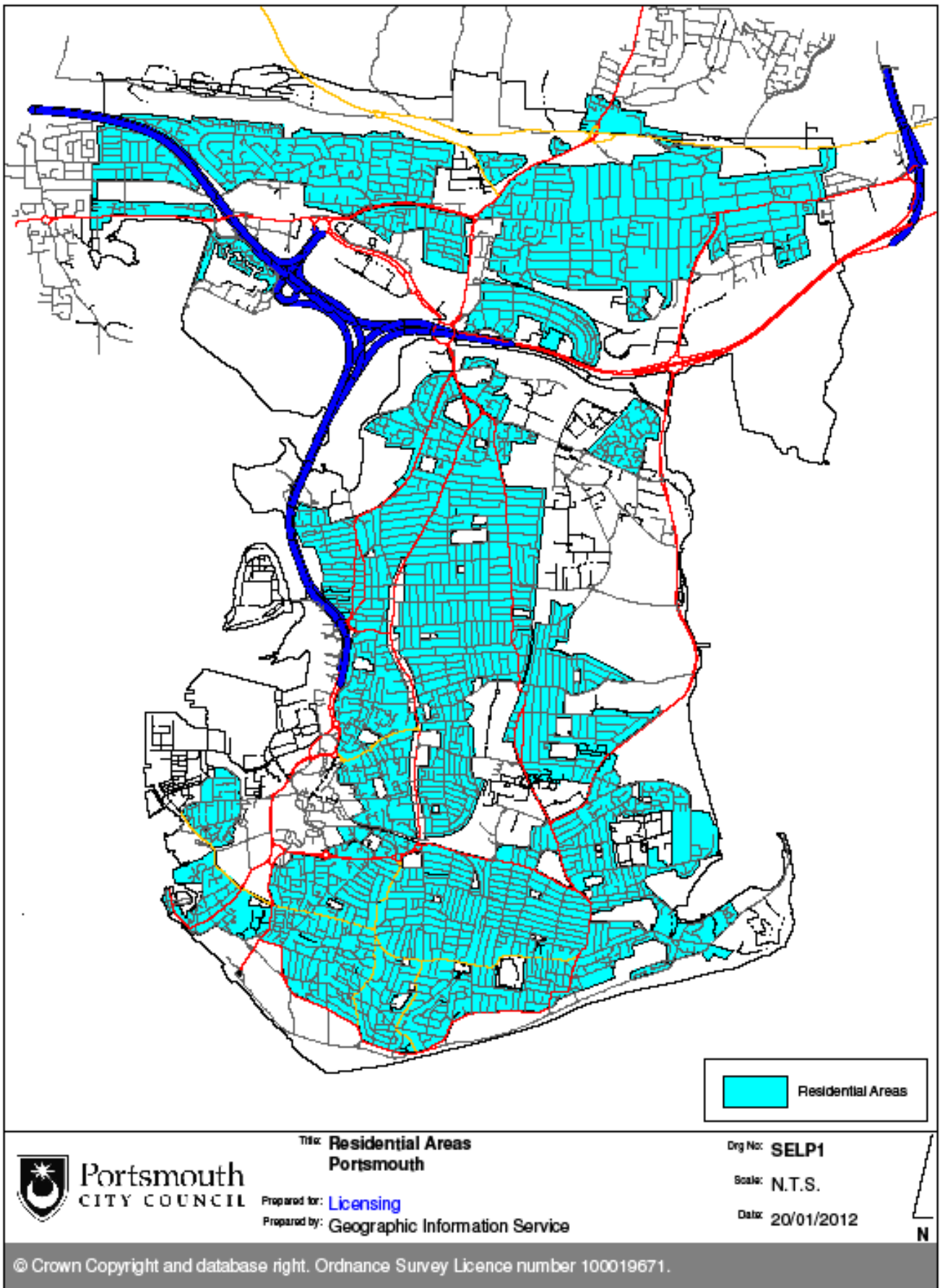
16.0 Exchange of Information

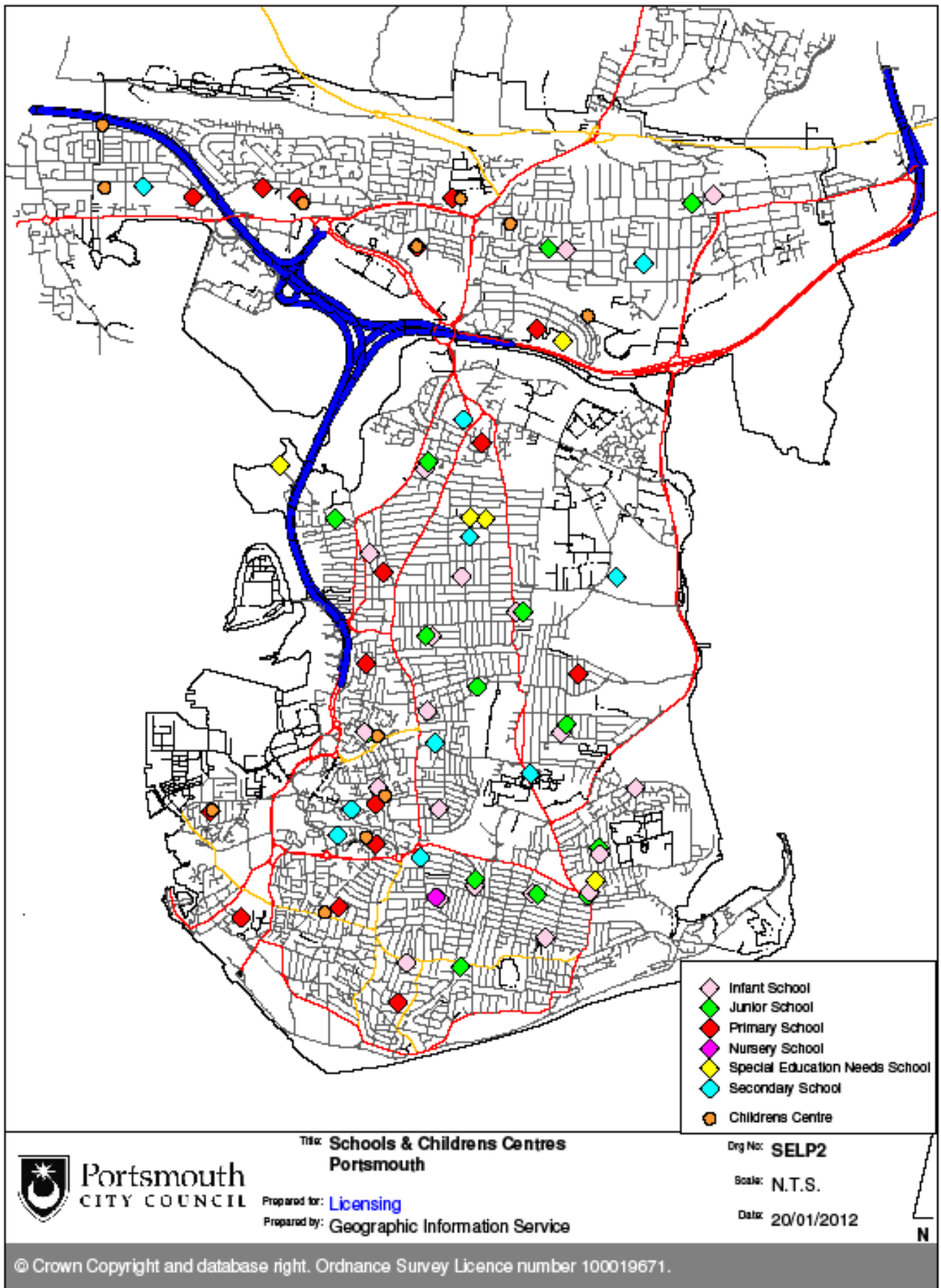
- 16.1 The Licensing Authority will process personal information in accordance with the Data Protection Act 1998. Personal details will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold about you. The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 16.2 The Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1988 to exchange data and information with the Police and other partners to fulfill its statutory objective of reducing crime in the area.

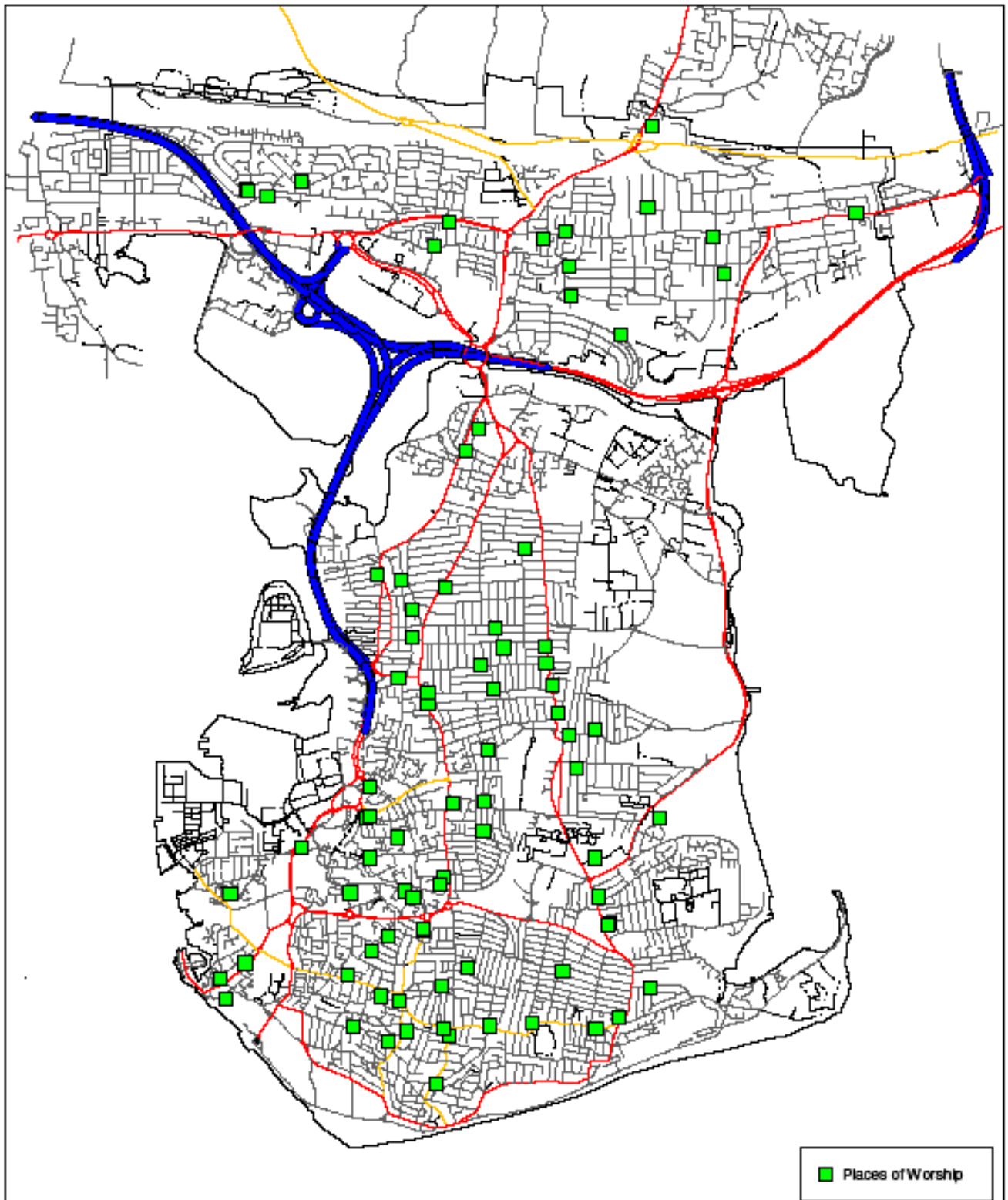
17.0 Enforcement

- 17.1 There are serious penalties for breaching the law relating to the control and supervision of sex establishment premises. Historically, PCC has taken robust action to prosecute individuals and businesses operating outside of the law and will maintain this stance in order to ensure protection of the public and to enforce this policy.

As a consequence, the Licensing Authority will establish protocols with other statutory agencies on enforcement issues. This is to enable the more effective deployment of staff who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aims of the protocol are to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.







Portsmouth
CITY COUNCIL

Prepared for: **Licensing**
Prepared by: **Geographic Information Service**

Title: **Places of Worship**
Portsmouth

Org No: **SELP3**

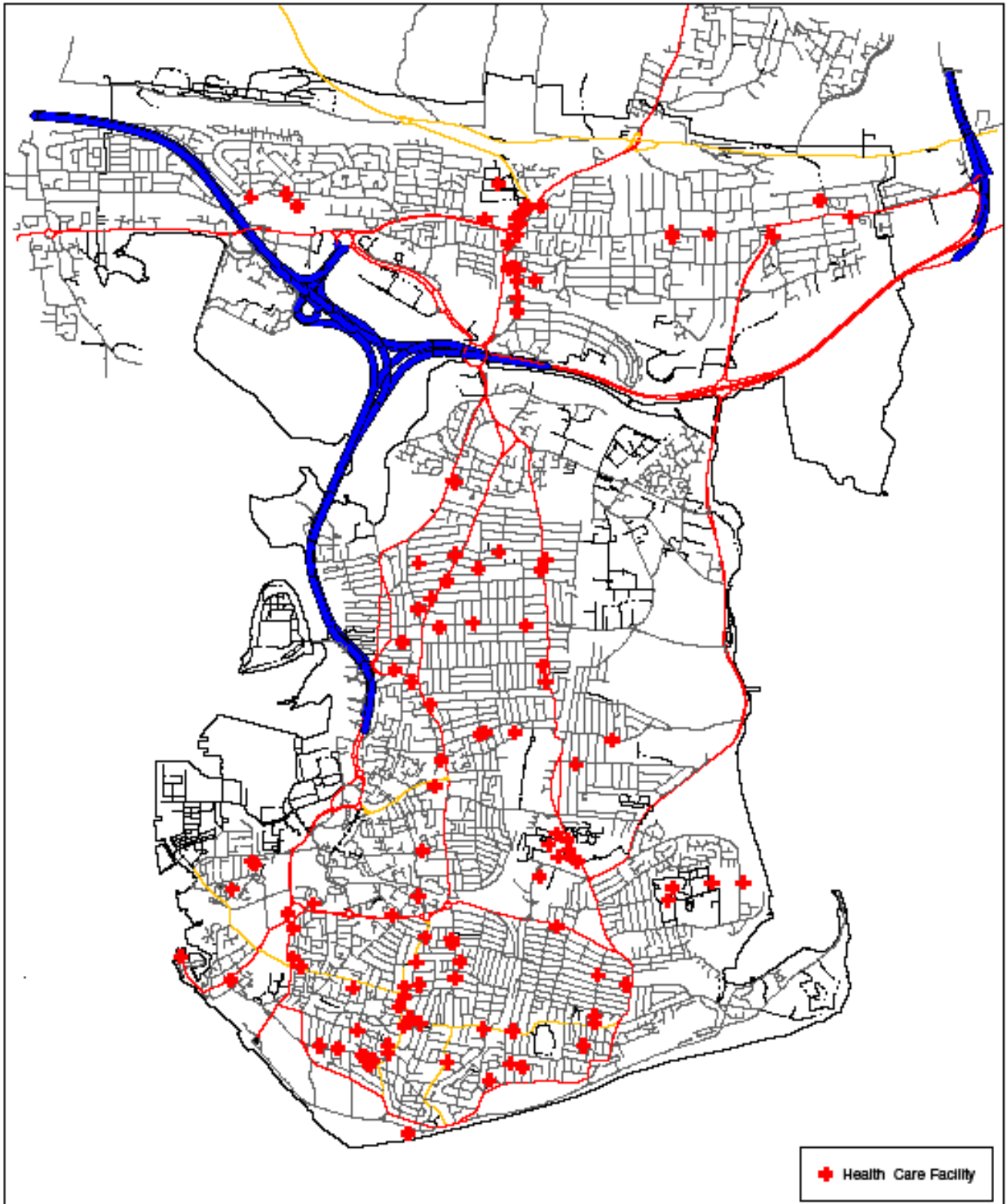
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Date: **20/01/2012**

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Health Care Facility



Title: **Health Care Facilities
Portsmouth**

Prepared for: **Licensing**
Prepared by: **Geographic Information Service**

Org No: **SELP4**

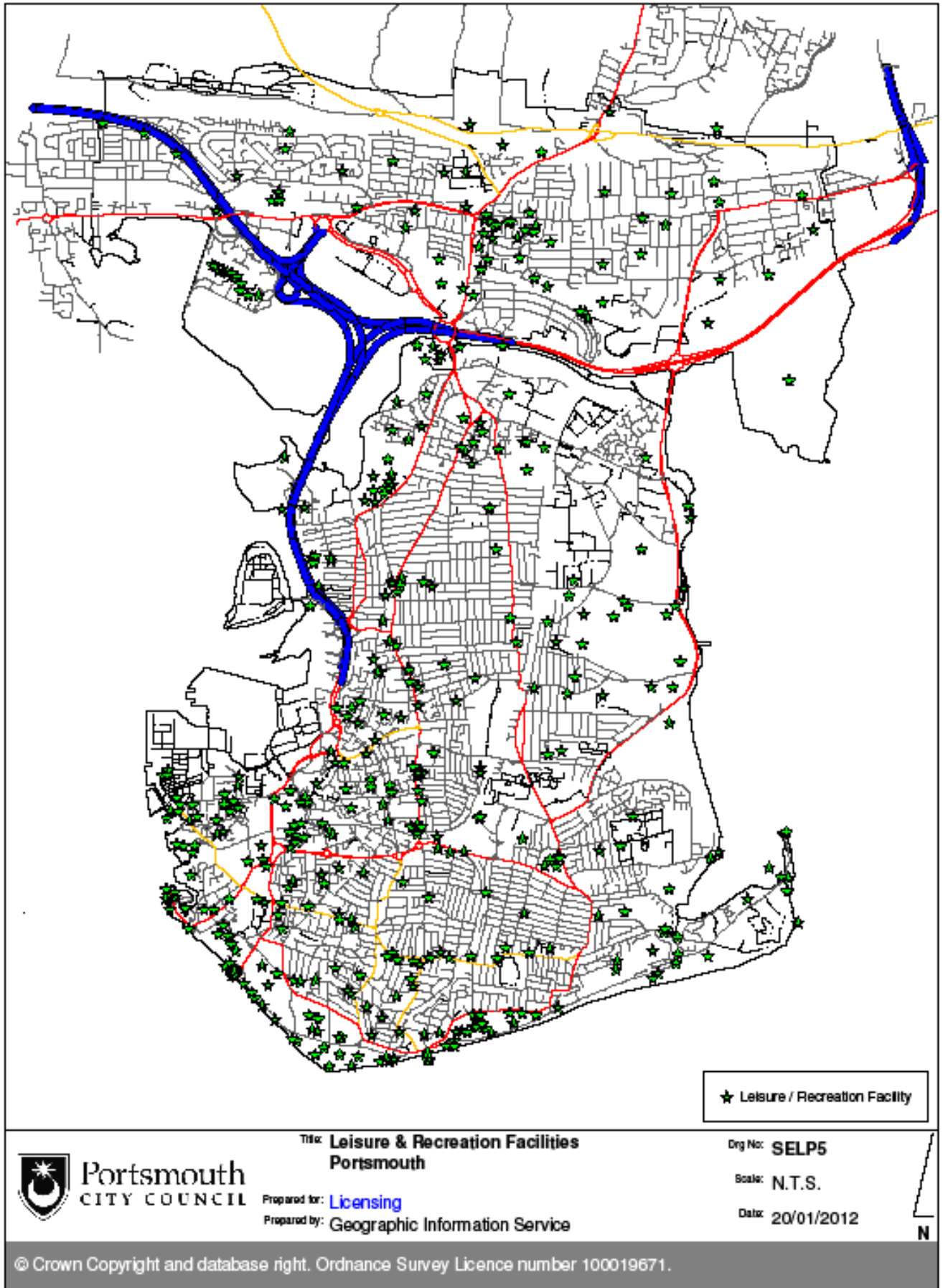
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Date: **20/01/2012**

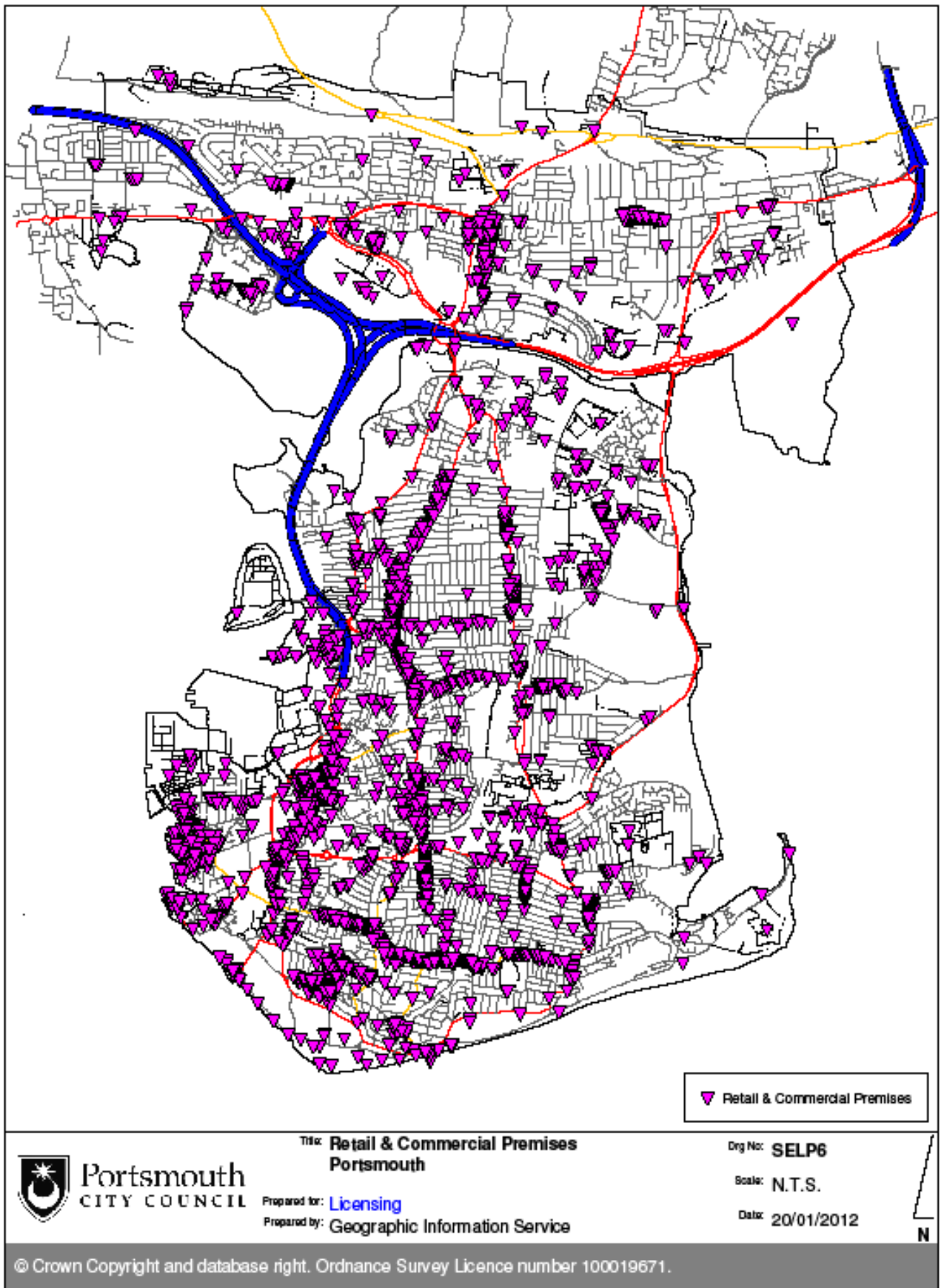
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MAP SELP6



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 Regulations⁸ 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.

⁸ Adopted by Portsmouth City Council, as Licensing Authority, following a resolution of the Licensing Committee on 23 October 2013.

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. 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

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

Premises Interior and Layout

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

11. 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.
12. 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.
13. 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.
14. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
15. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
16. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
17. 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.

CCTV

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

CCTV Access

25. 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.
26. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
27. An operator's manual will be available to assist in replaying and exporting data.
28. 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

29. 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.
30. The council may substitute, delete, vary or amend these conditions at any time.

Part Two – Additional Conditions for Premises Operating as Sex Shops

31. 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.
32. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
33. 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

34. 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.

35. 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

36. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
37. 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.
38. 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.
39. 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

40. 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

41. Any external displays or advertising may only be displayed with the prior approval of the Council.
42. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
43. 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.
44. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
45. 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.
46. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

Control of Entry to the Premises

47. 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:

48. 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.
49. 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.
50. 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.
51. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
52. A policy of random searches of persons entering the premises shall be operated.
53. 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.
54. 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.
55. 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

56. 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.
57. 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.
58. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.

59. 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.
60. 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.
61. 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

62. 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.
63. The code shall include the basic criteria as set out in Appendix C to this policy.
64. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
65. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
66. 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.
67. 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.
68. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
69. 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

70. 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.
71. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
72. 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

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

Record Keeping and Management

80. 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.
81. 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.
82. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
83. 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.
84. 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

85. 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

86. 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).
87. 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.
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. 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)

94. 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

95. 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

96. 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
97. 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.
98. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.
99. 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.
100. 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.
101. The incident log shall be made available for inspection to the Police or authorised council officers upon request.

General

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

Sexual Entertainment Venues – Code of Conduct for Dancers

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

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

Sexual Entertainment Venues – Code of Conduct for Customers

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

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

Telephone: 023 9283 4604

Email: Licensing@portsmouthcc.gov.uk

Address: Licensing Service, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, Hants, PO1 2AL.

www.portsmouth.gov.uk

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Rec'd 27/4/12.



Portsmouth
CITY COUNCIL

Reference No.

1 2 1 0 3 4 2 8 1 S E X E S T

Application for the grant, renewal or transfer of a Sex Establishment Licence pursuant to: Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

PLEASE READ THE FOLLOWING NOTES FIRST

1. All questions must be answered except where otherwise stated. If relevant questions are not answered, the application will be deemed inappropriate and returned to the Applicant.
2. Any person who, in connection with an application for the grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.
3. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to: **Licensing Service, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL. Telephone: 023 9283 4604 Fax: 023 9283 4811**
 Email: Licensing@portsmouthcc.gov.uk DX No: 2244 Portsmouth

Part 1 – THE APPLICANT

please tick ✓

Q1. Is the applicant:					
a) An individual	<input type="checkbox"/>				
b) A company or other corporate body	<input checked="" type="checkbox"/>				
c) A partnership or other unincorporated body	<input type="checkbox"/>				
If the applicant is an individual, answer question 2. If the applicant is a company or other corporate body, answer questions 3 and 4. If the applicant is a partnership or other incorporated body, answer question 5.					
Q2. Answer only where the applicant is an individual:					
Full name of Applicant:	<input type="text"/>				
Has the Applicant ever been known by a different name: (If "Yes" please provide the Applicant's former name below)	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No				
<input type="checkbox"/>	<input type="checkbox"/>				

Former name of Applicant			
PLEASE GO TO QUESTION 5			
Q3. Answer only where the Applicant is a company or other corporate body:			
Name of Applicant:		DUNGLEN LIMITED	
Where is the Applicant registered:		OJS IND PARK CLAYBANK ROAD, PORTSMOUTH, PO3 5SX	
Registered number of Applicant:		5236409	
Has the applicant previously been known by any other name and if so provide name below:			
Has the Applicant:			
			<i>please tick</i> ✓
Been convicted of a criminal offence?		Yes	No /
Been refused the grant or renewal of a sex establishment licence?			/
Had a sex establishment licence revoked?			/
Been served with a winding up petition?			/
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.			
Names of the Applicant's Directors:			
Name:	JASPAL SINGH OJLA RASHWINDER KAUR OJLA	Position:	MANAGING DIRECTOR DIRECTOR
Are there persons responsible for the management of the Applicant other than the Directors?:		Yes	No /
If yes, please provide details of their names:			
Please provide below the names of all persons with a shareholding greater than 10% in the Applicant: J.S.OJLA AND R.K.OJLA AS ABOVE			

Is the Applicant a wholly owned subsidiary of another company or corporate body?	Yes	No /
If yes, please provide below the name, place of registration and details of its Directors?		
Name:		
Place of Registration:		
Directors:		
PLEASE GO TO QUESTION 5		
Q4. Answer only where the Applicant is a partnership or other unincorporated body:		
Name of Applicant:		
Names of Applicant's partners:		
Are there persons responsible for the management of the Applicant other than the partners?	Yes	No
If yes, please provide details of their names:		
Has the Applicant ever been refused the grant or renewal of a sex establishment licence:	Yes	No
Has the Applicant ever had a sex establishment licence revoked?		
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.		
PLEASE GO TO QUESTION 5.		
Q5. Does the Applicant have a trading name different from that given in answer to questions, 2, 3 or 4 above? If so, please state the trading name below:		
WIGGLE		

Q6. What is the Applicant's trading address:

**1 – 3 SURREY STREET
PORTSMOUTH PO1 1JT**

Post Code:	PO1 1JT	Daytime Contact Number:	
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Email address:

Q7. Will the business for which a licence is required be carried on for the benefit of a person other than the applicant:

If yes, please provide below the name of such person(s). If such person(s) are a company or other corporate body, state their place of registration and registered number, and the identity of all Directors, the Company Secretary and those with a shareholding greater than 10%.

Yes

No

/

Q8. Does the Applicant operate any other sex establishments, whether licensed or not? If so please state the name, address and type of sex establishment (e.g. sex shop, sexual entertainment venue or sex cinema).

Wiggle 159, Old Christchurch road, Bournemouth bh1 1js. Sexual entertainment venue

ELEGANCE 1 Granada Road, Southsea PO4 ORD. Sex entertainment venue


Q9. For each of the individuals named in the answers to questions 2, 3, 4, 7 and 8, please confirm that the form at Appendix A to this application form has been completed and submitted as part of this application.	Yes /	No
---	----------	----

Part 2 – THE PREMISES, VEHICLE, VESSEL OR STALL

please tick ✓

Q10. Is this application in respect of:			
a) Premises			/
b) Vehicle			
c) Vessel			
d) Stall			
Q11. If the application relates to a vehicle, vessel or stall, where is it proposed to be used:			
Q12. If the application relates to a premises, please provide the full address of the premises for which a licence is required:			
1 – 3 Surrey Street Portsmouth			
Post Town:	PORTSMOUTH	Post Code:	PO1 1JT
Q13. Is the whole of the premises to be used as a sex establishment:			Yes /
If not, please state below: <ul style="list-style-type: none"> • the use of the remainder of the premises; and • the names of those who are responsible for managing the remainder of the premises. 			
THE 1ST AND PART OF THE 2ND FLOOR ARE TO BE USED. THE GROUND FLOOR IS USED AS A PUBLIC BAR WITH A SEPARATE ENTRANCE OPERATED BY THE SAME COMPANY. THE AREA IS CLEARLY MARKED ON THE PLAN			
Q14a. State the nature of the Applicant's interest in the premises, vehicle, vessel or			

stall, e.g. owner, lessee, sub-lessee:			
OWNED BY THE DIRECTORS J.S OJLA AND R.K.OJLA LEASED TO DUNGLEN LTD			
Q14b. If the Applicant is a lessee or sub-lessee, state:			
(i)	The name and address of the landlord:		
	J.S.OJLA AND R.K.OJLA [REDACTED]		
(ii)	The name and address of the superior landlord (if any):		
(iii)	The amount of the annual rental:	NIL	
(iv)	The length of the unexpired term:	NA	
(v)	The length of notice required to terminate the tenancy:	NA	
Q15a. State the current use of the premises:			
PUBLIC HOUSE AND LAP DANCE CLUB			
Q15b. Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?:		Yes	No
Q15c. If so, state the date of the planning permission:			
Q15d. If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details:			
Has been licenced under 2003 act			
Q16a. Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?:		Yes /	No

Q16b. Please provide full details including the name of any Designated Premises Supervisor :		
LICENCE NO. 10/04166/LAPRMV D.P.S JASPAL SINGH OJLA 		
Q16c. Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?:	Yes /	No
Q16d. Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details below:	Yes /	No
ALCOHOL AND ENTERTAINMENT AS EXISTING LICENCE		
Q17a. Is each customer access to the premises, vehicle, vessel or stall:		
• Directly from the street or a public thoroughfare?		/
• From other premises?		
If from other premises, please provide full details below:		
Q17b. Is each customer access from the street to be supervised at all times the premises are open to the public?:	Yes /	No
If the answer is No, give full details of proposed door control and supervision:		
Q17c. State whether all door supervisors are to be licensed with	Yes	No

the SIA:	/	
Q18. Are the premises, vehicle, vessel or stall constructed or adapted so as to permit access to, from and within the premises (including WC facilities) for disabled members of the public?	Yes	No /
If the answer is No, please state the Applicant's proposals for affording such access?		
We are on the 1 st and 2 nd floor level and not able to provide access for disabled people.		
Q19. Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application?:	Yes /	No
If the answer is yes, please state the name and address of the person or body now operating the business:		
DUNGLEN LIMITED		

Part 3 – THE BUSINESS

Q20. Under what name will be business be known?:	
Wiggle	
Q21. Is the application in respect of:	
• A sex shop	
• A sex cinema	
• A sexual entertainment venue	/
Q22. Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example:	
<ul style="list-style-type: none"> • a management agreement; • partnership agreement; • profit share arrangement. 	
If so, please provide full details together with a copy of any such agreement?:	
NO	

Q23. Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements:

NONE

Q24. Is the business required to purchase merchandise from a particular person or body? If so provide full details.

NO

Part 4 – MANAGEMENT OF THE BUSINESS

Q25a. State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ("the Manager"):

JOHN CORTIN FERNANDEZ

Q25b. Will the Manager be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole and exclusive occupation?:

Yes

/

No

Q25c. State which person(s) will be responsible for the day to day management of the business in the absence of the Manager ("the Relief Manager")?:

JASPAL SINGH OJLA

Q25d. Will the Relief Manager(s) or one of them be based at the premises full-time in the absence of the Manager?:

Yes

/

No

Q25e. In respect of the Manager and Relief Manager(s), please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

Yes

/

No

Q26. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.

Please give details of the days and times during which it is proposed that the

business will be open.

MON – SUN 9PM – 5AM

Q27. Please state the proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used. (please note that a colour photo/ plan of the exterior showing such signage and advertising is required to be submitted with this application):

PHOTOGRAPHS ARE INCLUDED OF THE SIGNAGE AS EXISTING

Q28a. What means are to be taken to prevent the interior of the premises being visible to passers-by?:

ALL WINDOWS ARE BLOCKED UP

Q29b. What, if any, window displays are to be exhibited? Please indicate the size and nature of any intended display:

NONE

Q30. State what age restrictions are to be applied in respect of admissions and how are these to be enforced?: (Please state as part of your answer what forms of ID will be accepted and whether it is proposed to use electronic systems. For sex shops, please provide details of arrangements for preventing proxy sales)

OVER 18 ONLY. WE HAVE A CHECK I.D FOR ALL PERSONS THAT LOOK UNDER 21 POLICY. ONLY PHOTO I.D. IS ACCEPTED.

Q31. Please state the arrangements for CCTV at the premises and for the retention of recordings: (Please state as part of your answer whether all public areas are to be

covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded)

WE HAVE EXISTING CCTV WHICH IS RECORDED AND KEPT FOR 28 DAYS. IT HAS BEEN PASSED AND APPROVED BY THE POLICE.

Q32. ANSWER THIS QUESTION ONLY WHERE THE APPLICATION RELATES TO A SEXUAL ENTERTAINMENT VENUE.

Q32a. Is the proposal to allow full nudity at the premises?

YES

NO

/

Q32b. Provide full details of the nature of the entertainment intended to be provided, e.g. lap-dancing, pole dancing, stage strip-tease:

LAP DANCING, POLE DANCING AND STAGE SHOWS

Q32c. Please state what, if any, separation between performers and audience is proposed. E.g. performers on stage; 1 metre; no contact; or full contact:

THERE IS NO CONTACT

Q32d. Is it intended to provide private booths or areas?

Yes

No

/

If yes, please provide full details including proposals for supervision of such areas:

WE HAVE CCTV, SIA SECURITY, AND STAFF TO MONITOR THE AREA

Q33. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.

Q33a. Please state the proposals for preventing nuisance to residents and businesses in the vicinity:

WE HAVE CCTV AND SIA STEWARDS ON THE FRONT OF THE BUILDING. ANYONE FROM OUR PREMISES THAT MISBEHAVE ARE BARRED. OUR CUSTOMERS ARRIVE AND LEAVE IN SMALL GROUPS SO DON'T MAKE A LOT OF NOISE.

Q33b. Please state the proposals for promoting public safety:

WE HAVE CCTV, SIA STEWARDS, FULL HEALTH AND SAFETY POLICIES, FIRE SAFETY POLICIES AND FULL STAFF TRAINING. ALL LEGAL OBLIGATIONS ARE ADHERED TO.

Q33c. Please state the proposals for preventing crime or disorder:

CCTV AND SIA DOOR STEWARDS

Q33d. Please state the proposals for protecting children from harm:

CHILDREN ARE NOT ALLOWED WHEN THE PREMISES ARE OPEN

Q33e. Please state the Applicant's systems for checking the age and right to work in the UK for all staff and dancers/performers.

FULL APPLICATION RECORDS ARE KEPT INCLUDING A PHOTOGRAPH. PHOTO ID IS COPIED AND KEPT, NATIONAL INSURANCE NO. IS KEPT AND AVAILABLE TO ANY AUTHORISED PERSON.

Q33f. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for training all staff in the Code of Practice for performers and for monitoring and enforcing compliance: (Please note that the Code of Practice must be attached to this form)

All staff are given a copy of our rules and regulations. Once they have read them they have to sign a contract to that effect. All performers are monitored by our staff and management.

Q33g. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the

system for notifying customers of the Rules for Customers and for monitoring and enforcing compliance: *(Please note that the Rules for Customers must be attached to this form)*

The rules are clearly written and posted in the reception area and in various locations inside the premises. The dancers also verbally tell the customers.

Q33h. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for monitoring compliance with the venue's Policy for Welfare of Performers. *(Please note that the Policy for Welfare of Performers must be attached to this form)*

Any performer can go to management with any concerns: A record of that is kept and action taken to resolve it.

Q34. Set out any further information which you wish the Licensing Authority to take into account: *(Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the Authority's Sex Establishment Licensing Policy)*.

Q35. Is there any information on this form which you do not wish to be seen by members of the public? If so, please state which particular information you wish to remain private and provide reasons why you do not wish it to be seen.

Part 5 – APPLICANT CONTACT DETAILS

PLEASE GIVE THE CONTACT DETAILS WHICH YOU WOULD LIKE TO BE USED FOR THE PURPOSES OF THIS APPLICATION.

Name:	JASPAL SINGH OJLA
Organisation:	DUNGLEN LTD
Address:	OJS IND. PARK CLAYBANK ROAD PORTSMOUTH PO3 5SX
Telephone Number:	
Mobile Number:	██████████
Fax Number:	██████████
Email Address:	████████████████████

Part 6 – SIGNATURE AND DECLARATION

The following declaration must be signed in all cases:

- If the Applicant is an individual, by that individual;
- If the Applicant is a partnership, by all individuals who are partners;
- If the Applicant is a company, by a director;
- In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application cease to be correct, or if there are any changes in the information provided as part of the application between the date the application is submitted and the date it is determined, the Applicant **MUST** advise the Licensing Authority immediately. **FAILURE TO DO SO MAY RESULT IN ANY LICENCE ISSUED BEING REVOKED.**

I/We certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name:	JASPAL SINGH OJLA
Position in Organisation:	MANAGING DIRECTOR



Portsmouth
CITY COUNCIL

Signature:		Date:	
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ANNEX A

Part 7 – INFORMATION ON INDIVIDUALS

Name:	JASPAL SINGH OJLA		
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)	DIRECTOR		
Date of Birth:	[REDACTED]		
Gender:		Male /	Female
Permanent Residential Address:	[REDACTED]		

If resident at this address for less than 3 years, state previous address:			
Have you been resident in the UK for more than six months prior to the date of the application?:		Yes /	No
Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.		Yes	No /
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence		Yes	No /
Licence for the sale or supply of alcohol		Yes	No /
Licence for the provision of entertainment, whether sexual or otherwise		Yes	No /
Personal Licence under the Licensing Act 2003		Yes	No /
If so, please provide full details:			
Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:		Yes	No /
If so, please provide the following details:			
Date:	Convicting Court:	Offence:	Penalty Imposed:

To your knowledge, are you currently the subject of any criminal investigation?:		Yes	No /
If so, please provide full details:			
Have you ever had any civil legal action taken against you?		Yes	No /
If so, please provide full details:			
Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:		Yes	No /
If so, please provide full details:			
Have you ever been disqualified from acting as a company director?:		Yes	No /
If so, please provide full details:			
is there any other information which you believe the Licensing		Yes	No

Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the information you have supplied?:		
If so, please provide full details:		
Is there any information in this Annex which you do not wish to be seen by members of the public?:	Yes	No /
If so, please state which information and the reasons why you do not wish it to be seen.		
I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.		
Signed:		Dated: 26.4.12



Portsmouth
CITY COUNCIL

ANNEX B

Part 8 – DOCUMENTS TO BE SUPPLIED WITH THIS APPLICATION

Site Scale Plan (1:1250).	Yes /	No
Drawings showing the front elevation as existing.	Yes	No
Drawings showing the front elevation as proposed (including proposed signage, advertising and window display.	Yes /	No
Scale Layout Plan of Premises. (Note the requirements of the layout plan are set out below).	Yes /	No
Planning Permission.	Yes	No
Certificate of Lawful Use or Development.	Yes	No

If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.	Yes	No
If the Applicant is a partnership, a certified copy of the Partnership Deed.	Yes	No
A copy of any other licences for the premises, vehicle, vessel or stall.	Yes /	No
Code of Practice for Performers.	Yes /	No
Rules for Customers.	Yes /	No
Policy for Welfare of Performers.	Yes /	No

Part 9 – REQUIREMENTS FOR LAYOUT PLAN

The Layout plan must show:
1. The layout of the premises including, stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the premises, e.g. performance areas, reception
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises include a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the premises.
16. The location of emergency exits.

Part 10 – DOCUMENTS EVIDENCING PUBLIC NOTICE AND SERVICE

Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application.	Yes	No /
Copy of notice of application displayed on or near the premises.	Yes /	No
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3, paragraph 10(10) of the Local Government (Miscellaneous Provisions) Act 1982.	Yes /	No

Evidence of service of this application form and all enclosures upon the Chief Officer of Police within 7 days after the date of this application.	Yes	No
<p><u>Contact Details for the Police:</u></p> <p>Hampshire Constabulary Licensing Unit Southsea Police Station 259 Highland Road Southsea Portsmouth Hants PO4 9EX</p> <p>Email: <u>Portsmouth.licensing@hampshire.pnn.police.uk</u> Tel: 0845 045 4545 Direct Dial: 023 9289 9080 Fax: 023 9289 3285</p>		
<p>NOTE: WHEN THE APPLICATION IS MADE ELECTRONICALLY, INCLUDING ALL ENCLOSURES, THE LICENSING AUTHORITY WILL SERVE THE CHIEF OFFICER OF POLICE.</p>		

CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

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.

We thank you in advance for your cooperation in this matter and hope you enjoy your visit.

The Staff @ Wiggle & Elegance

PERFORMERS CODE OF CONDUCT.

When performing as a dancer at Wiggle & Elegance you will be expected to obey the Following rules. If you fail to do so, your contract may be terminated and payment withheld.

Before you start your performance you must:

- Provide documentary evidence of your age by way of passport or driving licence with photograph and entitlement to work in the country.
- Confirm that you have not been convicted of any offence of or related to prostitution or drugs.
- You will obey rules set by Wiggle & Elegance for your safety or that of customers.
- You will familiarise yourself with the Company's policies for health and safety, emergency procedures security and drug awareness copies of which will be displayed in the dressing rooms. You will observe and perform and comply with all conditions and restrictions set out in the Public Entertainment Licence or Premises Licence granted by the Local Council a copy of which will be provided for your use and in particular:
 - a) Always maintain a good appearance and be polite and courteous to customers and staff.
 - b) There shall be no intentional physical contact between dancers 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.
 - c) Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
 - d) There shall be no photography permitted by customers on the premises.
 - e) Customers must remain seated for the duration of a performance.
 - f) Dancers shall not perform if under the influence of alcohol or drugs.
 - g) Dancers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - h) The performer may not simulate any sexual act during a performance.
 - i) You will not arrange to meet any customers either inside or outside the premises.
 - j) You will not make any arrangement with any of the customers.
 - k) Dance routines must not breach the conditions of the premises licence.
 - l) Dancers must not touch the breasts or genitalia of another performer, at any time even as part of a performance.
 - m) There shall be no nudity by dancers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment
 - n) 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.
 - o) Dancers must fully dress (i.e. no nudity) at the end of each performance.
 - p) Partners, spouses, girlfriends, boyfriends are not allowed in the club whilst the dancers and dancers are working.
 - q) You must not distribute cards or notes or any other material (physical or electronic) bearing personal information about yourself to any customers.
- You agree to random locker search procedures the frequency of which will be determined by Wiggle & Elegance management. These searches are designed to keep this establishment a drug free environment.

Any breach of the above will lead to the immediate termination of this agreement and your immediate expulsion.

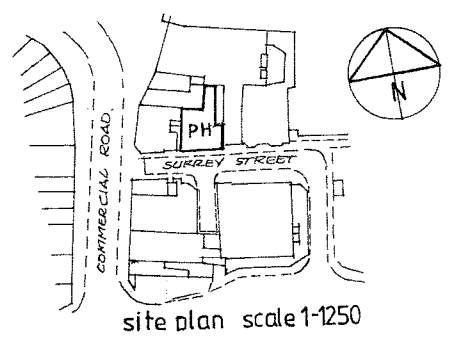
STAFF WELFARE POLICY

At Wiggle & Elegance we take the welfare of our staff seriously. Below is a summary of some of the facilities provided for our staff:

1. Staff are provided with access to soft drinks throughout the night.
2. Dancers are escorted to their vehicles at the end of their shifts.
3. Door Supervisors are present both at the door & inside the building for the safety of both staff and customers.
4. CCTV is in use for the protection of both staff & customers.
5. Secure, lockable changing rooms are provided for the Performers.

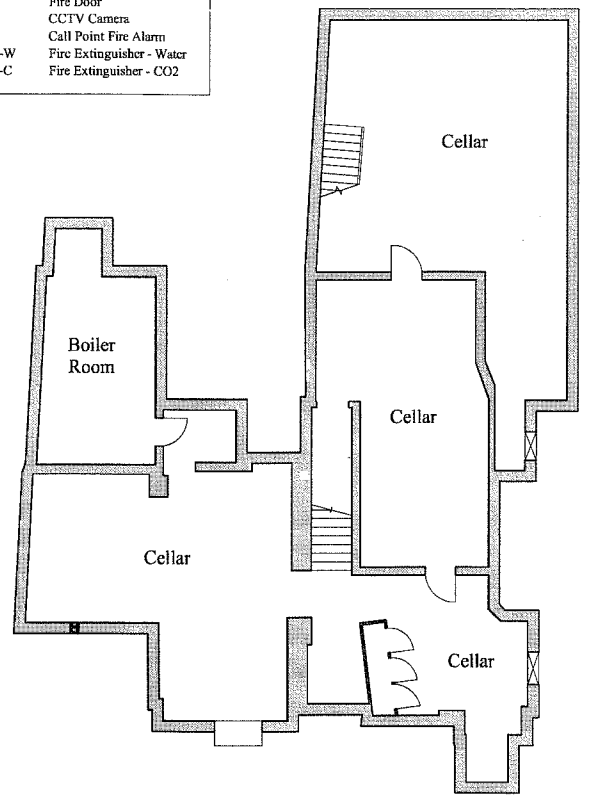
If you have any concerns please do not hesitate to contact the Manager.

- Key**
- B Fire Buzzer
 - SD Smoke Detector
 - EL Emergency Light
 - FD Fire Door
 - C CCTV Camera
 - CP Call Point Fire Alarm
 - FE-W Fire Extinguisher - Water
 - FE-C Fire Extinguisher - CO2

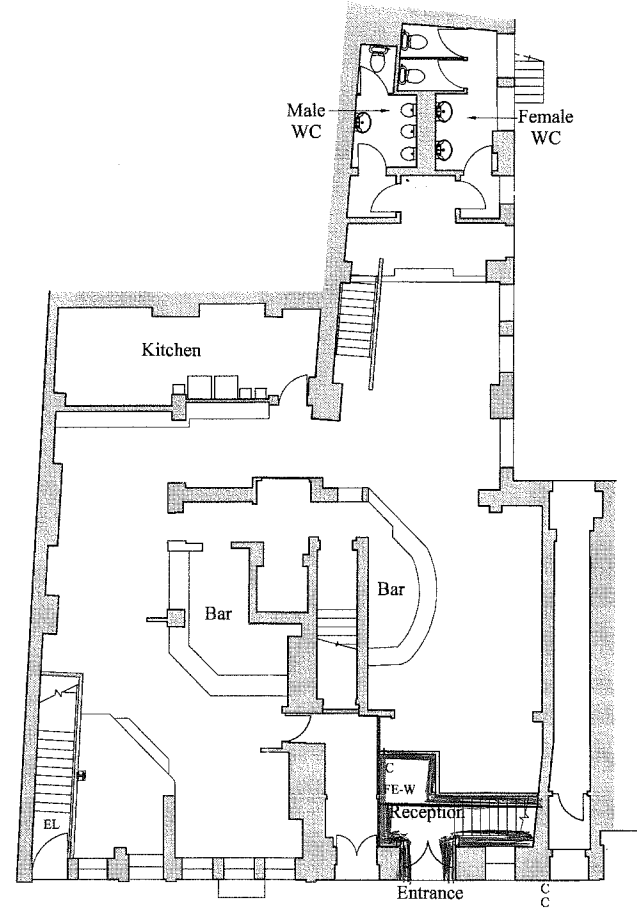


- PUBLIC ACCESS

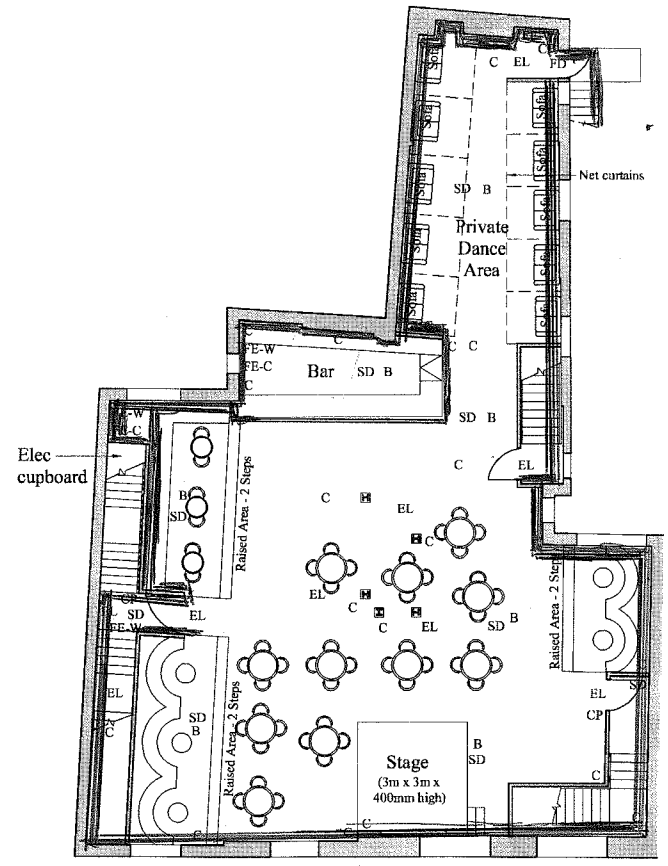
- BOUNDARY ~~WIGGLE~~ WIGGLE.



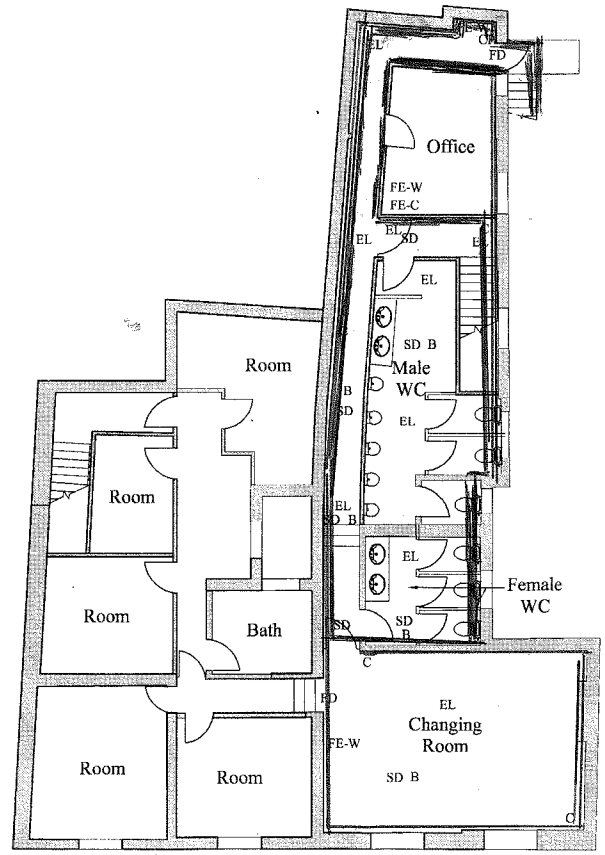
Basement Plan
(Scale 1:100)



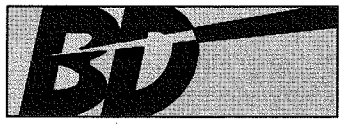
Ground Floor Plan
(Scale 1:100)



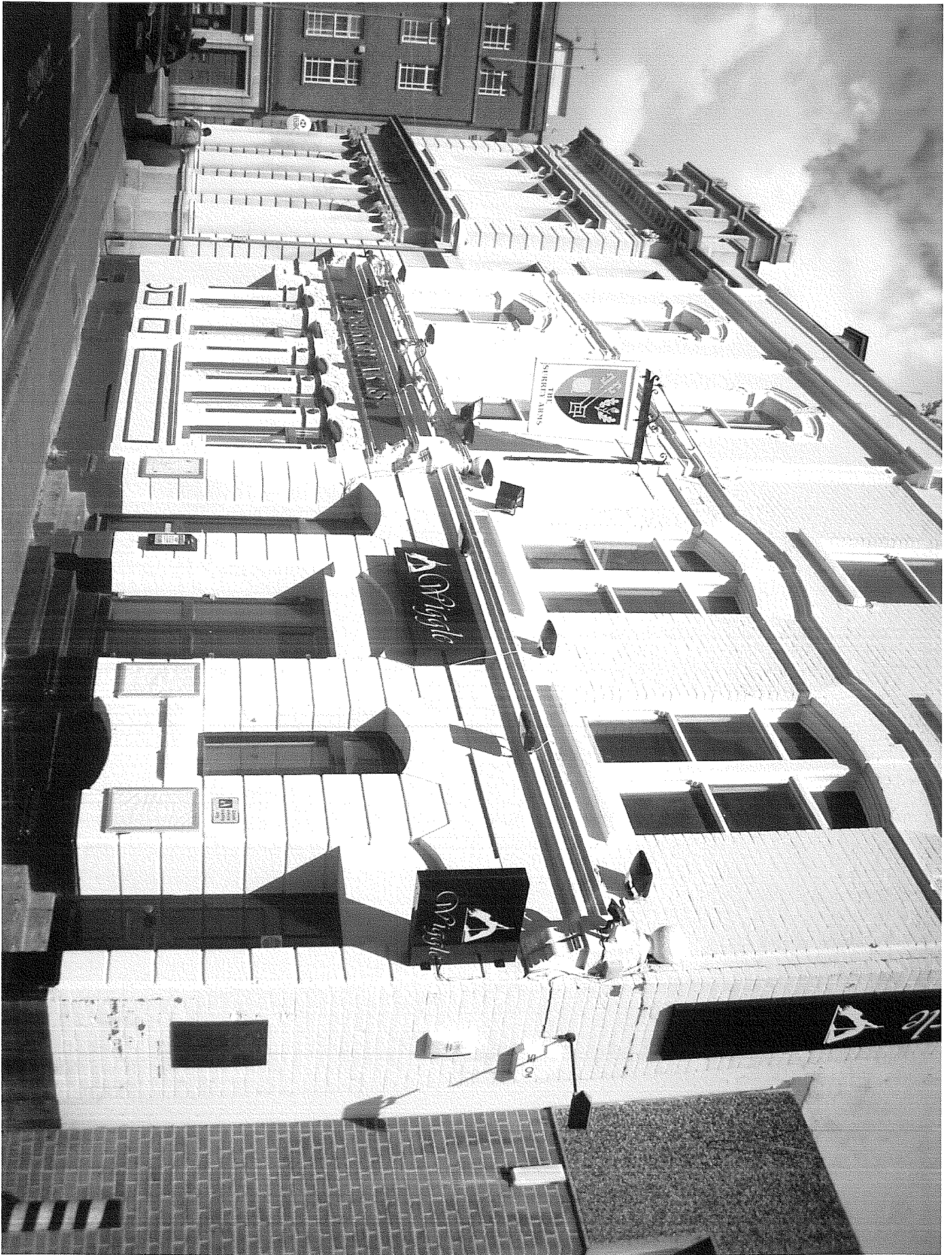
First Floor Plan
(Scale 1:100)



Second Floor Plan
(Scale 1:100)

A	PRELIMINARY ISSUE	25.04.12	D.N.	B.D.
Rev.	Description	Date	Drawn	Reviewed
				
Client: MR. P. OJLA				
Project: SURREY ARMS PUBLIC HOUSE 1 - 3 SURREY STREET PORTSMOUTH				
Drg. Title: PROPOSED LICENCE AGREEMENT				
Scale: AS SHOWN		Drawn: D.N.	Reviewed: B.D.	
Status: PRELIMINARY			Date: APR 12'	
Drg No: 12				Rev: A





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ALL LADIES & GUESTS MUST ADHERE TO THE FOLLOWING RULES AT ALL TIMES.

1. There must be no touching of the dancers at any time.
2. You must not proposition the dancers.
3. You must be seated and remain seated during the performance.
4. You must remain fully clothed and not attempt to dance with the performer.
5. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
6. No illegal substances are to be consumed on the premises.

Any breach of the rules will result in immediate ejection and exclusion from the club

There will be up to two floor managers on duty each evening of the Cabaret Performances who will supervise and assist customers with the rules regarding the protection of the performers. These floor managers are highly educated professionals who will communicate with the performers and venue management regarding the safety of the performers and also to instruct the performers into what is expected of them with the guests. This includes No touching.

SIA trained and badged Security Door Supervisors will supervise the Entrance to the Venue and they will be backed up with a Security Camera System, which will be monitored throughout the Opening Hours by a full time member of Staff.

The Type of Entertainment we will be providing here at Wiggle & Elegance Cabaret will be of the Highest Quality and will be a Mixture of Theatre and Fantasy. There will be nothing in the Performance of the Contractors that will not have been previously agreed with the Management, Choreographed or rehearsed to allow any personal feeling of offence to be taken by the customers.

WELCOME TO WIGGLE & ELEGANCE.

Wiggle & Elegance wishes to set the standard in high quality Cabaret dancing. All types of dancing should be about fun and is to do with ego and fantasy, not Sex! Our clients and customers come to the Club for fun, they do not wish to be depressed, they do not wish to hear your problems; they do not wish to be harassed.

WE ARE A CABARET SHOW AND YOU ARE THE STARS.

Wiggle & Elegance Management wishes to build up good working relationships with all our performers — we intend to provide the best working environment and will not take advantage. We intend that performers have good remuneration and safe and secure conditions.

In return WIGGLE & ELEGANCE expects all performers to abide by our rules and work with the Company to promote the clubs and the company as a whole. The more the Management and performers can work together to promote the clubs, the more successful the company and Performers will be. The relationship between the Management and the performers is symbiotic — everybody benefits if it works well, everyone loses if it does not.

The Management full appreciate that as a performer you probably understand the business better than anyone else. Any suggestions, ideas to enhance either working condition for the performers or to enhance the club would be greatly appreciate. If performers have any problems, concerns or suggestions, please do not hesitate to bring these to the attention of the Management.

Wiggle & Elegance Staff Handbook

INTRODUCTION.

CONGRATULATIONS.

You have just been selected to join Wiggle & Elegance our goal is very simple, to make our clients happy. To accomplish this goal we must be able to provide our clients not only with the very best entertainment, but also those entertainers with the right attitude who will create a pleasant atmosphere in the club. We can do this by offering outstanding performances with consistent high quality and professional service.

As an entertainer your time with us is an opportunity for you to grow personally and professionally, always challenging yourself to be the very best you can. Your clothes, costumes, appearance, stage presence and dance techniques all take time, effort and determination to perfect and will also be very rewarding when you see the end results.

While performing at Wiggle & Elegance a dance co-ordinator will be on hand to advise and instruct you. You will have full use of a choreographer who will assist you to make the most of your presentation.

We would also be very happy to consider any of your friends. Obviously you will make new friends whilst dancing at Wiggle & Elegance. But we are always delighted to consider new dancers.

SERVICE.

SERVICE FROM ITS EMPLOYEES.

Our Company will not expect anything less than excellence in the service to our guests. Servicing our customers is down to you – you are what the customer sees. Our ultimate goal is to make sure that our customers are pleased with the service and that they have had the best experience possible.

CLEANLINESS.

Employees will take pride in their job, cleanliness will become second nature.

VALUE.

Some people it seems are destined to become successful in one form or another. You are one of those people and that is why you have been selected as a member of our Team, apart from your individualism, professionalism and your enthusiasm to learn, you have an important tool, your personality the essential part of your key to success.

Your first step to achieving success is to set goals. Achieving those goals will result in your achieving things, which you never thought possible. We all have dreams and desires. They may want to be rich or to live life just to be happy. Whatever they are we chose you to be part of one happy family. Remember, "Succeeding is not harder than failing."

THE STAGE THEORY.

In our industry we must give the best possible service. In order for us to become leaders in our profession, we must give a First Class performance every time we open our doors to the public. Every night, that performance must be as good as the one the night before.

THE BAR: THE STAGE.

The Stage must be kept clean and sparkling at all times. All surfaces must be kept spotless. The lights and sound quality must be kept up to a perfect standard. Our interior must be equally well maintained from ceiling to floor. Every time we open, our unit should look just as it did on our opening night.

Wiggle & Elegance Staff Handbook

THE STAFF: THE PERFORMER.

"The Performer's" personality is what will help to make you a success. The performer must always be of smart and tidy appearance, and must look appealing i.e. clean and ironed clothes, hair washed and brushed, make up on, teeth cleaned. You must be ready to show off your looks, your knowledge and your talents. You must be ready to be part of the Team. Team work is an essential element of the Show.

THE CUSTOMER: THE AUDIENCE.

"The Audience" has come to see the show of a lifetime. You, the employees with the help of the DJ run the show. Your audience should be made to feel welcome, receive expert service and should feel relaxed and ready to watch the show. They should leave feeling happy, satisfied and knowing that they will return here time and time again, hopefully bringing along their friends and relatives.

THE BODY LANGUAGE THEORY.

Positive body language comes into three categories A, B and C.

A. APPEARANCE

Being of smart appearance is a positive sign in the art of body language. If you come into work looking untidy it relays a negative impression of how you view your job, not only to the Manager but also more importantly to the customers. Our motto is to always smile, Even if you don't feel like smiling. Avoid standing with folded arms, slouching or leaning. NEVER stand around chatting to other members of staff, there is always work to be done.

B. BE HELPFUL

If a customer asks you where the toilets are, don't just point out the direction, if you have time, take the customer there yourself. Keep in mind that it is every employee's responsibility to be sure every guest receives proper treatment. If you should see a Customer looking troubled, ask if you can help. If it is a serious problem which you cannot solve, notify a Manager immediately. Treat our guests as you would treat a guest in your own home.

C. COMMUNICATION

Have you ever heard the well-known saying "it's not what you say" it's the way you say it. It is perfectly true. You must remember that good manners cost nothing. Learn to communicate with your customers. Good communication skills make your guests feel at ease.

A final word on the Body Language Theory

You, the Performer are a major part of the Company. Thus, become a natural sales person and product advertiser. You are what the customer sees, so

Look Good! Feel Good! Act Good!

THE PLUS AND MINUS THEORY.

Our Companies success or failure is determined the moment WE make our first transaction with the customer. He or she will leave with an impression. It will be one or two very distinct categories "Plus" or "Minus". If the guests has a "Plus" experience he will leave with a good impression and thing "WOW" what a great experience' thus convincing her that he must return to our establishment. In turn she will probably bring his friends along too.

If a guest has had a 'Minus" experience, that most likely means he will not come back again. Market research indicates that an average dissatisfied customer will tell an average of seven people about the source of their satisfaction. These same rules will in turn tell another six. Therefore, a total of fourteen people are aware of the source of dissatisfaction.

Wiggle & Elegance Staff Handbook

CABARET ARTISTS.

After you say hello, then what? What is the best way to relate with each of the various personalities you are about to entertain?

You are looking for the answers to these three questions:

1. Why are these people here?
2. What sort of people are they?
3. What do they expect from me?

The better you are able to answer those three questions about your guests, the better your chances of entertaining each one the way the guests wants to be entertained.

WHY ARE THESE PEOPLE HERE?

1. They're looking for social contact.
2. They're celebrating a special occasion.

SOME WAYS TO RELATE TO GUESTS.

1. Listen with concern to what guests say
2. Treat all guests as special
3. Make an extra effort to meet guests' needs
4. Be friendly and smile
5. Be courteous and polite
6. Have a pleasant attitude
7. Be sure to thank guests
8. Be sincere

REMEMBER GUEST RELATIONS MEANS ENTERTAINERS WHO ARE READY TO HELP GUESTS AND CONTRIBUTE TO THE ENJOYMENT OF THEIR VISIT.

TEAMWORK.

Just like a sports team works together to win games, so do hospitality employees and entertainers work together to provide services that please guests. That's what makes a group of people into a team, recognising a common goal and working together to achieve it.

EFFECTIVE TEAM MEMBERS.

1. Have positive attitudes towards their performances and themselves.
2. Trust each other
3. Co-operate rather than compete
4. Challenge each other to perform to the best of their ability.
5. Recognise they are all working together towards a common goal — guest satisfaction.

PLAYING ON A PROFESIONAL TEAM.

1. Contribute to a positive environment by showing your best side.
2. Understand your role and the part it plays in the guest experience.
3. Pitch in and extend your abilities, be a self-starter
4. Concentrate on solving problems rather than placing the blame.

Wiggle & Elegance Staff Handbook

5. Reinforce the team's mission standards and values.
6. Accept or let go of certain responsibilities for the benefit of the team.
7. Explore different and better ways of doing things.
8. Be honest, don't hide behind roles or pretend to know all the answers.
9. Communicate your ideas and concerns with the management of the club.
10. 10 Trust your fellow team members.
11. Try to understand your fellow entertainers and their needs, wants and expectations.
12. Recognise the achievements and contributions of your fellow team members.

FIVE QUALITIES OF AN ATTENTIVE PROFESSIONAL ENTERTAINER.

Successful attitudes differ according to individual personalities. But a good attitude (a successful one) should include five important qualities:

ENTHUSIASM.

An honest, genuine interest in a guest. Your enthusiasm doesn't have to be (and shouldn't be) the bubbling over kind, just a show of interest in your work, in your club and in your guests comfort.

SELF CONFIDENCE.

The belief in one's own ability. Be self-confident. It puts people at ease to feel that when they're seated with you, they've got an entertainer who knows the business. CAUTIONS DON'T LET SELF CONFIDENCE RUN WILD. A cool and detached superior manner doesn't work. Few people are more obnoxious than a surly "know it all" professional entertainer. When you appear confident about your job, your guests will be more able to relax, content in the feeling that they are in good hands.

FLEXIBILITY.

The ability to change. Do a quick study of each guest and adapt your behaviour style with hers. This doesn't mean changing your personality in any way. It simply means your approach to help your guests feel comfortable. A Winning Idea, Adapt your approach to be like your guests. Stay mellow with mellow guests, give fast track business executives snappy, efficient attention.

RESILIENCE.

The power to recover spirits quickly. All the good advice in the world can't guarantee problem free guest relations. Some guests are man and nasty by nature and once in a while, you will find them responding to your courtesy with their own brand of rudeness. How can you defend yourself against this frustrating behaviour? Develop the ability to bound back immediately from insults. Consider the source and accept these irritations as one of the hazards of the job. The danger in letting it get to you is that it can affect your performance (and your fees) at the other tables. One fool can ruin your whole day, but only if you let it. Responding to rudeness with politeness is difficult. But this will help. Let your ego out of the way. Attribute annoying acts and insulting words of the guests to ignorance. The professionals are specialists in getting along with people.

AMIABILITY.

The quality of friendliness that makes one Likeable. It is easier to like someone who likes you. Let your guests know that you like them and get them to like you in return. Guests are less likely to hassle an entertainer they like. Getting to like your guests is not the impossible mission it might appear to be. There is something to like in everyone, even some of your most obnoxious regulars. Letting guests know you like them is not difficult either. One way to do it is to show a cheerful desire to be helpful. Another effective tactic is to show your sense of humour. Nothing relieves the tension of a new relationship faster than a laugh.

SHIFT INTRODUCTION.

At the beginning of each shift report to the Duty Manager then go directly to the dressing room as soon as you are ready check in with the DJ and wait for his cue. On his cue, you will dance three introductory songs on

Wiggle & Elegance Staff Handbook

stage. The first song will be on Pole 1 fully clothed, the second song on pole 2 removing to topless and the third song topless only. This is a crucial part of the show and it is necessary to do it correctly in order to keep our guests in their seats. You should smile and make eye contact. When you have finished your introductory dances you should come off stages and back to the public areas, and introduce yourself to guests.

ON STAGE.

In order to be successful your first time on stage, there are three simple things to remember.

SMILE.

Smiling is contagious, it creates a party atmosphere, and if you look like you're having a good time everybody around you will have a good time too.

MAKE EYE CONTACT.

Don't look at yourself or your feet. During your set make eye contact with as many guests as possible. Guests are more likely to tip you if you single them out by making eye contact.

WORK WITH THE ENTIRE STAGE.

Don't dance in one place. Present yourself to all areas of the club. Once you've programmed yourself to do these things it's time to start working on your styled individualism. On your first shift the DJ will ask you for a brief biography. He will use your biography when he introduces you. You'll want to say something exciting, something you'll be remembered by. Try to develop a dance style that's direct and will make you stand out in a crowd. During your shift you will be called to the stage to dance. Each stage set will consist of three record tracks and you should dance the first fully clothed, remove items of clothing during the second track and dance the third track topless.

When you are called to stage, you must report immediately to the DJ or ensure you are not late for your set. It is imperative you are ready to come on stage the moment you are introduced and it is also common courtesy to the entertainer who is on stage before you. If by chance the entertainer being announced after your set is late, you must stay on stage and continue to entertain until they come out. The club manager will handle the situation in the appropriate manner.

You should also practice stage courtesy when you are on stage with another entertainer. Don't crowd one another but work opposite sides of the stage. If the other entertainer on stage is working on a tip don't cut them off or pass in front of them.

DON'T SETTLE FOR LESS THAN PERFECTION. BE THE BEST YOU CAN.

APPEARANCE.

The Management reserves the right to approve or disapprove any clothing worn in the club.

PERSONAL HYGIENE.

Entertainers should shower before shift and use a deodorant. Entertainers should also keep breath spray or mints in their locker.

CHOREOGRAPHED ACTS.

Choreographed acts are an excellent way to increase your tips. Coordinating your music, lighting, costumes and special effects are highly encouraged by Wiggle & Elegance Cabaret. For ideas on choreographed acts speak to your dance co-ordinator.

REMEMBER! It's the attitude that makes the professional entertainer

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THE CLUB MANAGER.

Although each of us has a specific job to do, we try to promote and work within the team concept. Try to always be co-operative, calm and friendly. Consider the pressure your manager may be under during a particularly busy period and wherever possible, direct your problems to the floor manager who will then discuss them with the manager, if and when appropriate.

A DOZEN REASONS WHY A MANAGER LIKES TOP ENTERTAINERS.

Top entertainers are tops with managers because they have:

1. A positive attitude
2. An ability to communicate
3. An attractive appearance
4. A warm smile
5. A sense of Humour
6. A genuine Disposition
7. A professional bearing
8. INTELLIGENCE
9. Sensitivity
10. Good manners
11. Confidence in themselves
12. And they know their jobs well.

MEETINGS.

Periodically you will be asked to attend meetings given by Wiggle & Elegance. These meetings are scheduled for your benefit and are the most important tool given to you in order that you can be proud of where you perform and be recognised for the contribution you personally make.

Meetings should serve as your executive boardroom and be used to solve problems efficiently and professionally.

The time set aside for these meetings should be used constructively as an open forum to discuss events at Wiggle & Elegance and any problems that may have occurred. Wait to socialise with co-performers until the manager has formally excused you.

Being on time for these meetings is a common courtesy to your co-performers.

THE DJ.

The DJ is a central part of the club's entertainment production. Realise that working with large groups of entertainers at any given time is a tremendous responsibility. Every entertainer has a certain style of music that they like to dance to. When you are dancing with another entertainer on stage, it is often impossible to make everyone happy. If you go on stage and the DJ plays something you don't particularly like, you should never under any circumstances show any signs of discontent in front of the guests. Continue to smile and make the best of the situation. The DJ is required to play a certain music given to him by management. The management determines which music is played according to statistics kept; listing what type of clientele the club is receiving. Your DJ will do his best to honour your requests. But remember, management requests come first and these must be followed.

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INSTRUCTIONS FOR DJ'S.

1. The DJ must always be punctual and ready to perform at his set play times.
2. The DJ must always be clean shaven, smart wearing clothing as requested by the management of the venue.
3. The DJ must ensure that all dance take turn in performing a topless dance down to underwear only on the stage during the evening.

GENERAL VIOLATIONS.

The following is a list of violations which will result in termination from Wiggle & Elegance.

RUDENESS TO ANY GUEST.

If a problem arises; it is your responsibility to notify the manager on duty immediately. We expect our entertainers to treat our guests with courtesy and respect. However should a problem arise it must be reported to the Manager. At no time will an entertainer attempt to deal with a disorderly guest.

DISHONESTY.

Thefts of money or property from the company guest co-performers or employees. This includes the giving away of merchandise without prior consent of the management or taking money off a guests table.

FIGHTING.

Fighting or wilful acts resulting in injury to others. This includes in the club, on company premises, or on company business. Likewise, harassment, arguing or fighting between co-performers is prohibited.

Additionally it is our policy to NEVER use force of any kind with a patron of the club, regardless of the situation. The one exception to this is limited force (used for restraint) is necessary in order to protect other guests from possible harm. In no instance is it permissible to strike or hit a guest of the club.

INTENTIONAL DAMAGE.

Misuse or destruction of company property or equipment. Entertainers are expected to work under the utmost care at all times. Negligence or wilful destructive acts cannot be tolerated.

DISCLOSURE.

Of any confidential company information Wiggle & Elegance takes pride in the creation of its unique designs and entertainment formats and therefore feels strongly about their confidentiality. We require that entertainers keep any records, files, data, methods, plans guest lists, trade secrets, specification, price lists or other information, which is proprietary in nature confidential.

INSUBORDINATION.

Following a supervisor's instructions is a necessity. If you disagree with a manager's instructions, you must first follow the instructions and then take the issue up with management at a convenient opportunity. Follow the chain of command

SUMMARY.

As an entertainer for Wiggle & Elegance you will be expected to conduct yourself in a professional, mature manner at all times. Your sincere courtesy thoughtfulness, friendliness and business-like attitude will create the type of positive atmosphere in which our guests can relax and enjoy themselves and which will invite them

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to return again and again. We should co-operate with each other, work diligently and always remember that we are working together as a TEAM to achieve our individual goals. Your entertainment was attentive and intelligent, polished, polite watchful, available, prompt, efficient, thoughtful, devoted, sophisticated, friendly and helpful.

You were attractive, adaptable, versatile, diplomatic, tactful, cheerful, courteous, sensitive, considerate and poised.

FLOOR CONTROL.

1. Staff to be trained to identify early, any customers causing concern or drinking excessively.
2. Management to patrol the floor constantly to pre-empt antisocial behaviour
3. Any antisocial behaviour should be dealt with by firm but reasoned advice.

If such advice is ignored, persons involved should be advised that failure to comply would result in there being:

- a) asked to leave
- b) removed from the premises

4. Floor management staff will assist Management in the allocation of seating and guiding customers to their seats.
5. Floor Management will ensure doors and floors in the entrance and toilet areas are maintained in prestige condition. We will have full time bathroom attendances but they need to be checked every hour.

VIOLENT CUSTOMERS

1. In the event of a customer attacking a member of staff or another customer, force equal to that being exercised by the protagonist may be used, however care should be exercised not to over react.
2. In situations such as these, the sooner the police are called, the better.
3. If any injury is caused, the assailant should be restrained and handed over to the police.
4. All Managers will be required to complete an Incident Report Form. Also when necessary an accident book should be filled in.

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DOOR SUPERVISORS

1. Ensure compliance with standing instructions.
2. References for all Door Supervisors. Badges must be displayed and recorded by the receptionist.
3. The purpose of Door Supervisors is to prevent or minimise problem guests or to remove the problem guest.
4. It should always be done with the absolute minimal force.

Door Supervisors are obliged to react without hesitation.

STANDING INSTRUCTIONS FOR DOOR SUPERVISORS

1. Under no circumstances may weapons of any kind be carried.
2. The door supervisor will remain sober at all times whilst on duty and the consumption of alcoholic beverages is prohibited, smoking and eating will not take place in public view. Where practical coffee breaks will be organised.
3. Fraternalisation with patrons, friends and relatives is prohibited.
4. Use only moderate language to address customers and refrain from swearing, shouting or other behaviour likely to cause distress to other customers.
5. Physical force will be used only as a last resort and then only the minimum necessary for self-defence or to protect another person or property or when escorting a person from the premises that has been asked to leave by the management. It is essential that every effort should be made to calm situations and achieve result by verbal persuasion.
6. Door supervisors will be dressed in accordance with instructions from the management and will remain clean and tidy throughout their tour of duty.
7. They will render such assistance as may be required by the civil police.
8. Door supervisors function under the direct control of the person in charge of the premises and they will take instruction only from that person and appraised him of any incident that has or appears likely to occur.
9. Under no circumstances will the door supervisor leave the premises during his tour of duty, and at the discretion of management will maintain a discreet view of customers to ensure that appropriate standards of behaviour and dress are maintained and to prevent rowdiness, excessive consumption of alcohol and misuse or trafficking on drugs. The standard of conduct required is that laid down by the licensee or other person in charge of the premises.
10. Entry to the premises will be refused to any person who is intoxicated behaving in a disorderly manner, inappropriately dressed or has previously been prohibited entry to the premises. The licensee retains the right to admit a person or to ask them to leave without giving reasons for that course of action.
11. Any incident, no matter how light will be fully reported to the licensee, recorded in the incident book and signed as this information may be required by the licensee.
12. The door supervisor will record on a daily basis in the book provided for that purpose, his name, time of commencing duty, time of leaving duty and his signature.
13. Under no circumstances should any difference of opinion between management and the door supervisor be debated in the presence of customers. The matter should be resolved at the end of the

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session in the privacy of the manager's office. The Manager is always right and should never be overruled by a member of door staff.

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CODES OF CONDUCT & POLICIES

PERFORMERS CODE OF CONDUCT.

When performing as a dancer at Wiggle & Elegance you will be expected to obey the Following rules. If you fail to do so, your contract may be terminated and payment withheld.

Before you start your performance you must:

- Provide documentary evidence of your age by way of passport or driving licence with photograph and entitlement to work in the country.
- Confirm that you have not been convicted of any offence of or related to prostitution or drugs.
- You will obey rules set by Wiggle & Elegance for your safety or that of customers.
- You will familiarise yourself with the Company's policies for health and safety, emergency procedures security and drug awareness copies of which will be displayed in the dressing rooms. You will observe and perform and comply with all conditions and restrictions set out in the Public Entertainment Licence or Premises Licence granted by the Local Council a copy of which will be provided for your use and in particular:
 - a) Always maintain a good appearance and be polite and courteous to customers and staff.
 - b) There shall be no intentional physical contact between dancers 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.
 - c) Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
 - d) There shall be no photography permitted by customers on the premises.
 - e) Customers must remain seated for the duration of a performance.
 - f) Dancers shall not perform if under the influence of alcohol or drugs.
 - g) Dancers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - h) The performer may not simulate any sexual act during a performance.
 - i) You will not arrange to meet any customers either inside or outside the premises.
 - j) You will not make any arrangement with any of the customers.
 - k) Dance routines must not breach the conditions of the premises licence.
 - l) Dancers must not touch the breasts or genitalia of another performer, at any time even as part of a performance.
 - m) There shall be no nudity by dancers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment
 - n) 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.
 - o) Dancers must fully dress (i.e. no nudity) at the end of each performance.
 - p) Partners, spouses, girlfriends, boyfriends are not allowed in the club whilst the dancers and dancers are working.
 - q) You must not distribute cards or notes or any other material (physical or electronic) bearing personal information about yourself to any customers.
- You agree to random locker search procedures the frequency of which will be determined by Wiggle & Elegance management. These searches are designed to keep this establishment a drug free environment.

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Any breach of the above will lead to the immediate termination of this agreement and your immediate expulsion.

CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

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.

STAFF WELFARE POLICY

At Wiggle & Elegance we take the welfare of our staff seriously. Below is a summary of some of the facilities provided for our staff:

1. Staff are provided with access to soft drinks throughout the night.
2. Dancers are escorted to their vehicles at the end of their shifts.
3. Door Supervisors are present both at the door & inside the building for the safety of both staff and customers.
4. CCTV is in use for the protection of both staff & customers.
5. Secure, lockable changing rooms are provided for the Performers.



Portsmouth
CITY COUNCIL

PREMISES LICENCE
Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: Surrey Arms
1-7 Surrey Street
Portsmouth
PO1 1JT

Map Ref (E) : 464190
Map Ref (N): 100391
UPRN: 001775077611

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Performance of dance
- ▶ Performance of live music
- ▶ Playing of recorded music

The times the licence authorises the carrying out of licensable activities

▶ Sale by retail of alcohol

Monday to Sunday 11:00 until 01:00

Timings for the ground floor

Monday to Sunday 21:00 until 04:30

Timings for the first floor (paid admission only)

▶ Performance of dance

Monday to Sunday 11:00 until 01:00

Timings for the ground floor

Monday to Sunday 21:00 until 05:00

Timings for the first floor (paid admission only)

▶ Performance of live music

Monday to Sunday 11:00 until 01:00

Timings for ground floor

Monday to Sunday 21:00 until 05:00

Timings for the first floor (paid admission only)

▶ Playing of recorded music

Monday to Sunday 11:00 until 01:00

Timings for the ground floor

Monday to Sunday 21:00 until 05:00

Timings for first floor (paid admission only)

▶ Late night refreshment

Monday to Sunday 23:00 until 05:00

Timings for the ground floor

Monday to Sunday 23:00 until 01:30

Timings for first floor (paid admission only)

The opening hours of the premises**▶ Monday to Sunday** 11:00 until 02:00 - Timings for ground floor**▶ Monday to Sunday** 21:00 until 05:00 - Timings for the first floor (paid admission only)**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**Alcohol is supplied for consumption both **on** and **off** the premises**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence****Name:** Dungen Limited**Address:** OJ's Industrial Park Claybank Road
Portsmouth
PO3 5SX**Telephone:****Email:****Registered number of holder, for example company number, charity number (where applicable)**

5236409

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**Name:** Mr John-Cortin Mario Fernandez**Address:****Telephone:****Email:****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol****Personal Licence No:** 977**Issuing Authority:** Portsmouth City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 20 May 2009
Date last amended: 3 October 2017
Type: Variation



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

Annex 1 – Mandatory Conditions

01 Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

For the purposes of this condition "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act).

This condition is subject to any exemptions in accordance with the provisions of the Private Security Industry Act 2001.

02 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

03 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

04 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

05 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

06 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

07 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

08 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- (2) For the purposes of the condition set out in paragraph 1
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 A recording CCTV system will be installed and fully operational at all times. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record will be kept of any access made to information held on the system. The system will be maintained and serviced at least once every 12 months. The system clock will be checked regularly for accuracy taking account of GMT and BST. The CCTV system will have sufficient storage capacity for 31 days evidential quality pictures. There will be coverage of the main entrance to the premises.

Access

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone 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.

The venue shall provide Police with a copy of CCTV within a reasonable time period of a verbal request being made by Police Officers or PCSOS.

All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.

An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

The CCTV must remain satisfactory to police and subject to police approval in order to remain operating under this premises licence.

02 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

03 The licence holder must ensure that all staff selling alcohol have received adequate training, which must incorporate a process of assessment and refresher training to an recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept.

04 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a Valid UK Passport, Valid UK Photocard, Driving Licence or PASS approved ID.

05 Any incidences of, refusals of service, crime or antisocial behaviour will be recorded in a log book. The Police will have access to this logbook when requested.

06 Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

07 From one hour prior to the end of trading there will be no admissions or readmissions to the venue. This applies even when due to a dynamic decision on the night the premises chooses to close early.

08 The DPS will ensure that there is a system in place whereby at any one point staff employed at the venue can establish how many people are on the premises.

09 When the first floor of the venue is being used, between 2100 hrs and the closing time of the venue, a ratio of 2 door supervisors for the first 100 customers then 1 further door supervisor will be employed for every 100 further customers.

At least one female door supervisor will be available should female customers be the subject of searches.

The DPS will ensure a record is kept with the details of all door supervisors who are employed in a security capacity. This log will contain the start and finish times / dates, name, address, contact number and SIA license number. This record will be kept for a minimum of 3 months.

At the terminal hour and for a minim of 15 minutes thereafter, door supervisors will be available to ensure customers are leaving the area in an orderly fashion.

-- END --

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

-- END --



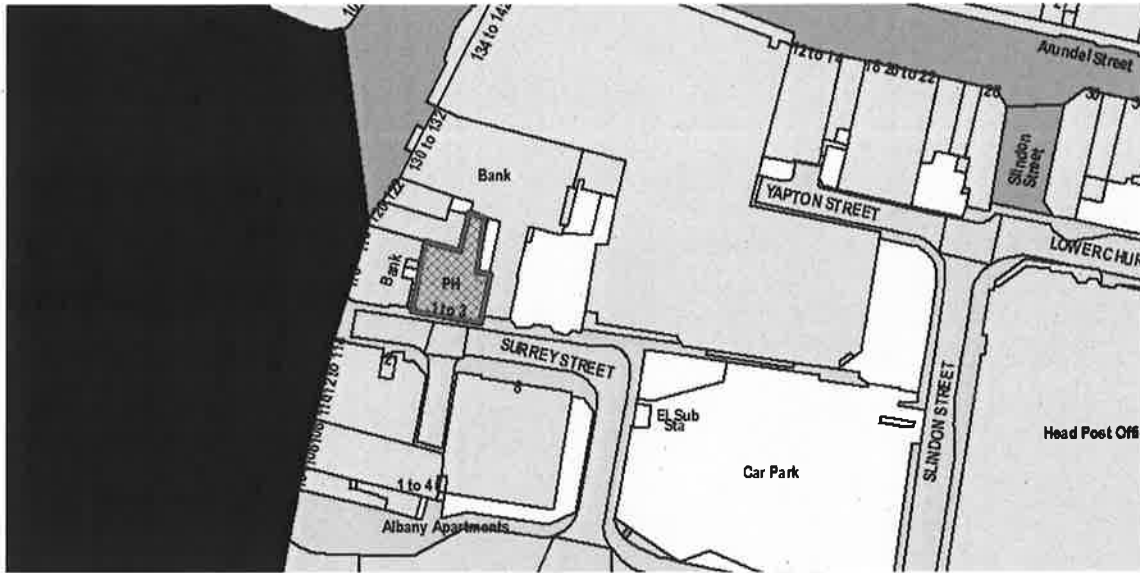
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 1-7 Surrey Street Portsmouth



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

To: Licensing Shared Email

Subject: objection to 'Wiggle' strip clubs application for a license

Dear Sir/Madam

I wish to lodge my objection to licence that 'Wiggle' strip club at 1-3 Surrey Street, Portsmouth have applied for.

This business is a blight on what otherwise could be a pleasant area of the city. It is completely inappropriate that a Sexual Entertainment Venue (SEV) should be situated in such close proximity to the university, and the cultural heart of town, and close to several housing estates, children's nurseries, churches, residential homes and, and it's existence is having a proven adverse effect on the area in terms of crime, public order, and verbal sexual harassment.

I also wish to object to the fact that there is a strip club in such a densely populated area on the grounds of the culture and clientele such a place attracts. Strip clubs have a proven link to human trafficking, prostitution (several of the 'dancers' at strip clubs in Portsmouth are also registered with escort agencies), and a rise in crime (particularly public order, sexual crime and domestic violence). Such businesses also feed into the idea of making it 'normal' to pay for sexual services.

These are the reasons of why I wish to object to the license application.

Kind regards,

Humphreys, Nickii

From:
Sent: 15 May 2012 21:17
To: Licensing Shared Email
Subject: RE: Wiggle application for Sex establishment license

I would like to object to 'Wiggle's application for a sex establishment license. I have experienced sexual harassment, threats and verbal abuse outside this club in view of both the security and the owner who both did nothing to stop or prevent this. On the 30/9/11 myself and a group of people I was with experienced two men shouting abuse, making threats and propositioning us for a dance. One man exposed himself to us all in very clear view of security and Mr OJ. Instead of taking any steps to stop the harassment, the security guards on the door and Mr OJ laughed along with the men, then continued to allow the perpetrators into the club. A report of this behavior was given to the police. This isn't the only time I have experienced harassment outside one of Mr OJ's lap dancing club in Portsmouth. I don't believe my experiences are unique and I am positive similar incidences will continue to occur outside Wiggle and the other lap dancing clubs in the city. I believe the nature of these clubs encourage the objectification of women which clearly spills outside the clubs and affects women living in this city. Mr OJ's attitude towards the incidents outside his club on the 30/9 clearly shows he has no interest in preventing harassment outside his club and no regard for the safety of the women working inside the club as he continued to welcome these perpetrators inside. For this reason I don't believe Mr OJ should be supported by Portsmouth City Council to run a sexual entertainment establishment.

Another reason I feel the license shouldn't be granted is because of the location of the establishment. It is very near public transport links so commuters using either the train station, very near by bus stops or taxi rank are unable to avoid the area if they wish to. Students living in the near by halls of residence use the deserted car park next door to 'wiggle' as a thoroughfare which I feel poses a risk to them of potential rape or assault from drunken sexually charged punters leaving the club. Lap dancing clubs are statistically linked to increased sexual harassment, sexual assaults, street violence, domestic violence and street prostitution. Portsmouth already has a problem with these things. Guildhall walk in particular has a high rate of sexual assaults, street violence and rape so I feel allowing another lap dancing club to operate so close to this area is dangerous. It will exacerbate an already existing problem within our city.

There is also a housing project for vulnerable young people on the corner of Edinburgh Road. I feel this is at best very insensitive and at worse a great risk to the young people living there to allow the sex trade to run a licensed establishment on their doorstep. Many of the young people housed there are care leavers and many have experienced childhood abuse. Stats have shown that both victims of childhood abuse and young people leaving the care system commonly fall prey to the sex industry. I think it would also be fair to assume that a percentage of these vulnerable young people may find any harassment outside the clubs a very traumatic reminder of past abuse.

I would hope that Portsmouth City Council would make the safety and well being of its residents a priority when making a decision on granting a license to a sex establishment like this and consider the impact this club could potentially have on women and young people living or visiting the city.

Humphreys, Nickii

From:
Sent: 17 May 2012 19:13
To: Licensing Shared Email
Subject: Wiggle - application for Sex Establishment license

I wish to object to the above application.

The premises are situated in the main shopping centre of Portsmouth city close to family food outlets, banks, shops and the main waiting area for public transport connections. There is also a housing project for vulnerable young people nearby, many of whom have experienced sexual abuse. I, personally, have been sexually harassed outside this club by customers, while the owner of the premises stood by and laughed, before letting the customers enter the club. There is video footage of part of this harassment which the licensing department are aware of. I do not believe that women in particular, including young students, waiting for public transport, exiting the nightlife nearby or using the food outlets should have to encounter sexually charged males exiting this club in the late hours.

I understand that the residents of Avalon House, situated opposite this club, have objected to it, and many of them signed a petition against it. They have made complaints in writing to the council regarding breaking class, vomiting and other rowdy behaviour as a result of this club operating.

This club continues to operate without planning permission to do so, as the Council refused planning permission for change of use to a lap dancing venue. While this planning application was made, it was not until a few days before the deadline that the proprietor of 'Wiggle' decided it might be a good idea to be honest about the change of use, and changed the application to change of use to lap dancing club, as opposed to change of use to nightclub as it was previously advertised. I believe this applicant continues to try to deceive the public when making applications. At the very least, this licensing application should not be considered until such a time that the result of the appeal being made against the planning decision is announced.

The Council is obliged to promote equality between men and women under the general gender equality duties. By licensing establishments where men go to buy young women to perform sex acts for them, and while numerous women are harassed by punters of these clubs, and young female students are harassed by operators of these clubs to work in them, while at the same time young male students are harassed to attend these clubs to buy women, the Council is in breach of its gender equality duty.

Humphreys, Nickii

Sent: 20 May 2012 09:23
To: Licensing Shared Email
Subject: sex establishments

I would like to object to the applications for licences of Wiggle and Elegance. What would it say about gender equality in Portsmouth if they were allowed? How would they enhance our communities? What about the levels of violence and abuse against women if they can be objectified in this way?

Humphreys, Nickii

From:
Sent: 22 May 2012 15:08
To: Licensing Shared Email; Humphreys, Nickii
Subject: 12/03428/SEXEST - WIGGLE OBJECTION

APPLICATION FOR THE GRANT OF A SEX ESTABLISHMENT LICENCE (SEXUAL ENTERTAINMENT VENUE) -
12/03428/SEXEST - WIGGLE

Wiggle, 1-7 Surrey Street

Dear Ms Humphreys
Wiggle, 1-7 Surrey Street

I wish to object to the above application.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) *The general character of the area (eg family residential, family leisure or educational area)*

It is unacceptable for such premises to be sited in an area where families will want to go late night Christmas shopping in nearby shops and department stores or want to use nearby food outlets in the evening throughout the year.

b) *The impact of the premises on the character of the area*

Residents living close to these premises state that they are suffering from people vomiting, urinating (and therefore presumably exposing themselves) and smashing glass and that "since the club has opened there is an increase in violence".

c) *Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all*

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and the University of Portsmouth Student Union Women's Officer has said that many young women find these premises intimidating and prevent them from enjoying the other facilities that this area has to offer.

I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) *Effects upon regeneration and tourism in the area*

The existence of this venue in an important shopping area and so close to the main Train station and proposed new hotels is detrimental to the city's regeneration and tourism aspirations.

e) *Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, parks, tourist attractions, educational premises, schools, libraries, historic buildings*

This location is within a few hundred yards of one of the city's most popular parks, the University, one of our 2 cathedrals, the central library, the Guildhall, a theatre and close to several schools and educational premises.

A News journalist wrote in her column on March 5th 2012 that "there's no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society". I wholeheartedly agree. Please note that I wish to make a deputation at the meeting when the matter is considered.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 14:08
To: Licensing Shared Email
Subject: Wiggle - 7 Surrey Street

Hello

I can't find on the PCC web site any reporting on whether the draft proposal for sex establishment licencing has been adopted, although the public consultation on the subject was presumably concluded last month. Have I missed something or is the subject still under discussion?

I have been advised that Wiggle of Surrey Street have applied for a sex establishment licence and the deadline for public objections is today. Assuming this is the case I would object to the granting of such a licence for the following reasons:

1. The premises have had their planning application refused (but they continue to trade) so I don't believe your department should even consider the matter until their planning appeal is resolved
2. I understand the draft proposal is for no such establishments in the city centre, assuming the draft proposal is ratified then the licence application can only fail.
3. We trade in close proximity to Wiggle and I don't believe it is reasonable to expect our customers – and others of the shopping centre - to have to pass such an establishment (en route from Debenhams Car Park) with the obvious imagery on the signage to the premises.

Humphreys, Nickii

From:
Sent: 23 May 2012 11:12
To: Licensing Shared Email; Humphreys, Nickii
Subject: Aurora - Obejction to Licensing Application - Wiggle
Attachments: SEV license objection - Wiggle.doc

Please find attached our objection to the SEV Wiggle Licensing application.

Please inform us of the time and venue of the meeting as we would like to attend.

23/05/12

RE: Wiggle, 1-7 Surrey Street – SEV Licence Application.

Aurora New Dawn wishes to object to the above application.

We fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) *The general character of the area (eg family residential, family leisure or educational area)*

It is unacceptable for such premises to be sited in an area where families will want to go late night Christmas shopping in nearby shops and department stores or want to use nearby food outlets in the evening throughout the year. It is also in direct contradiction to the council's regeneration attempts for "the Great Waterfront City".

b) *The impact of the premises on the character of the area*

Residents living close to these premises state that they are suffering from people vomiting, urinating and smashing glass and that "since the club has opened there is an increase in violence".

c) *Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all*

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and the University of Portsmouth Student Union Women's Officer has said that many young women find these premises intimidating and prevent them from enjoying the other facilities that this area has to offer.

I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

"Research into **male motivations for visiting strip clubs** found that men went to strip clubs to meet women who were willing to act in more 'traditional' ways, and that they wanted a place to 'let frustration out' at the ways in which they had been forced to monitor their behaviour towards women in the workplace because of equal opportunities and sexual harassment legislation. In this way, lap dancing clubs represent one of the last bastions of male privilege – a place that time forgot in relation to society's efforts to achieve equality between women and men." Frank, K. (2005) 'Exploring the Motivations and Fantasies of Strip Club Customers in Relation to Legal Regulations', *Sexual Behavior*, Vol. 34 (5), pp. 487 – 504 - statement from the leading violence against women, women's and human rights organisations in the UK.

4

Additionally Aurora New Dawn also note there is direct evidence that SEV's heighten violence against women - "The links between objectification and discrimination and violence against women are recognised at the international level by the legally binding **United Nations Convention to Eliminate Discrimination Against Women (CEDAW)**, which has repeatedly called on states – including the British Government - to take action against the objectification of women." statement from the leading violence against women, women's and human rights organisations in the UK

d) *Effects upon regeneration and tourism in the area*

The existence of this venue in an important shopping area and so close to the main Train station and proposed new hotels is detrimental to the city's regeneration and tourism aspirations. As already stated, it is also in direct contradiction to the council's regeneration attempts for "the Great Waterfront City".

e) *Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, parks, tourist attractions, educational premises, schools, libraries, historic buildings*

This location is within a few hundred yards of one of the city's most popular parks, the University, one of our 2 cathedrals, the central library, the Guildhall, a theatre and close to several schools and educational premises.

Aurora New Dawn also wish to note that women's bodies are not a commodity to be bought and sold and the granting of this license would provide evidence that the council do not adhere to the Gender Equality Duty which came into force in April 2007.

Humphreys, Nickii

From:
Sent:
To: Licensing Shared Email
Subject: Objection to 'wiggle' sex establishment license

I would like to object to the sex establishment license application of 'wiggle' lapdancing club. Lapdancing clubs are degrading and exploitative to the women that work in them. However they don't just effect the women that work in there. They impact women everywhere, including those that don't even set foot inside a lapdancing club by encouraging the objectification of women. They promote the idea that women are something that can be purchased for sexual gratification. Several of the women in my life have experienced sexual harassment outside this club and clubs like it, including being solicited for a dance by men leaving 'wiggle' and having a couple of men expose themselves while standing outside the club.

By not granting a license the council would be showing its dedication to gender equality and making Portsmouth a safe place for women

Humphreys, Nickii

From:
Sent: 24 May 2012 22:55
To: Licensing Shared Email
Subject: 12/03428/SEXEST - Wiggle, 1-7 Surrey Street

Dear Mrs Humphreys,

Solent Feminist Network (SFN) is a group consisting of approximately 200 men and women from the Solent area who are passionate about building a culture where gender equality is the norm and we wish to object to the above application.

SFN fully support PCC's draft policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

Wiggle club is located right in the heart of Portsmouth City Centre. Surrounding the club there is a residential block, many shops and food outlets, schools, Portsmouth University halls of residence, a library, a church, a park and a housing project for vulnerable young people. The locality of this sex establishment is wholly inappropriate.

PCC also needs to adhere to the Gender Equality Duty. To licence a sex establishment such as Wiggle would be in direct contravention of these duties. The buying of sexual services from women does nothing to promote gender equality between men and women, it only serves to widen the gap and encourage a culture where harassment and abuse of women become more widespread:

"The links between objectification and discrimination and violence against women are recognised at the international level by the legally binding United Nations Conventions to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states - including the British Government - to take action against the objectification of women."

Several SFN members have been harassed outside these types of establishment. There have been incidents outside Wiggle club specifically (which have been logged with the Police) where punters have exposed themselves to women and solicited several women for a lap dance. This behaviour is intimidating and unacceptable. We would also like it noted that Wiggle door staff and the owner were witness to these incidents and their only response was to laugh.

We are also aware that Wiggle has a policy that states dancers are to be escorted to their vehicle at the end of a shift. It is clear that the owner of this sex establishment is fully aware of the danger he is putting women in, but choosing to put his bank balance before the welfare of 50% of the city's population.

--
Solent Feminist Network is a community group for feminists in the Solent area of the UK (Portsmouth, Southampton and the surrounding areas) to network, offer support and friendship and take part in feminist discussion and activism.

Humphreys, Nickii

From:
Sent: 25 May 2012 09:35
To: Licensing Shared Email
Subject: Objection to Sex Establishment License for Wiggle, address: 1-7 Surrey Street Portsmouth.

Dear Sir/Madam,

I wish to object to the application for sex establishment license for 'Wiggle' lap dancing club on Surrey Street Portsmouth.

The club is located in the very centre of Portsmouth in a location that I feel is totally inappropriate for a sexual establishment. There is a residential block opposite, a bus stop right outside and banks, shops and food outlets on the door step. There is also a housing project for vulnerable young people and a halls of residence for Portsmouth University students in close proximity to the venue.

I personally don't feel safe walking past the club or in close proximity to the club, for example waiting at the bus stop. I have been subject to sexual harassment outside and asked for a 'dance' by a group of drunk rowdy men who have just left the club. The culture these clubs foster to me seems one that promotes the idea that men have the right to sexually harass women. That women exist for their own sexual pleasure. I feel that as Portsmouth City Council has a legal obligation to adhere to the Gender Equality Act they should be seriously considering the presence of clubs like Wiggle within Portsmouth. That the council has a legal obligation to try and promote gender equality and the existence of these clubs actually widens the gap and increases the harassment of women.

I hope you will take my points into consideration.

Yours faithfully.

Humphreys, Nickii

From:
Sent: 25 May 2012 12:37
To: Licensing Shared Email
Subject: 12/03428/SEXEST - Wiggle, 1-7 Surrey Street

Dear Mrs Humphreys,

I wish to object to the above sex establishment licence application.

I fully agree with the councils draft policy which states that there is no place within the city of Portsmouth where it is appropriate to have a sex establishment. I believe the location of this club is completely inappropriate. It is situated in the centre of town with a residential block directly opposite. I am aware that the residents of the block put in a petition to the planning committee which stated that the level of anti-social behaviour had increased since Wiggle opened with people vomiting and urinating outside of their home, as well as an increase in noise levels etc. There are busy public transport links right outside of the club which means that those wishing to avoid it at night time cannot. There is also a housing project for vulnerable young people around the corner, as well as schools, a park and Portsmouth University halls of residence.

Lap dancing clubs encourage the objectification and exploitation of women. I have personally experienced harassment outside of this venue, as have some other women I know, in full view of the door staff and management who did nothing to try and prevent this. This is a common place occurrence and I am sure does not only affect myself and people I know, but numerous women who work, live and visit the city.

Although I currently do not live in Portsmouth, it is where I grew up and I plan to return in the not too distant future. Portsmouth City Council has a responsibility to ensure the safety and welfare of all its residents and visitors.

Humphreys, Nickii

From:
Sent: 23 May 2014 10:41
To: Licensing Shared Email
Subject: 12/03428/SEXEST - Wiggle, 1-7 Surrey Street

Dear Mrs Humphreys,

I wish to object to the above application.

Although I currently live in Gosport, I am originally from Portsmouth and will return there in the not too distant future as I consider it my home.

Wiggle lap dancing club is in a completely unacceptable location. It is situated right in the middle of the city centre surrounded by residential blocks, shops, restaurants, schools, churches, parks, key public transport links, the main library, Portsmouth University halls of residence and two housing projects for vulnerable young people.

I am aware that the residents of Avalon House which is directly opposite the club have made the council aware that there has been an increase in anti-social behaviour since it opened including people vomiting and urinating outside of their home, as well as an increase in noise levels.

Lap dancing clubs also encourage a culture of objectification of women. It has been acknowledged on an international level that objectification is linked to violence against women. The licensing committee has heard previously from the Hidden Violence Team how these establishments affect the lives of women in the city, not only on streets outside these clubs, but in their homes. This is testimony from subject matter experts and I believe the council should take their previous objections very seriously.

I have myself witnessed women being harassed outside of Wiggle. My friend was solicited for a lap dance by one punter leaving the club. The door staff and club owner witnessed this incident but seemed to find this amusing more than anything else. I am also aware that Wiggle policy is to escort dancers to their vehicle after finishing work. All this leads me to believe that the owner is very much aware of the detrimental affect his establishment has on the lives of women in the city but simply doesn't care. I encourage the PCC to take a strong stance on this and make it clear that gender equality and the safety of female residents and visitors is it's first priority.

Yours sincerely

Humphreys, Nickii

From:
Sent: 25 May 2012 10.10
To: Licensing Shared Email
Subject: Objection to 'wiggle' sex establishment licensing application

Solent feminist parents is a group of parents living in and around Portsmouth who raise their children with a feminist ethos. We would like to object to the above licensing application for the following reasons:

1) The club has a negative impact on its surrounding area. Residents from the near by Avalon house have already submitted a petition objection to the club during its planning application because they had experienced anti social behavior, including vandalism, noise, urination in their communal passage way and their communal door being smashed all since the club started operating. Local business 'Benji sandwich shop' also objected because they felt the Lapdancing club would negatively impact their business and other business around them. These objections should not be forgotten. The anti social behaviour already being linked to this club will continue to impact local business and local residents if it is granted a license to continue operating as a sex establishment.

2) The position of the club and nature of its business poses a risk to visitors and local residents. Many of our members have experienced harassment outside a lapdancing club. Several members have experienced harassment outside 'wiggle' in particular. Guildhall walk is just around the corner and already as another lapdancing club. Its is already a notorious area for sexual assault and sexual abasement. By allowing another club to operate in the position of wiggle creates a flow of punters travelling between guildhall walk's clubs, pubs and other sex establishment to wiggle. Because the club is positioned right by multiple public transport links including rail, train and taxi rank, it is very hard to avoid the area when travelling around the city, so this harassment is very hard to avoid for any of us unable to avoid the area all together.

It is also position right by halls of residents so female students have to pass this club regularly, no doubt experiencing the same harassment so many of our group members have. Right next to the club is a car park which is deserted at night during the opening times of the club. This car park is also a common thoroughfare for both students heading to the halls and commuters heading to the railway station. Combining intoxicated men, commonly in groups such as stag does, who have just been sexually 'pumped up' from paying for women to dance on their laps and a deserted carpark with a lone student heading home late at night is undoubtedly a dangerous mix with potential for rape or sexual assault. At very least the obviously threat of potential rape/ass ult/harassment is going to intimidate women. Creating a 'no go' zone for more than half the population of Portsmouth!

3) The club is positioned very close to a local housing project for vulnerable young people. Allowing the sex industry to operate on their doorstep is insensitive at best and very detrimental to their well being at worse. A number of these young people have been the victims of abuse, both sexual and physical so being so close to the potential for further abuse, sexual harassment, and sexual assaults, being unable to avoid the area if they wish to travel outside their home at night is unfair and potentially very triggering for these victims who should be supported by Portsmouth city council to feel safe in their city.

4) The advertising and signage of the club makes it very clear what goes on inside the club even when the club is not open. The club is positioned very close to a number of schools and nurseries. It is also close to the children's libraries. As mentioned above, the area is unavoidable when using public transport links or visiting the town centre meaning it s nearly impossibly to avoid exposing children to this industry. The sexualisation of children from a young age is a real issue for most parents. Mumsnet and 'the sex education show' both launched campaigns recently to try to address the amount children come in contact with adult sexual content from magazine images to suggestive clothing. It highlighted a very big area for concern and walking past a lapdancing club every day on your way to and from school is adding to the problem, particularly when the image of a women hanging off a pole is plastered around the outside of the club. The industry is being glamorous to children by being supported by local councils.

5) Images from inside the club are easily available online. simply typing the clubs name into youtube brings up several videos with the names of the dancers. This club apparently has a 'no video' rule but has failed to police that. Clearly this shows the club owner is either unable to police safety policies put in place to protect the women working there or he has very little regard for the safety of his staff. This point also links to the above point. Children are increasingly computer savvy in our modern culture and it doesn't take much for a young child to find these videos and see exactly what goes on inside the club, further exposing them to the industry at a very impressionable age.

Lap dancing clubs are detrimental to a modern city. They are detrimental for women and this club in particular is detrimental to surrounding residents, businesses, students and visitors. For the reasons listed above the Solent feminist parents group would like to urge Portsmouth city council NOT to grant a sex establishment license

Many thanks

Humphreys, Nickii

From: [REDACTED]
Sent: 25 May 2012 16:00
To: Licensing Shared Email
Subject: Objection to Wiggle licensing application

Dear Members of the Licensing Committee,

I am writing to place my objection to the proposed relicensing of Wiggle strip club, which I understand is up for renewal. I am strongly against this proposal for the following reasons.

These clubs attract prostitution, drug and other crime to the area.

These clubs are degrading for the girls who work in them and also for the customers. Both groups are being exploited by the pimps who run these clubs.

The male customers upon leaving the clubs are often drunk and sexually aroused. They tend to engage in yobbish and intimidating behaviour.

This objection extends to the putative relicensing of any similar establishments in the Portsmouth area.

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Home Office

Sexual Entertainment Venues

Guidance for England and Wales

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MINISTERIAL FOREWORD



In September 2008, the previous Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These new measures, which take effect on 6th April 2010 in England and on 8th May in Wales, will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

These are important reforms to further empower local communities and the purpose of this guidance is to provide advice to local authorities, operators, local people and other interested parties on the new measures introduced by section 27 and the associated secondary legislation.

Alan Campbell

A handwritten signature in cursive script that reads "Alan Campbell".

Parliamentary Under-Secretary of State for Crime Reduction

March 2010

INTRODUCTION

Definitions

1.1 In this guidance –

The “2009 Act” means the Policing and Crime Act 2009

The “1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982

The “2003 Act” means the Licensing Act 2003

“Section 27” means section 27 of the Policing and Crime Act 2009

“Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

1.2 Section 27 introduces a new category of sex establishment called ‘sexual entertainment venue’, which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.

1.3 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

The Guidance

1.4 The guidance is provided for local authorities carrying out their functions under Schedule 3, as amended by section 27. It will also be of use to operators, the police and the general public.

- 1.5 Interpretation of the relevant primary and secondary legislation is ultimately a matter for the courts. However, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 1.6 The guidance is composed of 3 sections. Section 2 focuses on the 2009 Act and the definition of 'sexual entertainment venue'. Section 3 provides an explanation of the meaning and effect of Schedule 3 to the 1982 Act and section 4 provides guidance on the transitional provisions as set out in the transitional orders: *The Policing and Crime Act 2009 (Commencement No.1 and Transitional and Saving Provisions)(England) Order 2010* and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* and any equivalent orders made by Welsh Ministers in respect to Wales.
- 1.7 Apart from extending the scope of the 1982 Act to cover the licensing of sexual entertainment venues and removing the sex encounter establishment category in those local authority areas that adopt the new provisions, the 2009 Act and the associated secondary legislation makes only minor changes to the operation of Schedule 3.
- 1.8 Section 27 of, and Schedule 3 to, the 2009 Act come into force in England on 6th April as does the *Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010*. In Wales, the equivalent provisions come into force on 8th May 2010.

POLICING AND CRIME ACT 2009

Meaning of Sexual Entertainment Venue

- 2.1 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as *“any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.”*
- 2.2 The meaning of 'relevant entertainment' is *“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).”* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 2.3 While local authorities should judge each case on its merits, we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 2.4 The above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should only be treated as indicative. Ultimately, decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

- 2.5 For the purposes of these provisions a premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

Nudity

- 2.6 It is important to note that although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 2.7 Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

The Organiser

- 2.8 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
- 2.9 The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for

one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

Spontaneous Entertainment

2.10 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

Premises that are not sexual entertainment venues

2.11 Paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

2.12 Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the 2003 Act, insofar as they are

providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

Amendments to the Licensing Act 2003

- 2.13 Schedule 7 to the 2009 Act amends the 2003 Act to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the 1982 Act) do not also require a premises licence, club premises certificate or temporary events notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the 2003 Act. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities, subject to any exceptions contained in that Act.
- 2.14 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.15 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from

the definition of regulated entertainment in the 2003 Act. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to. (Nor will providing entertainment facilities for the purposes of the provision of relevant entertainment be regulated entertainment under the 2003 Act).

- 2.16 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment venue licence but will instead need an appropriate authorisation under the 2003 Act, for example, to cover the performance of dance. The exemption from requirements of the 2003 Act for live music or the playing of recorded music which is integral to relevant entertainment does not apply to such venues.

Consultation with Local People

- 2.17 If a local authority has not made a resolution to adopt the provisions introduced by section 27 within one year of it coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution.
- 2.18 The purpose of this duty is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.
- 2.19 This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.
- 2.20 The 2009 Act is not prescriptive about how local authorities should consult with local people in order to comply with this duty. Local authorities have extensive experience of engaging with local people and will know what works best in their individual areas. Clearly, the Secretary of State expects that any consultation exercise carried out under this duty will be fair and meaningful. Local authorities should

seek to make any relevant information available to local people in order to inform their understanding and publish the outcomes of the consultation on the internet.

- 2.21 In practice, local authorities may decide to consult local people on this matter when they consult and involve local people on broader local priorities and crime and disorder or anti-social behaviour priorities as part of their work to develop Local Area Agreements/Local Delivery Agreements and crime and disorder strategies, as required under various existing duties, including, section 138 of the Local Government and Public Involvement in Health Act 2007 and regulation 12 of the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007. This will ensure that consultations are not onerous and form part of the ongoing engagement with local communities undertaken by all local authorities.
- 2.22 For the purposes of this duty 'local people' are defined as anyone who lives or works in the local authority area.

SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Appropriate Authority

- 3.1 The appropriate authority is responsible for determining applications for sex establishment licences. For the purposes of the 1982 Act 'appropriate authority' means the local authority which passed a resolution under section 2 of that Act to adopt Schedule 3 in their area. 'Local authority' means—
- (a) the council of a district (including a unitary County Council) or, in Wales, the principal council¹;
 - (b) the council of a London borough; and
 - (c) the Common Council of the City of London.

Committee or Sub-Committee

- 3.2 Functions under Schedule 3 are the responsibility of the full council of the appropriate authority, as defined above. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.3 An authority may delegate its functions to those who sit on its licensing committee set up to discharge licensing functions under the 2003 Act. However, when dealing with an application for a sex establishment licence, the members of the committee would not be acting as the licensing committee under the 2003 Act and would instead be exercising their functions under Schedule 3.

¹ See section 2 of the 1982 Act. Section 17 of the Local Government (Wales) Act 1994 provides that legislative references to district councils are to be interpreted as references to principal councils in Wales. Unitary County Councils have all the functions and powers of district councils.

Adopting the Provisions

- 3.4 Section 27 comes into force on 6th April 2010 in England and 8th May in Wales². On or following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area.
- 3.5 Although many local authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area. However, where a local authority has not resolved to adopt Schedule 3 to the 1982 Act before the coming into force of Section 27, the amendments made to Schedule 3 by section 27 will apply automatically if a resolution to adopt Schedule 3 is made subsequently (see Schedule 3 to the 2009 Act).
- 3.6 The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.
- 3.7 The local authority shall publish notice that they have passed a resolution under section 2 of the 1982 Act or (in cases where Schedule 3 is already in force but the local authority is adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the

² Section 27 (11) was brought into force on 2nd March 2010 but only for the purpose of making the transitional orders.

local authority's area. The notice should state the general effect of Schedule 3.

- 3.8 While there is no statutory duty to do so, prior to deciding whether to pass a resolution, local authorities may, as a matter of good practice, wish to seek the views of local people and businesses. The Secretary of State also encourages local authorities to engage with known sexual entertainment venues at the earliest possible opportunity once a decision to adopt the provisions has been made, to ensure affected businesses are aware of what action they will need to take in order to comply with the new regime.

Requirement for a Sex Establishment Licence

- 3.9 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.
- 3.10 An applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

Premises that are deemed to be Sexual Entertainment Venues

- 3.11 Paragraph 27A of Schedule 3 deems premises with licences to operate as sexual entertainment venues to be sexual entertainment venues whilst their licence remains in force, irrespective of how frequently they are or have been providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

3.12 If an operator with a sexual entertainment venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a sexual entertainment venue (e.g. because they are no longer operating as a lap dancing club) they may write to the relevant local authority to request that their licence be cancelled. Upon receiving such a request from a licence-holder a local authority must cancel the licence in question.

Notices

3.13 Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.

3.14 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.

3.15 All notices should be in the form prescribed by the appropriate authority and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.

3.16 There are similar notification requirements for applications made under the 2003 Act. Where an applicant is making an application under both Schedule 3 and the 2003 Act at the same time they may wish to combine these requirements where permitted.

Application Forms

3.17 Unlike the 2003 Act there is no prescribed application form for an application made under Schedule 3 to the 1982 Act. However, the application must be in writing and contain the details set out in paragraph 10 of Schedule 3 along with such other details as the

appropriate authority may reasonably require. Local authorities must provide for applications to be made electronically and may produce and publish recommended application forms for sex establishment licences setting out all the details required.

Single Point of Contact

- 3.18 Following amendments to sub-paragraph 10(14) made by the Provision of Services Regulations 2009, where an application for the grant, renewal or transfer of a licence is made by means of a relevant electronic facility it will be the responsibility of the appropriate authority to send a copy of an application to the chief officer of police, not later than 7 days after the date the application is received.
- 3.19 Where an application is made by any other means the responsibility to send a copy of the application to the chief officer of police within 7 days of the application being made will remain the responsibility of the applicant.
- 3.20 For the purpose of Schedule 3 a relevant electronic facility means the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009 or any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

Fees

- 3.21 Schedule 3 to the 1982 Act states that an application for the grant, renewal, variations or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.
- 3.22 However, local authorities should have regard to the following documents when determining their fee: *The European Services*

Directive: Guidance for Local Authorities³ and LACORS Guidance on the impact of the Services Directive on councils setting and administering local licence fees within the service sector.⁴

Objections

- 3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values⁵ and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

- 3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.
- 3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no

³ <http://www.berr.gov.uk/files/file50026.pdf>

⁴ www.lacors.gov.uk

⁵ R v Newcastle upon Tyne City Council ex parte The Christian Institute [2001] B.L.G.R. 165

obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.⁶

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

⁶ R v Plymouth City Council v Quietlynn [1998] Q.B. 114.

- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.⁷

3.31 The Provision of Services Regulations 2009⁸ amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having

⁷ *Belfast City Council v Miss Behavin' Ltd (Northern Ireland)* (2007) [2007] UKHL 19

⁸ Regulation 47

regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated;
and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.⁹

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same

⁹ See R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249 for further guidance.

locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.¹⁰

- 3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.
- 3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

- 3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.
- 3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:
- The hours of opening and closing
 - Displays and advertisements on or in sex establishments
 - The visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another

¹⁰ R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249

- 3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on the each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

Duration of Licences

- 3.43 Licences for sex establishments can be granted for up to one year.

Appeals

- 3.44 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review.

Licensing Policies

- 3.45 While local authorities are not required to publish a licensing policy relating to sex establishments they can do so if they wish as long as it

does not prevent any individual application from being considered on its merits at the time the application is made.¹¹

- 3.46 A licensing policy for sex establishments might include statements about where local authorities are likely to consider to be appropriate or inappropriate locations for such venues. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality.
- 3.47 Local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality.
- 3.48 Local authorities can also produce different policies or a separate set of criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different sex establishments or the fact that the location that a local authority considers appropriate for a sex shop may be different to that of a sexual entertainment venue.

Offences

- 3.49 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that Schedule and include:
- knowingly causing or permitting the use of any premises as a sex establishment without a licence;
 - being the holder of a licence, knowingly employing a person in a sex establishment who is disqualified from holding a licence;
 - being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
 - being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable

¹¹ R v Peterborough City Council ex parte Quietlynn Ltd (1986) 85 LGR 249

excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;

- being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 to enter the establishment
- being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

3.50 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

3.51 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty to this offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Provisions Relating to Existing Premises

3.52 Where a local authority resolves that Schedule 3 apply in their area having not previously made such a resolution, paragraphs 28 and 29 will have effect for the purpose of sex shop, sex cinemas and hostess bars, but will not have effect for the purpose of sexual entertainment venues. The transitional provisions relating to sexual entertainment venues are explained in part 4 of this guidance.

The Services Directive

3.53 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC (“the Directive”) which was implemented in the UK by the Provision of Services Regulations 2009 (“2009 Regulations”), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3.

3.54 The Department of Business, Innovation and Skills (BIS) has produced guidance for both businesses and local authorities to assist in

understanding the impact of the Directive and 2009 Regulations and what service providers and relevant authorities must do in order to comply. Both guidance documents can be found on the BIS website: <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/page9583.html>

- 3.55 In particular, the 2009 Regulations may affect the way in which local authorities set application fees, process applications and grant licences.

TRANSITIONAL PROVISIONS

- 4.1 This section provides guidance on the transitional provisions as set out in the *Policing and Crime Act 2009 (Commencement No.1, and Transitional and Saving Provisions)(England) Order 2010* (“the *Transitional Order*”) and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* (“the *Consequential Order*”) and the equivalent orders made by Welsh Ministers for Wales.

Transitional Period

- 4.2 The ‘transitional period’ will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area (‘the 1st appointed day’). Six months following the 1st appointed day will be known as the ‘2nd appointed day’ and the day on which the transitional period ends will be known as the ‘3rd appointed day’.
- 4.3 The appointed days will vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.

Existing Operators

- 4.4 To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

- 4.5 “Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to a local authority. However, where a dispute arises between a local authority and an licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the local authority will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.
- 4.6 For the purposes of the Transitional Order a “2003 Act Licence” means a premises licence or club premises certificate under which it is lawful to provide relevant entertainment.

New Applicants

- 4.7 New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

Determining Applications Received On or Before the 2nd Appointed Day

- 4.8 Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

- 4.9 As the appropriate authority is able to refuse applications having regard to the number of sex establishment they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.
- 4.10 No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

Determining Applications Received After the 2nd Appointed Day

- 4.11 Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.
- 4.12 As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

Outstanding Applications

- 4.13 Local authorities should attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date

that Schedule 3 as amended by the 2009 Act comes into force in their area.

- 4.14 Where it has not been possible to determine application before the 1st appointed day, local authorities should advise applicants that they will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.

Existing Licence Conditions

- 4.15 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 4.16 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.
- 4.17 Where a local authority decides to grant a sex establishment licence to an existing operator, who is subject to conditions on their existing premises licence or club premises certificate that relate expressly to the provision of relevant entertainment, they may wish to replicate the existing conditions on the new sex establishment licence if they believe that the existing conditions are sufficient. However, they could equally decide to impose new conditions consistent with Schedule 3 if they believe that new or additional conditions are necessary.

4.18 Although the Transitional Order does not require redundant conditions to be physically removed from a premises licence or club premises certificate, operators and local authorities may agree that this is desirable in order to clarify the operator's legal obligations. Such changes can be made via the minor variations procedure under section 41A of the 2003 Act.

ECHR Considerations

4.19 The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

4.20 In light of the leading case of *Belfast City Council v Miss Behavin' Ltd* (Northern Ireland)¹² it would be prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. (Some Lords did not decide this point or disagreed that such rights were engaged and therefore it would still be open to local authorities to argue that such rights were not engaged in a particular case). However, in any event, the House of Lords were agreed that such rights would only be engaged at a low level. This led Lord Hoffman to say that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

¹² [2007] UKHL 19

4.21 Nevertheless, local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, Protocol 1, can be justified in the general interest.

Changes to Licensing Policies

4.22 Many local authorities who have already adopted Schedule 3 will have published a licensing policy for sex establishments. Such policies may provide a useful guide to potential applicants about whether a particular application is likely to be successful or not.

4.23 Upon resolving to adopt the sexual entertainment venue provisions introduced by the 2009 Act, local authorities should ensure that their licensing policies for sex establishments are up to date and reflect the changes introduced by Section 27. This could mean updating existing policies or producing a policy specific to regulation of sexual entertainment venues.

London

Sex Encounter Establishments

4.24 London local authorities which have adopted Schedule 3 to the 1982 Act as amended by the Greater London Council (General Powers) Act 1986 are able to regulate sex encounter establishments. However, under sub-paragraph 3A(i) premises that hold a premises licence or club premises certificate for the provision of regulated entertainment or late night refreshment are not regarded as sex encounter establishments. This means that, in practice, there are very few, if any, premises that are licensed as sex encounter establishments.

- 4.25 Therefore, the transitional provisions set out that where a local authority, which has previously adopted provisions to regulate sex encounter establishments, passes a resolution to adopt Schedule 3, as amended by section 27, the existing sex encounter establishment category will be replaced by the new sexual entertainment venue category.
- 4.26 In these circumstances, an existing sex encounter establishment licence will be treated as though it had been granted under the new sexual entertainment venue regime with any terms, conditions and restrictions carried over.

Hostess Bars

- 4.27 The hostess bar category of sex establishment, as introduced by section 33 of the London Local Authorities Act 2007, is largely unaffected by the 2009 Act provisions.
- 4.28 In cases where a London local authority has already resolved that the hostess bar category has effect in their area, they will be able to retain this category after the amendments made by the 2009 Act have been adopted and the sex encounter establishment category has been repealed, subject to the amendments made to Schedule 3 by the 2009 Act. Where London local authorities have not adopted the sexual entertainment venue provisions, it will still be open for them to resolve to adopt the hostess bar category after the 2009 Act provisions have been adopted without having to adopt the sex encounter establishment category.

Soliciting for Custom

- 4.29 Under Section 22 of the London Local Authorities Act 2004, as amended by Section 72 of the London Local Authorities Act 2007, it is an offence in London to solicit for custom for a sex establishment. However, paragraph 2A provides a defence if the premises concerned are licensed under Part 3 of the 2003 Act.

4.30 When a London local authority resolves to adopt the provisions introduced by Section 27, it will be a defence if the premises are licensed as a sexual entertainment venue under Schedule 3 of the 1982 Act or are operating lawfully under a 2003 Act licence during the transitional period at the time of the alleged offence.

ANNEX A: GUIDE TO TRANSITIONAL PERIOD AND EXISTING OPERATORS

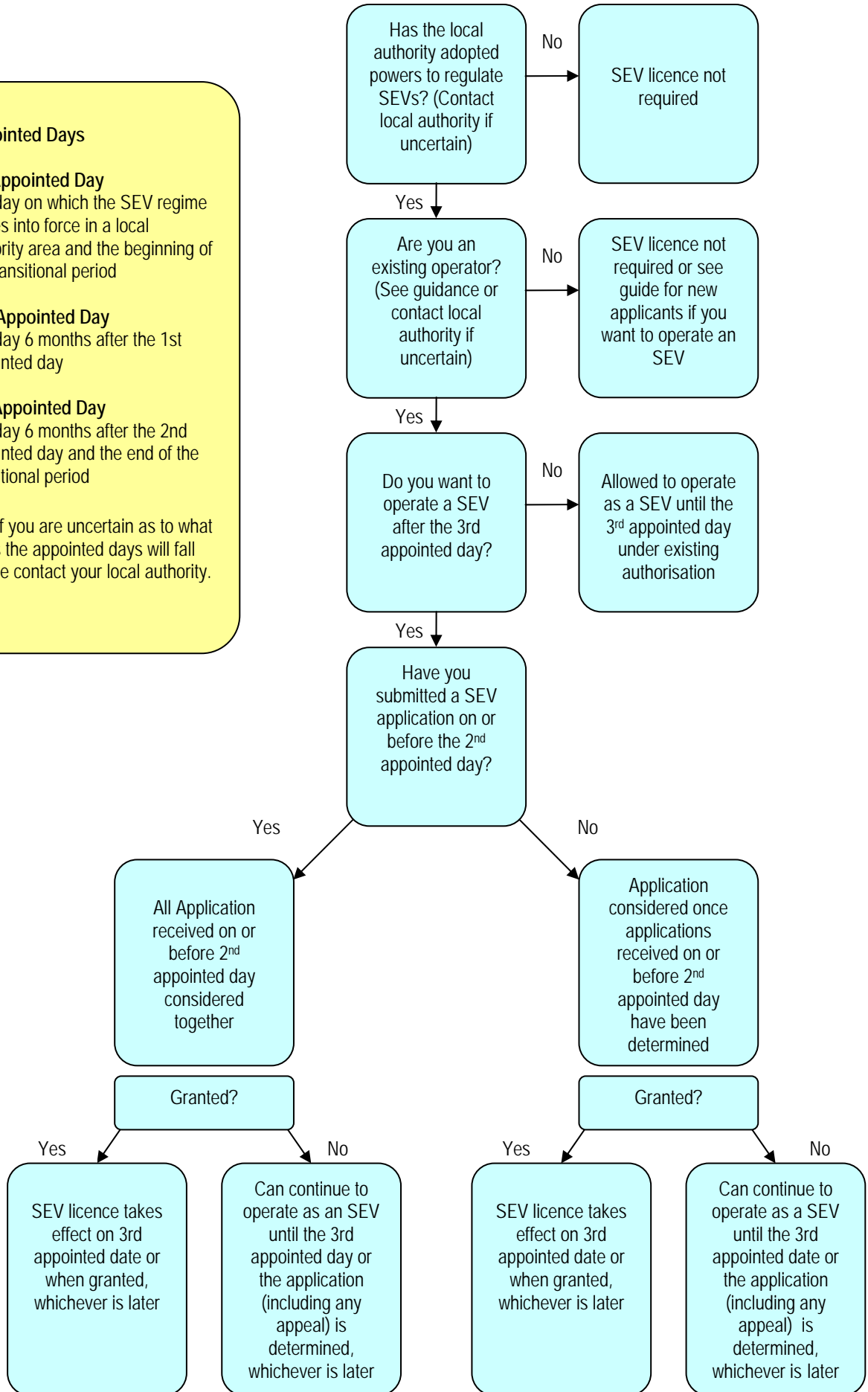
Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.



ANNEX B: GUIDE TO TRANSITIONAL PERIOD AND NEW APPLICANTS

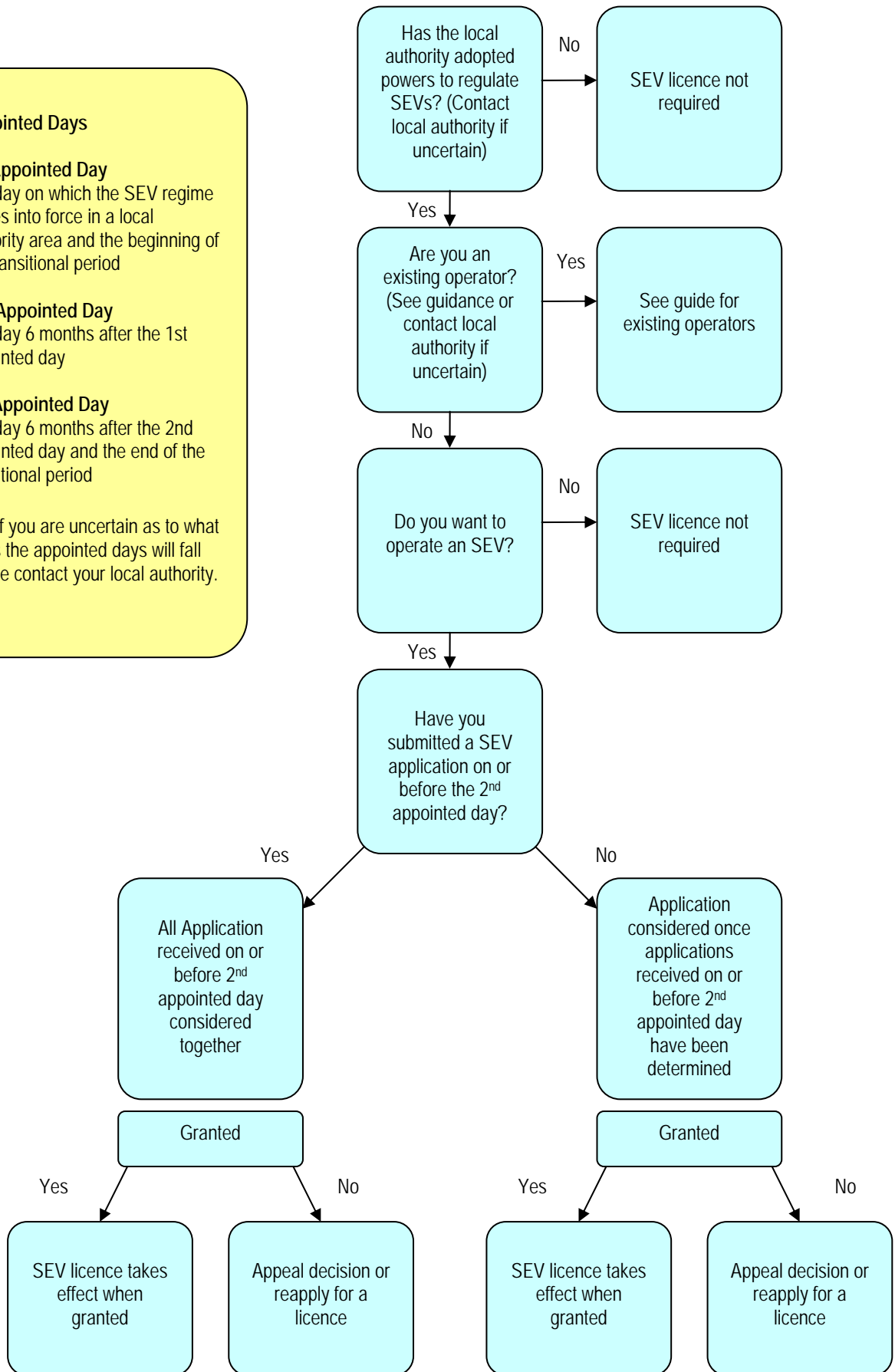
Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

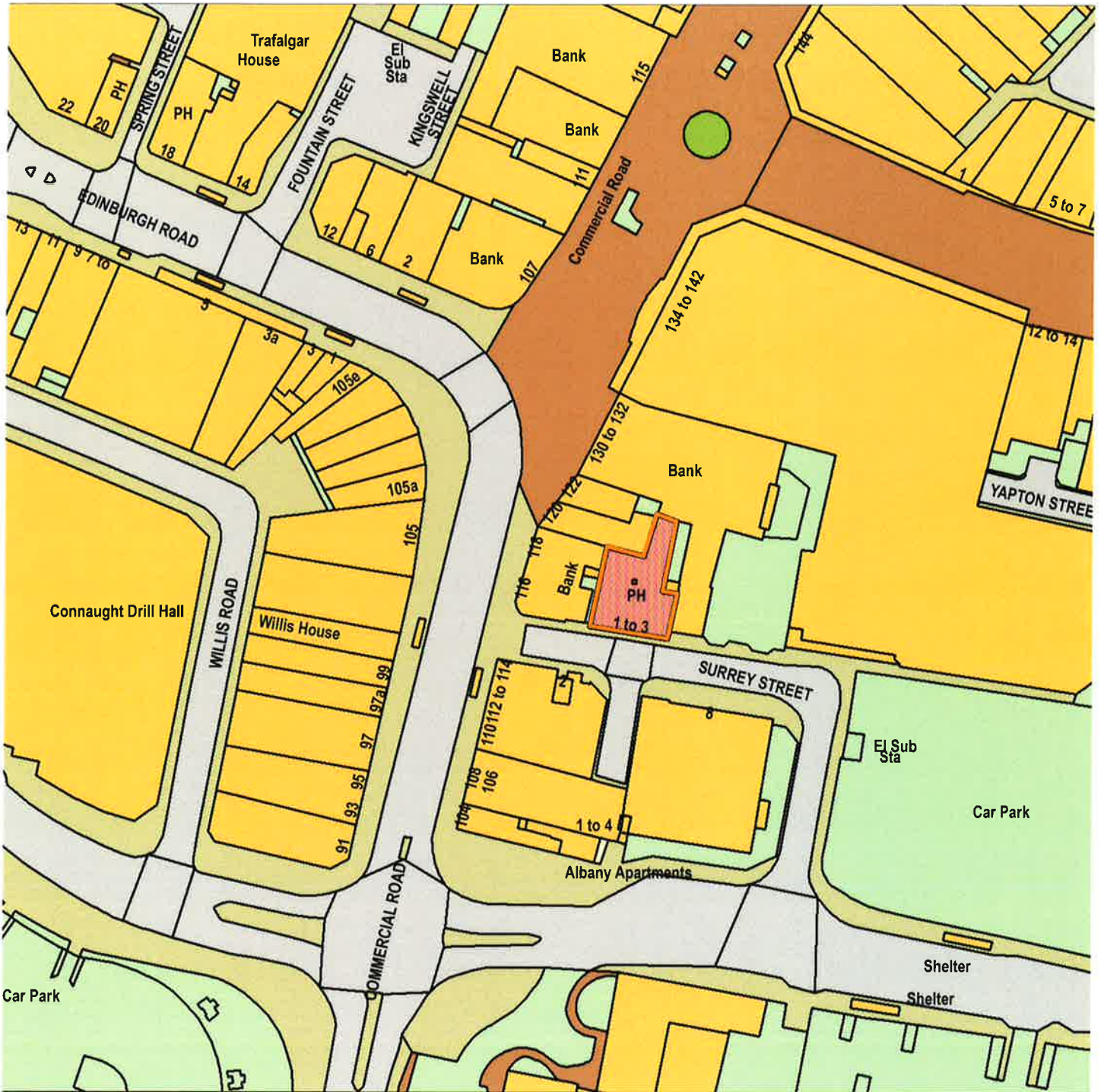
3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.



Application for grant of a SEV Licence

Wiggle 1 - 3 Surrey Street Portsmouth PO1 1JT



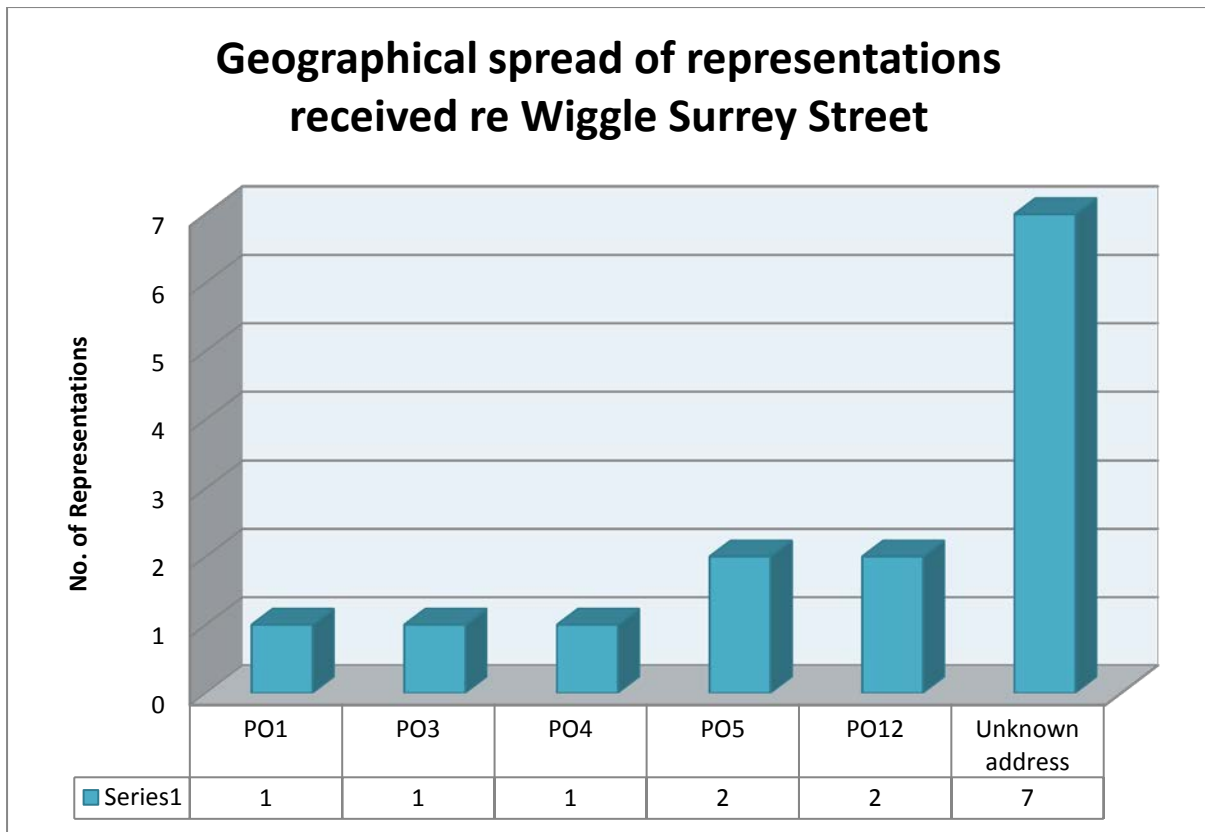
Scale : 1:1089

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Organisation	Portsmouth City Council
Department	Licensing Service
Comments	
Date	18 March 2014
SLA Number	100019671

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Total Number of Representations = 14	
PO1	1
PO3	1
PO4	1
PO5	2
PO12	2
Unknown address	7

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DeWigle

GATE 3

Wiggle

Wiggle

Goods vehicle loading only



Blue circular sign with text.



CURREY ARMS

Fire escape
keep clear

Wiggle

Wiggle

GENERAL WASTE
Biffa

020 8459 4400
J.A. RATTIG
PLANT HIRE



THE SURREY ARMS



THE SURREY ARMS

P Blue Badge

Whistle

DOUBLE

SURREY ARMS



STREET



CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

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.

We thank you in advance for your cooperation in this matter and hope you enjoy your visit.

The Staff @ Wiggle & Elegance

LICENSING ACT 2003

PREMISES LICENCE SUMMARY

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Late night refreshment
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 03:30
Timings for the ground floor

Retail alcohol sales
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 03:00
Timings for first floor (paid admission only)

Retail alcohol sales
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 01:00 until 01:00
Timings for the ground floor

Regulated Entertainment consisting of

Facilities for dancing
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 04:00
Timings for first floor (paid admission only)

Facilities for dancing
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 01:00
Timings for the ground floor

Facilities for making music
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 04:00
Timings for first floor (paid admission only)

Facilities for making music
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 01:00
Timings for the ground floor

Page 2 of 5

Licensing Section City Council, Licensing Officer, 100 High Street, Portsmouth PO1 2JA
Tel: 023 922 2020 Fax: 023 922 2021 Email: licensing@portsmouth.gov.uk

UNDER 25?

IF YOU ARE LUCKY ENOUGH TO LOOK UNDER 25 YOU WILL BE ASKED TO PROVE THAT YOU ARE AGED 18 OR OVER WHEN YOU BUY ALCOHOL

IF YOU ARE UNDER 18 YOU ARE COMMITTING AN OFFENCE IF YOU ATTEMPT TO BUY ALCOHOL



BEER PUB

drinkers.co.uk

WWW.CHALLENGE25.ORG



LICENSING ACT 2003

PREMISES LICENCE SUMMARY

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Premises Licence Number: 12/00122/LAPRMV

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description:
Surrey Arms
1-3 Surrey Street

Post town Portsmouth Post code PO1 1TT
Telephone number 922 7120

Where the licence is time limited, the dates:

Licenable activities authorised by the licence:

Late night refreshment
Retail alcohol sales
Regulated Entertainment consisting of:
Facilities for dancing
Facilities for making music
Performance of dance
Performance of live music
Playing of recorded music

The times the licence authorises the carrying out of licenable activities:

Late night refreshment
Mon-Tue-Wed-Thu-Fri-Sat-Sun - 23:00 until 04:00
Timings for first floor (paid admission only)

Page 1 of 5

Licensing Section City Council, Licensing Officer, 100 High Street, Portsmouth PO1 2JA
Tel: 023 922 2020 Fax: 023 922 2021 Email: licensing@portsmouth.gov.uk

CUSTOMER CODE OF CONDUCT

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance;
2. Customers may not make lewd or offensive comments to performers;
3. Customers must not harass or intimidate performers;
4. Customers must not ask dancers to perform any sexual favour;
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour;
6. You must not proposition the dancers;
7. You must be seated and remain seated during the performance;
8. You must remain fully clothed and not attempt to grope with the performer;
9. Lively and unacceptable behaviour will not be tolerated, whether directed at the dancers, staff or customers;
10. No illegal substances are to be consumed on the premises;

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.

We thank you in advance for your cooperation in this matter and hope you enjoy your visit.

[Signature]

PHOTOGRAPHY

Like what you see,
comeback again

Photography is not allowed
in this venue.



Wiggle, 1st Floor,
1-3 Surrey Street
Portsmouth
PO1 1JT
call: 023 92 820660
www.wiggleclub.com
Open 7 days a week
10pm till 4am



NOTICE

FOR CUSTOMER
SAFETY AND
PROTECTION

CCTV IN OPERATION
ON THESE PREMISES
AT ALL TIMES

Wiggle Club **V.I.P Dance charges**

Single Dance (one song) £20

There is no set fee for V.I.P sit downs.
Please negotiate the cost of this with the
dancer.

Please check the amount on the visa
machine before entering your pin no.

Please note there is a 20% service charge on
purchases of dance vouchers

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Wiggle
of gentlemen in a Wiggle Club

Wiggle Club is a registered company of the Wiggle Club.
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Wiggle Club is a registered company of the Wiggle Club.

AndiCars
Smart Car, Smart Driver, Smart Price

**ORDER YOUR TAXI USING
OUR BUTLER HERE**

Fire Extinguisher
No Smoking
No Alcohol
No Drugs
No Pets
No Children
No Animals
No Firearms
No Weapons
No Firearms
No Weapons

Winter
Sale
ALL THROUGH JANUARY 2010
BUY ONE GET ONE FREE
DANCES*
www.widdisclub.com



Customers Code Of Conduct

- Customers may not touch the dancers during a performance.
- You may not harass, intimidate, proposition or ask dancers for sexual favours.
- Customers may not perform any acts of masturbation or indulge in any other forms of sexual behaviour.
- You must remain fully clothed and seated during the performance and not try to dance.
- Anyone caught with Drugs and any other Illegal substances will be reported to the police.
- Unruly behaviour towards dancers and any staff members will not be tolerated.

Anyone failing to comply with this code will be asked to leave the premises and appropriate action will be taken where necessary.

Wiggle Club

V.I.P Dance charges

Single Dance (one song) £20

There is no set fee for V.I.P sit downs.
Please negotiate the cost of this with the dancer.

Please check the amount on the visa machine before entering your pin no.

Please note there is a 20% service charge on purchases of dance vouchers



Guesthouse Code Of Conduct

1. All guests must arrive on time for their reservation.

2. All guests must be at least 21 years old to check in.

3. All guests must provide a valid photo ID at check-in.

4. All guests must pay for their stay in advance.

5. All guests must adhere to the hotel's policies and procedures.

6. All guests must respect the property and its surroundings.

7. All guests must be courteous and respectful to the staff.

8. All guests must be responsible for their actions and the actions of those in their party.

9. All guests must be aware of and follow the hotel's fire and safety procedures.

10. All guests must be aware of and follow the hotel's environmental policies.

Waffle Club

Waffle Club

Waffle Club

Waffle Club

Waffle Club

Waffle Club

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Waffle Club













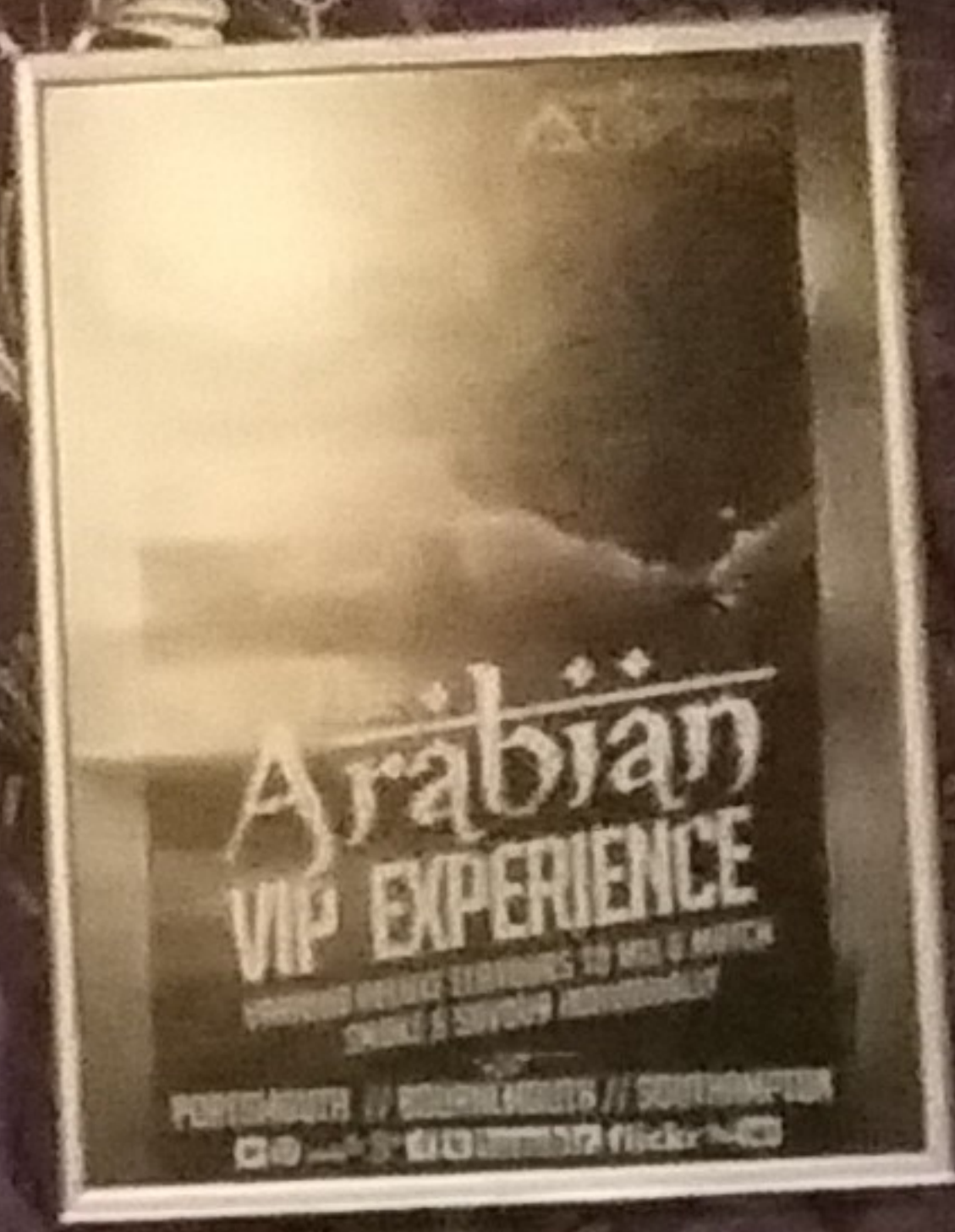














NOTICE

FOR CUSTOMER
SAFETY AND
PROTECTION

CCTV IN OPERATION
ON THESE PREMISES
AT ALL TIMES

SURREY ARMS

 Wiggle

Three arched windows with green frames. The rightmost window contains several notices:

- A small poster with a man's face and the text "Together we can end homelessness".
- A "VISA" logo.
- A "WARNING" sign.
- A "KARAOKE" sign for "THE SURREY ARMS".
- A "WEEKEND SECRETS" sign.

CONSIDERATE CONSTRUCTORS

We are considerate constructors

We are registered with the Considerate Constructors Scheme and have signed a commitment to carry out our construction activity with the greatest care and consideration.

Member One Portsmouth
Geoffrey Osborne Ltd
James McCormick
01753 897710
Crew Station Lorry
Portsmouth City Council

0800 783 1423

 Wiggle

Blue parking sign with a white wheelchair symbol and the text "Blue parking sign" and "Blue parking sign".

Black newspaper box with a white label that reads "FREE" and "TAXI".

Small framed poster or notice on the wall.

Small framed poster or notice on the wall.



SURREY ARMS



Three arched windows with green frames. The rightmost window contains several notices:

- A small poster with a man's face and the text "Together we can end homelessness".
- A "VISA" logo.
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0800 783 1423

Member One Portsmouth
Geoffrey Osborne Ltd
James McCormick
01703 897710
Crew Student Levy
Portsmouth City Council


Wiggle

Blue
wheelchair
access
only



GENERAL WASTE
Biffa



WIGGLE



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Agenda Item 4

REPORT TO: LICENSING SUB-COMMITTEE – 19 FEBRUARY 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MRS NICKII HUMPHREYS

**Local Government (Miscellaneous Provisions) Act 1982
Licensing of Sex Establishments - Sexual Entertainment Venue
Application for the grant of a licence – Wellhot Ltd - Elegance 1 Granada
Road Southsea PO4 0RD**

1.0 Purpose of report

The purpose of this report is for the Committee to determine an application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1 Granada Road, Southsea, Portsmouth, PO4 0RD and known by the name of Elegance. The application has been submitted by Wellhot Ltd.

2.0 Recommendation

RECOMMENDED

- a) that the Committee determine the application for the grant of a sexual entertainment venue licence in respect of the premises situated at 1 Granada Road, Southsea, Portsmouth, PO4 0RD and known by the name of Elegance; and
- b) in determining this application, the Committee shall have regard to paragraph 7.10a of its statement of licensing policy as set out below:

Notwithstanding the provisions of paragraph 7.10 (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- ***The renewal, transfer or variation of an existing sex establishment licence; or***
- ***The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.***

3.0 Adoption of Policy

- 3.1 Portsmouth City Council ("PCC") originally adopted the provisions relating to Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") in December 1982. These provisions provided for the control of sex shops and sex cinemas together with the licensing requirements.
- 3.2 On 22 March 2011 PCC decided to adopt Schedule 3 of the 1982 Act (as amended by section 27 of the Policing and Crime Act 2009 ("the 2009 Act")) so that it can regulate sexual entertainment venues ("SEVs") in the City.
- 3.3 On 21 September 2011 the Licensing Committee further considered its preferred approach in the formulation of its sex establishment licence policy and determined that the then Head of Legal, Licensing & Registrars be authorised to draft a policy for consideration and approval by the Licensing Committee, prior to public consultation, which was formulated upon the basis of identification of pre-determined localities and the imposition of numerical controls (Licensing Committee Minute No. 10/11 refers).
- 3.4 Consultation took place on this policy between 1st March 2012 and 12th April 2012 and the final policy was approved by the Licensing Committee on 12th October 2012. (Licensing Committee minute 12/12 refers). A copy of the current policy is attached as **Appendix A** to this report.
- 3.5 A further meeting of the Licensing Committee was held on 23 October 2013 when the adoption of standard conditions was agreed. (Licensing Committee minute 09/13 refers). These conditions are set out from page 25 onwards of the current policy document.

4.0 Background Information

- 4.1 The application for the grant of a sexual entertainment venue licence in respect of the premises known as Elegance, situated at 1 Granada Road, Southsea Portsmouth has been submitted by Wellhot Ltd.
- The company directors listed for Wellhot Ltd are Mr Jaspal Singh Ojla (Managing Director) and Mrs Rashwinder Kaur Ojla (Director). Wellhot Ltd is also the holder of the premises licence for these premises issued in accordance with the Licensing Act and Mr John-Cortin Fernandez is the designated premises supervisor who is in day-to-day charge of managing the premises.
- 4.2 The applicant has confirmed that neither of its directors or the manager of the premises are not prone to any grounds for refusal set out in paragraph 12 of Schedule 3 to the Act (see sections 9 and 10 of this report as regards these grounds).
- 4.3 The company wishes to operate the premises under the name of "Elegance" and wishes to trade between the hours of 22:00 and 04:00 every day.
- 4.4 A copy of the application and associated documents is attached as **Appendix B**.

4.5 The premises also benefit from a premises licence issued under the Licensing Act 2003 for the provision of the sale by retail by alcohol, regulated entertainment and late night refreshment. This licence relates to all of the premises but **the application for the lap dancing venue relates to the rear part of the building only.**

4.6 The premises licence issued in accordance with the Licensing Act 2003 was first granted to Wellhot Ltd in 2005 and was previously licensed for the same purpose under the Licensing Act 1964. A copy of the current premises licence is attached as **Appendix C.**

5.0 Statutory Advertising Requirements

5.1 Schedule 3 of the 1982 Act requires that the applicant give formal notice of an application for the grant of a sex establishment licence. Satisfactory notice was given both to the Council and Chief Officer of Police. Equally, appropriate public notice was displayed on the premises and given in the Portsmouth News.

6.0 Consultation with the Police and Council

6.1 Details of the application were notified to the Chief Officer of Police, Chief Fire Officer, Planning Services, Director of Children, Families and Learning, City Centre Manager and Ward Councillors should they have wished to submit any representations.

7.0 Objections Received

7.1 As mentioned in paragraph 5.0 above, the Act requires the applicant to give formal notice of his application for the grant of a sex establishment licence.

7.2 Paragraph 15 of the Act states that any person who wishes to object to an application for the grant, renewal or transfer of a licence shall give notice in writing of his objection to the licensing authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application. Any person may object to an application. However, objections must be relevant to the grounds set out in the 1982 Act (See sections 6 and 7 of the statement of licensing policy. Objections based solely on moral grounds/values must not be considered.

7.3 Objections have been received in respect of the application for the grant of a licence and are attached as **Appendix D.** The 1982 Act protects the rights of objectors to remain anonymous. The Licensing Authority will not reveal names or addresses of any objector without their consent. However, general information such as if the objector lives within a certain distance of the premises in question will be released in order to given the applicant an opportunity to rebut any concerns so far as geographical vicinity or locality is concerned.

8.0 The Legislation – Summary and interpretation

8.1 In considering this application, the Committee is asked to note various statutory definitions concerning the licensing of sex establishments which may assist their consideration of this application.

8.2 The Committee is reminded that they are sitting in a quasi-judicial capacity and thus are obliged to consider the application in accordance with the rules of natural justice and have regard to the established procedure order that has been used by the Committee in considering applications. The Committee must determine the application on merit. No decision, opinions or factual findings must be based on “moral” grounds and all the facts must be considered before reaching a decision.

8.3 A sex establishment is either a sex shop, a sex cinema or sexual entertainment venue. In this case the application is for the grant of a sexual entertainment venue in respect of 1 Granada Road.

8.4 A sexual entertainment venue is legally defined as follows:-

"Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer." Relevant entertainment is defined as:

"Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".

In terms of considering what constitutes “relevant entertainment” each case shall be judged on its merits but the informal guidance produced by the Home Office suggests that the definition of relevant entertainment would apply to the following forms of entertainment as they are most commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

However, the above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should merely be used as an indicator for certain types of entertainment as ultimately decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

8.5 The following are **not** sexual entertainment venues:

- Sex cinemas and sex shops;
- Premises which provide entertainment on an infrequent basis. These are defined as premises where:-
 - a) No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) No such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State;
- Private dwellings with no public admittance.

8.6 General guidance has been produced by the Home Office in relation to SEVs and this is attached as **Appendix E**.

8.7 A licence can be granted and/or renewed for a period of 1 year or such shorter period as considered necessary. Licences can be granted subject to terms, conditions or restrictions and can be cancelled, revoked and transferred.

8.8 The Committee has a duty to have regard to the comments of the Chief Officer of Police.

9.0 Statutory Refusal of Licences

9.1 The Act sets out a number of statutory grounds where licences cannot be granted. These grounds are:

- a) A licence cannot be granted to a person under 18,
- b) A licence cannot be granted to a person disqualified under the Act,
- c) A licence cannot be granted to a person not resident in the UK,
- d) A licence cannot be granted to a body corporate which is not incorporated in the UK,
- e) A licence cannot be granted to a person who has, within 12 months immediately before the date of an application, been refused the grant of a licence for the same premises.

The above provisions do not apply to this applicant.

10.0 Discretionary Refusal of Licences

10.1 The Act allows for licences to be refused using discretion, for which careful and balanced reasons should be given in the following manner:

- > That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- > If the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
- > That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider is appropriate for that locality
- > That the grant or renewal of the licence would be inappropriate having regard
 - i to the character of the relevant locality
 - ii to the use to which any premises in the vicinity are put or
 - iii to the layout character or condition of the premises in respect to which the application is made

11.0 Sex Establishment Policy Guidelines

11.1 The current policy in relation to the consideration of applications in respect of discretionary grounds for refusal of licences are set out in section 7 of the sex establishment licensing policy adopted by the Licensing Committee. Members may wish to refer to the following policy guidelines when determining this application:

11.2 Unsuitability of applicant

When considering the suitability or otherwise of an applicant, the Licensing Authority will have due regard to not only whether or not an applicant has been convicted of an offence but any other grounds which would call into question his/her suitability.

Para 7.3 - The Licensing Authority will wish to be satisfied that:

- *The applicant is sufficiently trustworthy to run the sex establishment in accordance with the terms and conditions imposed on any licence granted, as well as the law;*
- *The welfare of the performers at the licensed premises will be protected;*
- *That the safety of the public attending the premises will be provided for; and*
- *The needs and rights of persons/businesses living or working in the area, and indeed the area itself, are recognised and respected.*

Para 7.6 - In considering the overall suitability of an applicant to hold a licence, the following factors will be taken into account by the Licensing Authority:

- *Honesty and integrity of the applicant;*
- *Relevant experience of running similar sex establishments;*
- *Understanding of the terms and conditions relating to sex establishments;*
- *Reliability to run the premises in accordance with the licence;*
- *Track record of compliance in relation to other premises and/or licensing regimes;*
- *Intention to manage the premises himself or to employ others in that role;*
- *Existence or otherwise of a management structure to demonstrate compliance with operating conditions incorporating such matters as:*
 - ✓ *Managerial competence*
 - ✓ *Presence*
 - ✓ *Credible management structure, which will include employment of individuals who have sufficient experience in running such premises*
 - ✓ *Internal enforcement of rules (including training, monitoring, publication of rates for performers and customers)*
 - ✓ *Viable business plan*
 - ✓ *Demonstrate ability to act in the best interests of performers*
 - ✓ *Preparation and enforcement of a written welfare policy for performers*
 - ✓ *Procedures in place to ensure performers are adults and entitled to live and work in UK*
 - ✓ *Demonstrate measures to protect the public (such as transparent rate of charges and prevention of solicitation)*

In all cases, the Licensing Authority will give serious consideration to the observations of the Chief Officer of Police in relation to concerns expressed about the suitability of an individual applicant, body corporate or an individual officer of a company.

11.3 Unsuitable manager of the business or other beneficiary

Para 7.7 - The Licensing Authority will need to be satisfied that the proposed premises and activities are not a device to facilitate illegal activity and that those persons in ultimate control of the sex establishment can demonstrate that they will operate the premises in such a manner so as to promote the objectives of the legislation.

11.4 Number of sex establishments

Para 7.8 - PCC recognises that the Act allows discretion by the Licensing Authority to impose a numerical control on the number of sex establishments in a particular locality (including the provision that nil may be an appropriate

number) and that this control can apply to both the overall number of sex establishments and also the number of each kind.

- 11.5 *Para - 7.10 the Licensing Authority has reached the preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.*

Para - 7.10a Notwithstanding the provisions of paragraph 7.10 above (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- ***The renewal, transfer or variation of an existing sex establishment licence; or***
- ***The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.***

11.6 **Character of the relevant locality**

Para 7.11 - Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of what may or may not be an appropriate number of sex establishment licences within the locality. In considering whether it is appropriate to grant a licence having regard to the character of the relevant locality, the Licensing Authority will take account of the following factors, together with such other factors as may be considered relevant in the individual circumstances of the case:

- *The general character of the area (e.g. family residential, family leisure or educational area);*
- *The impact of the premises on the character of the area;*
- *The current use for night-time leisure activities including existing sufficient representation of sex-orientated uses;*
- *Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all);*
- *Raising the fear of crime in the locality should further sex-orientated uses be authorised;*
- *Effects upon regeneration and tourism in the area;*
- *Level of genuine demand (including the risk that excess supply would drive down standards and lead to problems associated with compliance with conditions.*

11.7 Use of premises in the vicinity

Para 7.12 - Applications for sex establishment licences may be refused where the Licensing Authority considers that the grant of a licence would be inappropriate having regard to the use of other premises in the vicinity. Whilst the term “vicinity” is not defined in the 1982 Act, the Licensing Authority considers that “vicinity” will be a smaller area than “locality” as referred to in paragraph 7.8 above.

Para 7.13 - Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of the character of a locality or indeed what may or may not be an appropriate number of sex establishment licences within it.

Para 7.14 - When considering the type of uses which may be deemed to be inappropriate, due regard will be given to the suitability of the proposed location of the premises and will take into account relevant factors including, but not limited to, the presence of what may be regarded as sensitive issues (e.g. dwellings, places of worship, schools, youth clubs, community centres, women’s refuges, libraries, parks or swimming pools)

Para 7.15 - Without prejudice to the above, applicants should also be aware that applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of:

- *Places of worship;*
- *Swimming pools;*
- *Leisure centres;*
- *Parks;*
- *Youth centres;*
- *Historic buildings;*
- *Tourist attractions;*
- *Educational premises;*
- *Schools;*
- *Play areas;*
- *Nurseries;*
- *Children’s centres;*

Or any other similar premises.

11.8 Layout, character or condition

Para 7.17 - When considering the issue of a licence in terms of its layout, character or condition, the Licensing Authority will give consideration to general factors such as:

- *Provision of proper access for disabled people;*
- *Safe in terms of its structure and overall standards of maintenance for the building;*
- *Sufficient provision for surveillance and overall supervision;*
- *Standard of fit out of the premises;*

While the Licensing Authority will not refuse a licence merely because the premises do not have planning permission for use as a sex establishment, the authority will take into account the absence of planning permission to the extent relevant to the statutory grounds for renewal.

11.9 Plans and photographs of the immediate area are attached for consideration as Appendix E.

12.0 Consideration of the Application

12.1 The Committee must consider the application having regard to the factors outlined in this report.

12.2 If the Committee is mindful to grant the licence, the Committee should consider whether or not it is appropriate to impose conditions. Conditions may be “standard” and/or contain special conditions to reflect on individual premises.

12.3 A copy of the Council’s current standard conditions and those specific to sexual entertainment venues are attached as appendices to the sex establishment policy in Appendix A.

12.4 If the Committee is mindful of refusing the application then valid, proportionate and relevant reasons must be given in writing and within 7 days to the applicant. There are no grounds to statutorily refuse the application and therefore the Committee’s deliberations must be concentrated on the following discretionary options to refuse:

- Are the number of sex establishments in the relevant locality at the time the application is made equal to or exceed the number which the Committee consider is appropriate for that authority?
- Is the grant of the licence inappropriate having regard to;
the character of the relevant locality;
the use to which any premises in the vicinity are put; or
the layout, character or condition of the premises.

13.0 Human Rights

13.1 The Human Rights Act 1998 applies to this matter. The Committee must act proportionately and consider the rights of all parties affected by the application.

14.0 Appeals

If the Committee refuse the grant of the licence, there is a right of appeal to the Magistrates’ Court.

15.0 Appendices

Appendix A - Copy of the current sex establishment licence policy;

Appendix B – Copy of the application together with associated documents;

Appendix C - Copy of the current premises licence issued under the Licensing Act 2003

Appendix D - Copies of objections received;

Appendix E - Home Office Guidance relating to SEVs; and

Appendix F – Plan of the immediate area;

Appendix G - Geographical Analysis of Representations;

Appendix H - Photographs of premises.

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Licensing Manager
For Head of Service

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Sex Establishment Licensing Policy

October 2012

www.portsmouth.gov.uk

1.0 Background to Consultation on Policy

- 1.1 On 22 March 2011 Portsmouth City Council (“PCC”) decided to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) (as amended by section 27 of the Policing and Crime Act 2009 (“the 2009 Act”)) so that it can regulate sexual entertainment venues (“SEVs”) in the City.
- 1.2 For ease of reference, the full resolution of PCC is set out below (Council Minute No. 31/11 refers):
- *Council note that at its meeting on 23 February 2011, the Licensing Committee considered the recent amendments to the 1982 Act and recommended that Council adopt the new licensing arrangements for SEVs;*
 - *Council resolve to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, and the following recommendations shall apply:*
 - *That the new statutory provisions shall apply to the Portsmouth UA area with effect from 1 November 2011;*
 - *That Council arranges for its Licensing Committee to discharge its statutory functions (including the setting of fees) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended;*
 - *That the Licensing Manager be given authority to arrange formal publication of the statutory notices in a local newspaper;*
 - *In such cases where no objections are made to the grant, renewal, transfer or variation of such licences, the City Solicitor be given delegated authority to approve such applications;*
 - *That the Licensing Manager prepares a draft policy together with standard conditions applicable to sexual entertainment venues for consideration and adoption by the Licensing Committee and that the Licensing Manager should include in that draft policy his/her consideration of whether applications should be refused if they are within three miles of any place of worship, swimming pool, leisure centre, park, youth centre, historic building, tourist attraction, educational premises, school, play area, nursery, children’s centre or similar premises.*
- 1.3 Those parts of Schedule 3 of the 1982 Act relating to sex shops and sex cinemas have previously been adopted by resolution of the Council on 27 October 1982 and continue to have effect.
- 1.4 On 21 September 2011 the Licensing Committee further considered its preferred approach in the formulation of its draft sex establishment licence policy and determined that the then Head of Legal, Licensing & Registrars be authorised to draft a policy for consideration and approval by the Licensing Committee, prior to public consultation, which was formulated upon the basis of identification of pre-determined localities and the imposition of numerical controls (Licensing Committee Minute No. 10/11 refers).

- 1.5 In preparing this policy, PCC recognised the important role that the regulatory agencies, licensed trade and local communities undertake and considers that their contribution of views was necessary in the formulation of this policy. Therefore, prior to final approval and publication of the policy, PCC consulted widely on the draft proposals.
- 1.6 Consultation on this policy took place with:
- The Chief Officer of Police for Hampshire Constabulary;
 - Persons/bodies representative of existing operators of sex establishments in the licensing authority area;
 - Persons/bodies representative of those likely to be affected by or have an interest in the Policy which may include but is not limited to:
 - Regulatory bodies such as the Fire and Planning Authorities;
 - Community Safety and Children’s Social Care and Safeguarding;
 - Interested parties such as local residents associations, trade associations and interest groups.
- 1.7 PCC had due regard to the views of those consulted on this policy and those responses were given appropriate weight when the policy was determined.
- 1.8 Consultation took place on this policy between 1st March 2012 and 12th April 2012 and the final policy was approved by the Licensing Committee on 12th October 2012. This policy will be subject to regular review and amendments may be made from time to time based upon any relevant government guidance, changes to legislation or local circumstances.
- 1.9 Comments on this policy should be sent via email, post or fax to the following address:

The Licensing Manager
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Email: licensing@portsmouthcc.gov.uk
Fax: 023 9283 4811

2.0 Aim of the Policy

- 2.1 The aim of this policy is to provide guidance for prospective applicants, persons who may wish to object to or support an application and members of the Council's Licensing Committee when making a decision in respect of an application.
- 2.2 Whilst each application will be considered on its individual merits, this policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining an application. This document also sets out the expectations of the Licensing Authority on the applicant when receiving an application.
- 2.3 No policy will ever be considered absolute and there may be occasions where the Licensing Committee may depart from policy having regard to the unique characteristics of any one particular application.

3.0 Introduction

- 3.1 In this policy we refer to these categories of uses as “sex establishments” unless we say otherwise.
- 3.2 The role of PCC when undertaking its statutory function as the Licensing Authority is to administer the licensing regime in accordance with the law and will not exercise its duties in accordance with any moral standing and will not take into account any unrelated or non-germane considerations that would call into question the validity or vires of any subsequent decision(s) made. All decisions will be based on the facts of an individual case and having regard to any policy in force. PCC recognises that Parliament has made it a lawful activity to operate a licensed sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 3.3 This policy document relates to the administration of applications for licences for sex establishments. Sex establishments will fall into one of the following categories:
- Sex shops
 - Sex cinemas
 - Sexual entertainment venues

4.0 Background Information

- 4.1 The City of Portsmouth is situated in the ceremonial County of Hampshire which contains 11 District Councils in total. It is at the heart of Britain's southern coastline, with long established direct rail and road links to London, the Midlands and Wales and close to three international airports.

Portsmouth is undergoing rapid change, growing in confidence and developing a renewed sense of itself. As the UK's only island city, this waterfront city combines centuries of maritime history with an attractive contemporary lifestyle.

A significant naval port for centuries, it is home to the world's oldest dry dock, which is still in use today, and to world-famous historic ships, including Admiral Lord Nelson's flagship, HMS Victory, HMS Warrior 1860 and King Henry VIII's Mary Rose. Now new investment around the harbour has transformed the waterfront and attracts generations of new visitors to the city.

In recent years the city has hosted major international events including the International Fleet Review and in 2005 the events to mark 200 years after the Battle of Trafalgar. Portsmouth is also fast becoming the home of ocean racing, hosting the Global Challenge yacht race in 2004/5 and in 2006 the city is the only UK port chosen to host the Volvo Ocean Race.

The Spinnaker Tower at Gunwharf Quays opened in 2005 and is a new icon for the city and the south coast. At 170 metres high, it has already changed the skyline forever and provides an unparalleled view of Portsmouth and the surrounding area from its three observation decks.

This dynamic waterfront city still has an important role as a major dockyard and home base for the Royal Navy. BAE Systems has brought shipbuilding back to the city and in 2006 HMS Clyde was the first ship launched here for 40 years. The council-owned commercial port also continues to thrive and serves more destinations on the continent with freight and passenger traffic than any other UK port.

Portsmouth has a population of 200,000 in an area of only 4,196 hectares, which makes it one of the most densely occupied cities in the country outside London.

Portsmouth offers a vibrant mix of entertainment facilities for residents and visitors alike. This ranges from theatres, restaurants, cinemas and concert venues to club premises, bars, nightclubs and pubs in various locations around the city. The provision of such facilities contributes much to the growth of the local economy for Portsmouth and offers an important role for employment within the city.

- 4.2 At the time of drafting this policy, one licensed sex shop is operating in the City but for many years there were two sex shops operating in different parts of the City.

5.0 Definitions

- 5.1 For the purposes of this policy, the following definitions will apply, provided that any subsequent amendments to the 1982 Act will also be taken into account:

5.2 Sex Shop¹

Any premises, vessel, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- a) Sex articles; or

¹ Paras 4(1) & (2), Schedule 3 of the 1982 Act

- b) 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.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

5.3 **Sex Article²**

Anything made for use in connection with, or for the purpose of stimulating or encouraging:

- i. Sexual activity; or
- ii. Acts of force or restraint which are associated with sexual activity; and anything to which the sub-paragraph below applies.

This sub-paragraph applies:

- a) To any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) To any recording of vision or sound, which
 - i. Is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii. Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

5.4 **Sex Cinema³**

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - i. Sexual activity; or
 - ii. Acts of force or restraint which are associated with sexual activity; or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

But does not include a dwelling-house to which the public is not admitted.

² Paras 4(3) & (4), Schedule 3 of the 1982 Act

³ Paras 3(1) & (2), Schedule 3 of the 1982 Act

No premises shall be treated as a sex cinema by reason only –

- a) If they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation.
- b) By their use for an exhibition to which section 6 of the Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the former Cinemas Act 1985.

5.5 Sexual Entertainment Venue⁴

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

Relevant entertainment is defined as:

Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).

In terms of considering what constitutes “relevant entertainment” each case shall be judged on its merits but the informal guidance produced by the Home Office suggests that the definition of relevant entertainment would apply to the following forms of entertainment as they are most commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

However, the above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should merely be used as an indicator for certain types of entertainment as ultimately decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

5.6 The following are **not** sexual entertainment venues for the purposes of this policy:

- Sex cinemas and sex shops;
- Premises which provide entertainment on an infrequent basis. These are defined as premises where:-
 - a) No relevant entertainment has been provided on more than 11 occasions within a 12 month period;

⁴ Paras 2A(1) &(2), Schedule 3 of the 1982 Act as amended by section 27 of the 2009 Act

- b) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) No such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State;
 - Private dwellings with no public admittance.

6.0 Mandatory Grounds for Refusal of an Application⁵

6.1 The 1982 Act sets out 5 mandatory grounds for refusing a sex establishment licence which are set out below:

That the applicant:

- a) Is under the age of 18;
- b) Is for the time being disqualified from holding a sex establishment licence;
- c) Is not a body corporate, and is not resident or has not been resident in an EEA state for six months preceding the date of the application;
- d) Is a body corporate which is not incorporated in an EEA state;
- e) Has, in the period of 12 months preceding the date of the application, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.0 Discretionary Grounds for Refusal of an Application⁶

7.1 The 1982 Act also sets out 4 discretionary grounds for refusing a sex establishment licence. The grounds are set out below and further expanded upon within this section of the policy:

- a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) If the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- c) The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

⁵ Para 12(1), Schedule 3 of the 1982 Act

⁶ Para 12(3), Schedule 3 of the 1982 Act

- d) The grant would be inappropriate, having regard –
- i. To the character of the relevant locality;
 - ii. To the use to which any premises in the vicinity are put;
 - iii. To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

7.2 a) Unsuitability of applicant

When considering the suitability or otherwise of an applicant, the Licensing Authority will have due regard to not only whether or not an applicant has been convicted of an offence but any other grounds which would call into question his/her suitability.

7.3 The Licensing Authority will wish to be satisfied that:

- The applicant is sufficiently trustworthy to run the sex establishment in accordance with the terms and conditions imposed on any licence granted, as well as the law;
- The welfare of the performers at the licensed premises will be protected;
- That the safety of the public attending the premises will be provided for; and
- The needs and rights of persons/businesses living or working in the area, and indeed the area itself, are recognised and respected.

7.4 In those cases where an applicant has been convicted of an offence, the Licensing Authority will consider, on individual merit, the nature and seriousness of the offence and the time which has elapsed since the date of conviction.

7.5 Applicants should be aware that certain offences will give rise to particular concerns and in particular will include:

- Sexual offences;
- Offences involving prostitution, drugs, dishonesty or violence; and
- Licensing offences.

7.6 In considering the overall suitability of an applicant to hold a licence, the following factors will be taken into account by the Licensing Authority:

- Honesty and integrity of the applicant;
- Relevant experience of running similar sex establishments;
- Understanding of the terms and conditions relating to sex establishments;
- Reliability to run the premises in accordance with the licence;
- Track record of compliance in relation to other premises and/or licensing regimes;
- Intention to manage the premises himself or to employ others in that role;
- Existence or otherwise of a management structure to demonstrate compliance with operating conditions incorporating such matters as:

- ✓ Managerial competence
- ✓ Presence

- ✓ Credible management structure, which will include employment of individuals who have sufficient experience in running such premises
- ✓ Internal enforcement of rules (including training, monitoring, publication of rates for performers and customers)
- ✓ Viable business plan
- ✓ Demonstrate ability to act in the best interests of performers
- ✓ Preparation and enforcement of a written welfare policy for performers
- ✓ Procedures in place to ensure performers are adults and entitled to live and work in UK
- ✓ Demonstrate measures to protect the public (such as transparent rate of charges and prevention of solicitation)

In all cases, the Licensing Authority will give serious consideration to the observations of the Chief Officer of Police in relation to concerns expressed about the suitability of an individual applicant, body corporate or an individual officer of a company.

7.7 **b) Unsuitable manager of the business or other beneficiary**

The Licensing Authority will need to be satisfied that the proposed premises and activities are not a device to facilitate illegal activity and that those persons in ultimate control of the sex establishment can demonstrate that they will operate the premises in such a manner so as to promote the objectives of the legislation.

7.8 **c) Number of sex establishments**

PCC recognises that the Act allows discretion by the Licensing Authority to impose a numerical control on the number of sex establishments in a particular locality (including the provision that nil may be an appropriate number) and that this control can apply to both the overall number of sex establishments and also the number of each kind.

7.9 In formulating this policy in relation to the number of sex establishments, the Licensing Authority has taken the following factors into account:

- Portsmouth's Local Strategic Partnership vision for the city where, in particular, we want to:
 - Develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all;
 - Make Portsmouth a city where everyone feels and is safe;
 - Make Portsmouth an attractive and sustainable city;
 - Deliver affordable, quality housing where people want to live;
 - Encourage and enable healthy choices for all and provide appropriate access to health care and support;
 - Enhance Portsmouth's reputation as a city of culture, energy and passion, offering access for all to arts, sports and leisure;

- Celebrate the many diverse and different communities within Portsmouth and work together to create an inclusive city for everyone;
 - Protect and support our more vulnerable residents by shaping public services to meet their needs.
-
- Location and residential density of housing in Portsmouth as shown on Map SELP1 (Page 19);
 - Location of facilities for children including schools, playgroups and children's centres throughout the city as shown on Map SELP2 (Page 20);
 - Location of places of worship throughout the city as shown on Map SELP3 (Page 21);
 - Location of premises attracting vulnerable people such as GP surgeries, health centres, hospitals, dentists as shown on Map SELP4 (Page 22);
 - Areas and premises attracting families such as leisure and sport facilities, play spaces, parks and open spaces including tourist attractions as shown on Map SELP5 (Page 23);
 - Location of areas associated with commerce, retail and commercial use as shown on Map SELP6 (Page 24);
 - Promotion of gender equality, particularly in relation to reducing the fear of crime among women and community attitudes to sex establishments;
 - The Portsmouth Regeneration Strategy;
 - Community Safety Strategy;
 - The Portsmouth Plan (Portsmouth's Core Strategy);
 - Southsea Seafront Strategy.

7.10 Given the various factors set out above, the Licensing Authority has reached the preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

7.10a Notwithstanding the provisions of paragraph 7.10 above (relating to the numerical control on the number of sex establishments in a particular locality), the presumption to refuse shall not apply to:

- The renewal, transfer or variation of an existing sex establishment licence; or
- The grant of a new sex establishment licence, whereby an application was made during the transitional period 1 November 2011 until 31 October 2012 to those premises that can demonstrate to the satisfaction of the Licensing Authority that

during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.

7.11 **d) Character of the relevant locality**

Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of what may or may not be an appropriate number of sex establishment licences within the locality.

In considering whether it is appropriate to grant a licence having regard to the character of the relevant locality, the Licensing Authority will take account of the following factors, together with such other factors as may be considered relevant in the individual circumstances of the case:

- The general character of the area (e.g. family residential, family leisure or educational area);
- The impact of the premises on the character of the area;
- The current use for night-time leisure activities including existing sufficient representation of sex-orientated uses;
- Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all);
- Raising the fear of crime in the locality should further sex-orientated uses be authorised;
- Effects upon regeneration and tourism in the area;
- Level of genuine demand (including the risk that excess supply would drive down standards and lead to problems associated with compliance with conditions.

7.12 **e) Use of premises in the vicinity**

Applications for sex establishment licences may be refused where the Licensing Authority considers that the grant of a licence would be inappropriate having regard to the use of other premises in the vicinity. Whilst the term “vicinity” is not defined in the 1982 Act, the Licensing Authority considers that “vicinity” will be a smaller area than “locality” as referred to in paragraph 7.8 above.

7.13 Applicants should be aware that the Licensing Authority may refuse a licence on this ground regardless of the character of a locality or indeed what may or may not be an appropriate number of sex establishment licences within it.

7.14 When considering the type of uses which may be deemed to be inappropriate, due regard will be given to the suitability of the proposed location of the premises and will take into account relevant factors including, but not limited to, the presence of what may be regarded as sensitive issues (e.g. dwellings, places of worship, schools, youth clubs, community centres, women’s refuges, libraries, parks or swimming pools)

7.15 Without prejudice to the above, applicants should also be aware that applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of:

- Places of worship;
- Swimming pools;
- Leisure centres;
- Parks;
- Youth centres;
- Historic buildings;
- Tourist attractions;
- Educational premises;
- Schools;
- Play areas;
- Nurseries;
- Children's centres;

Or any other similar premises.

7.16 Applicants are advised to consider the impact of their proposed application prior to considering whether or not they wish to operate a sex establishment business in an area and state in their application how they believe any potential impacts could be mitigated. The Licensing Authority reserves the right to take into account other issues or considerations that may arise at the application and consultation stage as well as during the licence period.

7.17 **Layout, character or condition**

When considering the issue of a licence in terms of its layout, character or condition, the Licensing Authority will give consideration to general factors such as:

- Provision of proper access for disabled people;
- Safe in terms of its structure and overall standards of maintenance for the building;
- Sufficient provision for surveillance and overall supervision;
- Standard of fit out of the premises;

While the Licensing Authority will not refuse a licence merely because the premises do not have planning permission for use as a sex establishment, the authority will take into account the absence of planning permission to the extent relevant to the statutory grounds for renewal.

8.0 **Application Process**

8.1 Application forms are available from the Licensing Service and are also available for download on the Council's website at:

<http://www.portsmouth.gov.uk/living/11752.html>

8.2 Upon receipt of an application for the grant, renewal, transfer or variation of a licence, the Licensing Authority will consult with the following bodies/individuals and will have regard to any observations received as a result:

- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- Head of Children’s Social Care and Safeguarding
- Head of Planning Services
- Ward Councillors

8.3 An application for the grant, renewal, transfer or variation of a licence must be formally advertised in two specific ways:

- a) Within 7 days after the date of application, the applicant must arrange for a public notice to be published in a local newspaper (The News – www.portsmouth.co.uk)
- b) Where the application is in respect of premises, the applicant must also display a notice of the application on or near the premises in question. The notice must be placed in such a position so that it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of the application.

8.4 The notice must include information relating to:

- Details of the premises to which the application relates;
- Details of the applicant;
- Type of sex establishment licence being applied for;
- Whether the application is for the grant, renewal, transfer or variation of a licence;
- Details of how persons may object; and
- Closing date for representations.

Templates for public notices are available from the Licensing Service or are available to download from PCC’s website at <http://www.portsmouth.gov.uk/living/11752.html>.

8.5 The applicant must also send a copy of the application to the Chief Officer of Police no later than 7 days after the date of application, unless the application is submitted electronically and in which case the Licensing Authority will serve notice on the Police.

8.6 The address details for the Police are as follows:

The Chief Officer of Police
Hampshire Constabulary
Portsmouth Licensing and Violent Reduction Unit
Community Safety Unit
Civic Offices
Guildhall Square
Portsmouth
PO1 2BY

Tel: 0845 045 4545
Direct Dial: 023 9268 8754
Fax: 023 9268 8513
Email: portsmouth.licensing@hampshire.pnn.police.uk

9.0 Consideration of an Application

- 9.1 The Licensing Authority will have regard to all information provided by an applicant in support of an application.
- 9.2 Any person wishing to object to an application must give notice of their objection in writing, stating the general terms of the objection no later than 28 days after the date of the application. Any person may object to an application. However objections must be relevant to the grounds set out in paragraph 12, Schedule 3 of the 1982 Act. Those grounds are set out in sections 6 and 7 of this policy. Objections based solely on moral grounds/values will not be considered.
- 9.3 The Licensing Authority will notify the applicant, in writing, of the general terms of any objection received within the 28 day period allowed for objections.
- 9.4 The 1982 Act protects the rights of objectors to remain anonymous. The Licensing Authority will not reveal names or addresses of any objector to the applicant without their consent. However, general information such as the objector lives within a certain distance of the premises in question will be released in order to give the applicant an opportunity to rebut any concerns so far as geographical vicinity or locality is concerned.

10.0 Determining an Application

- 10.1 All applications where objections have been received or where consultees have raised concerns will be referred to the Licensing Sub-Committee for determination at a hearing and all parties will be given the opportunity to put forward their case at the hearing.
- 10.2 The Licensing Authority will consider each application on its individual merits. Reasons for grant or refusal may vary depending upon whether the application relates to a sex shop, sex cinema or sexual entertainment venue.
- 10.3 The Licensing Sub-Committee will retire at the end of the hearing to make its decision on the facts of the case in private.
- 10.4 In most cases the Licensing Sub-Committee will deliver its decision and reasons at the end of the hearing. However, where it is considered proportionate and necessary to do so, the Licensing Sub-Committee may delay making a decision so as to allow for consideration of the respective cases put before it and so as to permit further time for a reasoned decision to be formulated. Any decision and reasons will be communicated, in writing, to the applicant and all other parties within 10 working days of the hearing.

11.0 Hearings

- 11.1 Hearings will be arranged as soon as reasonably practicable following the end of the consultation period. Applicants and other interested parties will be given at least 10 days notice of the proposed date for hearing and more where possible to do so.

- 11.2 All applicants will be given the opportunity to appear before and be heard by the Licensing Sub-Committee responsible for determining the application. Applicants will be entitled to be represented by a legal advisor or similar agent. Witnesses may be called with permission from the Chair of the Sub-Committee.
- 11.3 Persons objecting to applications will also be given the opportunity to appear at the hearing to discuss their objections.
- 11.4 The hearing will take place in public except where the public interest requires otherwise, although members of the public being disruptive will be required to leave the meeting.
- 11.5 All parties will be allowed an equal maximum period of time for the presentation of their case but it is expected that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

12.0 Appeals

- 12.1 A right of appeal exists for applicants in respect of the refusal of applications for the grant, renewal, transfer or variation of a sex establishment licence. A right of appeal is also available in relation to the imposition of conditions and revocation of licences.
- 12.2 However, appeals against mandatory refusals (see section 6 of this policy document) can only be lodged on the basis that the mandatory ground does not apply to the appellant.
- 12.3 Additionally, no appeal provisions exist in respect of refusals to grant or renew licences on the discretionary grounds of:
- The number of sex establishments in the relevant locality;
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put;
 - The layout, character or condition of the premises.
- 12.4 The time limit for lodging an appeal to the Magistrates' Court is 21 days beginning with the date of notification of the decision. The commencement time for the purposes of this section will be from when the applicant receives formal written notification of the decision and reasons.
- 12.5 The 1982 Act also provides for further appeal to the Crown Court.

13.0 Duration of Licences

- 13.1 Licences for sex establishments may be granted for a maximum period of one year but the Licensing Authority may grant a shorter period of time if it thinks fit.

14.0 Licence Conditions

14.1 The Licensing Authority will impose standard conditions that are relevant to all licensed sex establishments. These may include, but are not limited to:

- Opening and closing hours
- Displays and advertisements on or in sex establishments
- Visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another.

The Licensing Authority has made Regulations as to standard conditions which are set out at Appendix A to this policy. Such conditions will be imposed unless they are varied in an individual case. Any applicant for such variation must set out the variation requested in the application, together with reasons why the variation is sought and how it intends to achieve the objectives of the standard conditions if a variation is permitted.

14.2 The Licensing Authority may also specify other conditions specific to individual premises dependant 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.

15.0 Waiving of the need for a Sex Establishment Licence⁷

15.1 In certain circumstances the Licensing Authority may waive the need for a sex establishment licence. However, applicants should be aware that it is considered that the waiver system is not a substitute for the licensing regime but may be useful in certain borderline cases or where events are minor or temporary. Equally it may be an appropriate alternative solution where clarity or regularisation is considered necessary.

15.2 An application for a waiver can either be made as part of an application for a licence or on a separate basis. The Licensing Authority may grant a waiver if it considers that to require a licence would be unreasonable or inappropriate.

15.3 In those cases where a waiver is granted the Licensing Authority will confirm, in writing, to the applicant that such a waiver has been approved. The waiver can last for any such period that the Licensing Authority think fit but equally it can be terminated by the Authority at any time subject to a notice period of 28 days.

15.4 The Licensing Authority will consider such applications on an individual basis. However, the Licensing Authority considers that in normal cases, licences should be sought for licensable activities and waivers will be granted only in exceptional cases.

⁷ Para 7, Schedule 3 of the 1982 Act.

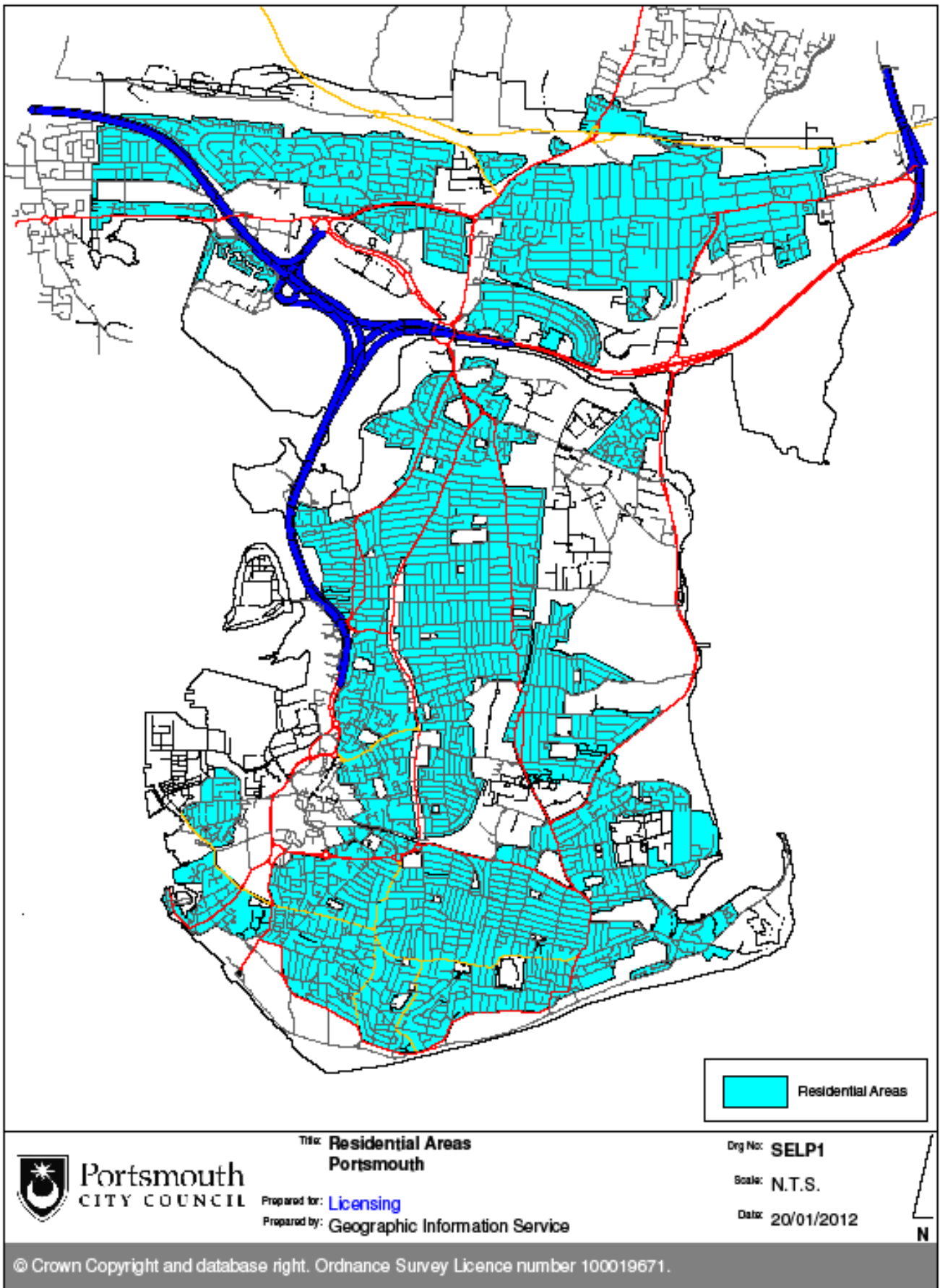
16.0 Exchange of Information

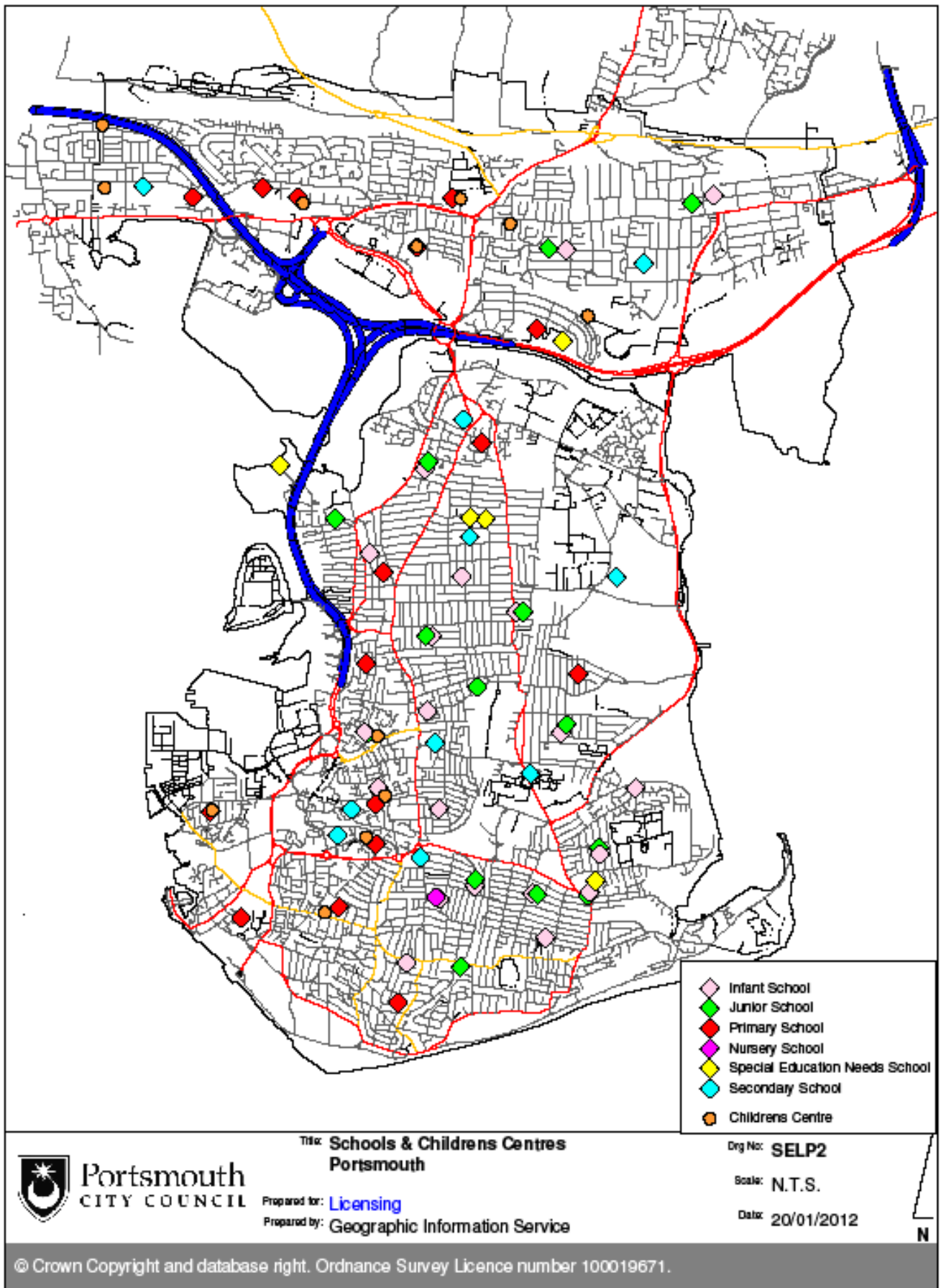
- 16.1 The Licensing Authority will process personal information in accordance with the Data Protection Act 1998. Personal details will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold about you. The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 16.2 The Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1988 to exchange data and information with the Police and other partners to fulfill its statutory objective of reducing crime in the area.

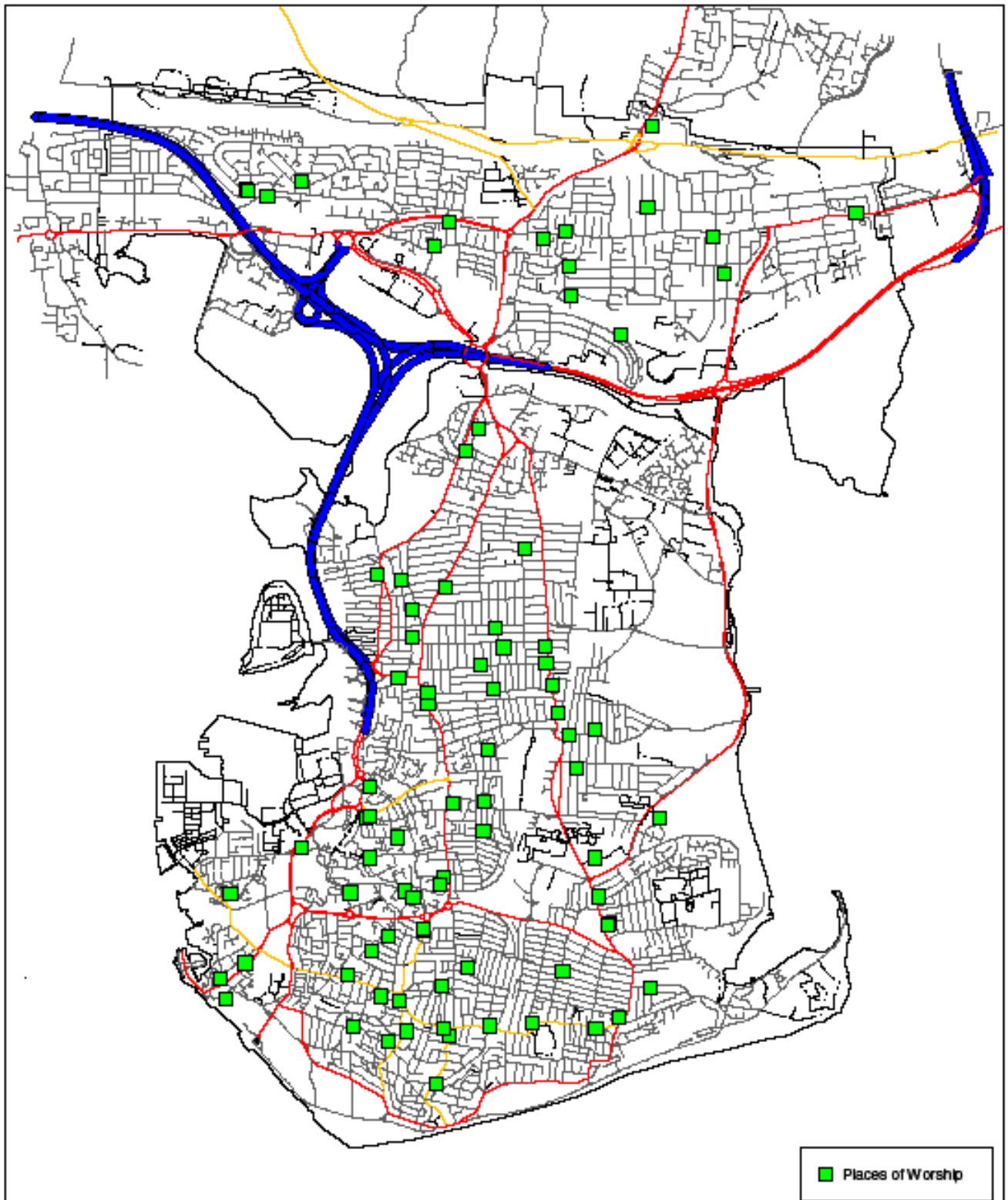
17.0 Enforcement

- 17.1 There are serious penalties for breaching the law relating to the control and supervision of sex establishment premises. Historically, PCC has taken robust action to prosecute individuals and businesses operating outside of the law and will maintain this stance in order to ensure protection of the public and to enforce this policy.

As a consequence, the Licensing Authority will establish protocols with other statutory agencies on enforcement issues. This is to enable the more effective deployment of staff who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aims of the protocol are to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.







Title: **Places of Worship
Portsmouth**

Prepared for: **Licensing**
Prepared by: **Geographic Information Service**

Org No: **SELP3**

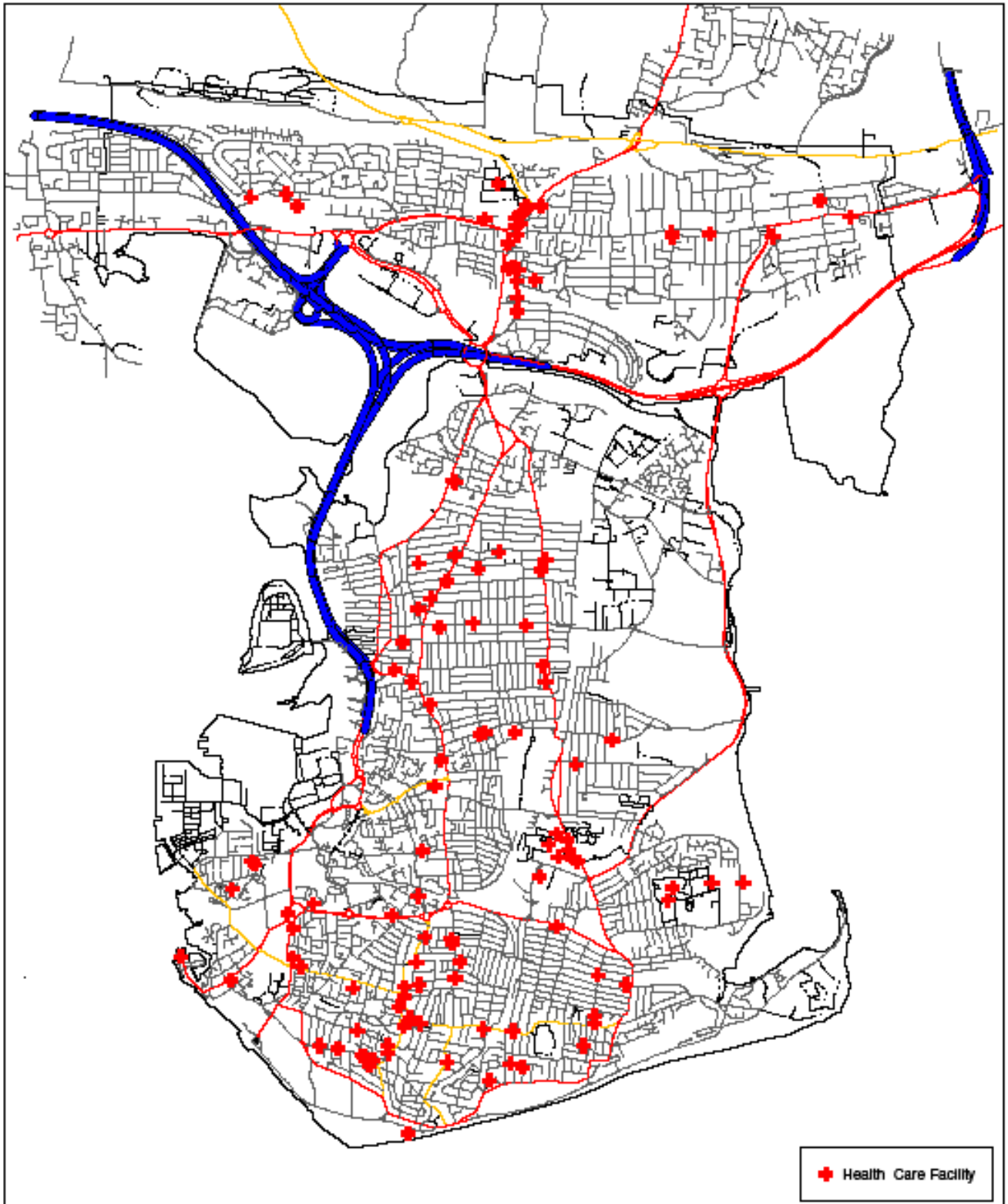
Scale: **N.T.S.**

Date: **20/01/2012**

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141002



Title: **Health Care Facilities
Portsmouth**

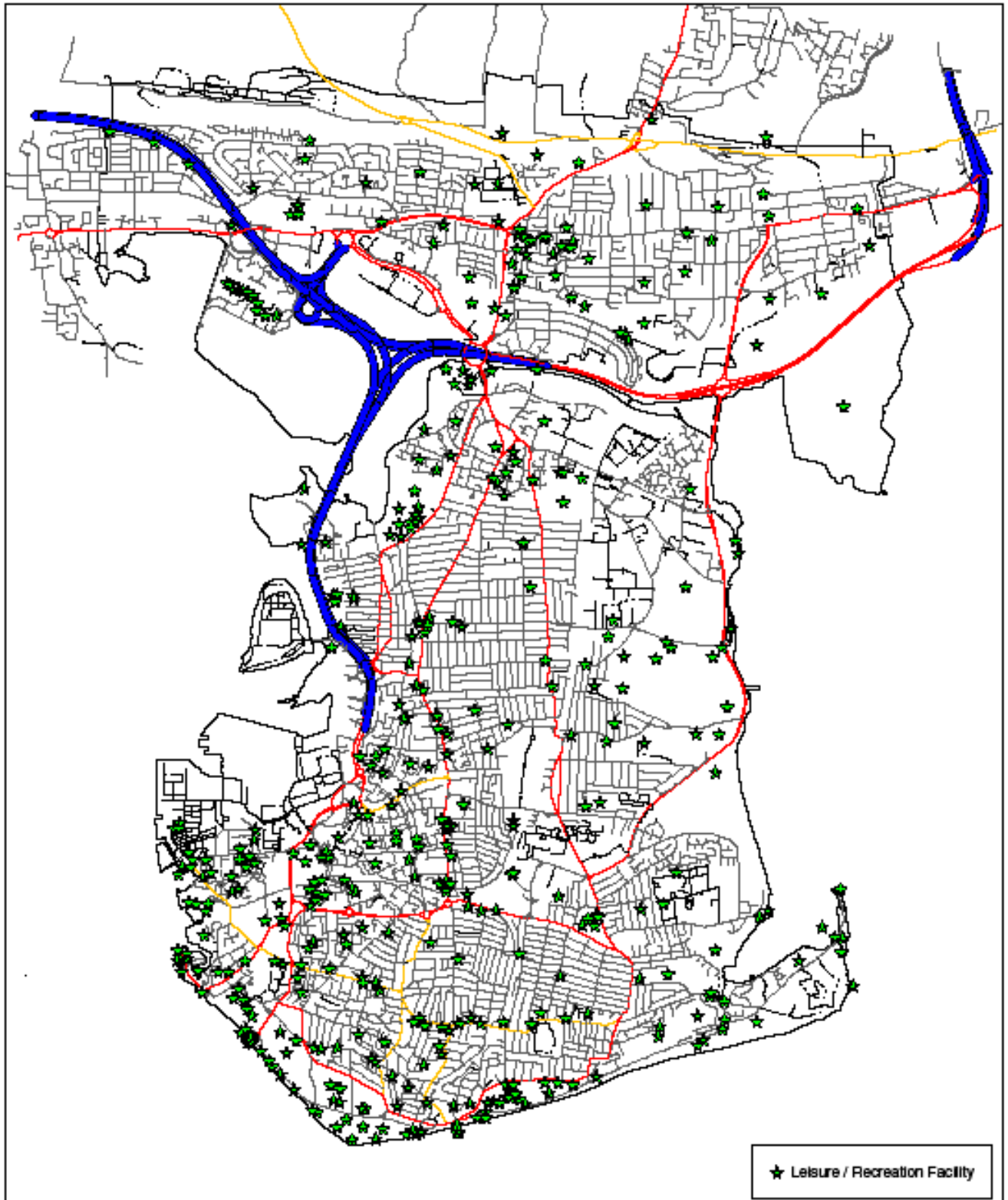
Prepared for: **Licensing**
Prepared by: **Geographic Information Service**

Org No: **SELP4**
Scale: **N.T.S.**
Date: **20/01/2012**



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141002



Title: **Leisure & Recreation Facilities
Portsmouth**

Prepared for: **Licensing**
Prepared by: **Geographic Information Service**

Org No: **SELP5**

Scale: **N.T.S.**

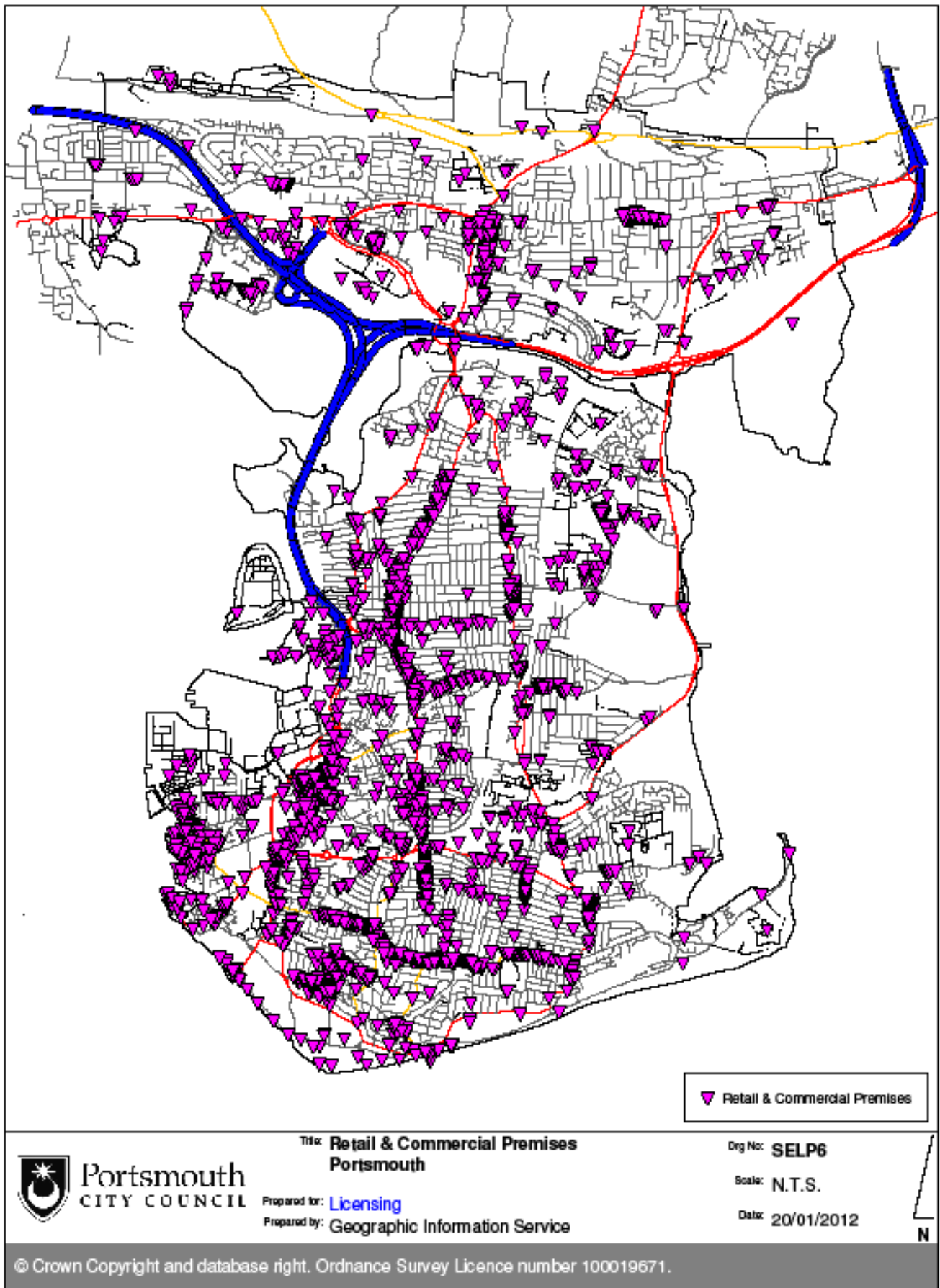
Date: **20/01/2012**

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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 Regulations⁸ 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.

⁸ Adopted by Portsmouth City Council, as Licensing Authority, following a resolution of the Licensing Committee on 23 October 2013.

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. 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

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

Premises Interior and Layout

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

11. 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.
12. 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.
13. 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.
14. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
15. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
16. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
17. 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.

CCTV

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

CCTV Access

25. 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.
26. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
27. An operator's manual will be available to assist in replaying and exporting data.
28. 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

29. 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.
30. The council may substitute, delete, vary or amend these conditions at any time.

Part Two – Additional Conditions for Premises Operating as Sex Shops

31. 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.
32. The names of any and every employee working on the premises shall be displayed in a conspicuous position on the premises.
33. 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

34. 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.

35. 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

36. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
37. 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.
38. 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.
39. 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

40. 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

41. Any external displays or advertising may only be displayed with the prior approval of the Council.
42. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
43. 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.
44. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
45. 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.
46. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

Control of Entry to the Premises

47. 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:

48. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idivista or similar computerised system.
49. 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.
50. 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.
51. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
52. A policy of random searches of persons entering the premises shall be operated.
53. 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.
54. 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.
55. 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

56. 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.
57. 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.
58. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.

59. 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.
60. 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.
61. 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

62. 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.
63. The code shall include the basic criteria as set out in Appendix C to this policy.
64. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
65. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
66. 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.
67. 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.
68. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
69. 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

70. 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.
71. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
72. 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

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

Record Keeping and Management

80. 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.
81. 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.
82. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
83. 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.
84. 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

85. 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

86. 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).
87. 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.
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. 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)

94. 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

95. 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

96. 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
97. 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.
98. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.
99. 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.
100. 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.
101. The incident log shall be made available for inspection to the Police or authorised council officers upon request.

General

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

Sexual Entertainment Venues – Code of Conduct for Dancers

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

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

Sexual Entertainment Venues – Code of Conduct for Customers

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

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

Telephone: 023 9283 4604

Email: Licensing@portsmouthcc.gov.uk

Address: Licensing Service, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, Hants, PO1 2AL.

www.portsmouth.gov.uk

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Rec'd 27/4/12



Portsmouth
CITY COUNCIL

Reference No.

1 2 1 0 3 4 2 5 1 S E X E S T

Application for the grant, renewal or transfer of a Sex Establishment Licence pursuant to: Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

PLEASE READ THE FOLLOWING NOTES FIRST

1. All questions must be answered except where otherwise stated. If relevant questions are not answered, the application will be deemed inappropriate and returned to the Applicant.
2. Any person who, in connection with an application for the grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.
3. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to: **Licensing Service, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL.** Telephone: 023 9283 4604 Fax: 023 9283 4811
Email: Licensing@portsmouthcc.gov.uk DX No: 2244 Portsmouth

Part 1 – THE APPLICANT

please tick ✓

Q1. Is the applicant:		
a) An individual		
b) A company or other corporate body		/
c) A partnership or other unincorporated body		
If the applicant is an individual, answer question 2. If the applicant is a company or other corporate body, answer questions 3 and 4. If the applicant is a partnership or other incorporated body, answer question 5.		
Q2. Answer only where the applicant is an individual:		
Full name of Applicant:		
Has the Applicant ever been known by a different name: (If "Yes" please provide the Applicant's former name below)	Yes	No

Former name of Applicant			
PLEASE GO TO QUESTION 5			
Q3. Answer only where the Applicant is a company or other corporate body:			
Name of Applicant:		WELLHOT LIMITED	
Where is the Applicant registered:		OJS IND PARK CLAYBANK ROAD, PORTSMOUTH, PO3 5SX	
Registered number of Applicant:		2362993	
Has the applicant previously been known by any other name and if so provide name below:			
Has the Applicant:			
		<i>please tick</i> ✓	
Been convicted of a criminal offence?		Yes	No /
Been refused the grant or renewal of a sex establishment licence?			/
Had a sex establishment licence revoked?			/
Been served with a winding up petition?			/
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.			
Names of the Applicant's Directors:			
Name:	JASPAL SINGH OJLA RASHWINDER KAUR OJLA	Position:	MANAGING DIRECTOR DIRECTOR
Are there persons responsible for the management of the Applicant other than the Directors?:		Yes	No /
If yes, please provide details of their names:			
Please provide below the names of all persons with a shareholding greater than 10% in the Applicant: J.S.OJLA AND R.K.OJLA AS ABOVE			

Is the Applicant a wholly owned subsidiary of another company or corporate body?	Yes	No /
If yes, please provide below the name, place of registration and details of its Directors?		
Name:		
Place of Registration:		
Directors:		
PLEASE GO TO QUESTION 5		
Q4. Answer only where the Applicant is a partnership or other unincorporated body:		
Name of Applicant:		
Names of Applicant's partners:		
Are there persons responsible for the management of the Applicant other than the partners?	Yes	No
If yes, please provide details of their names:		
Has the Applicant ever been refused the grant or renewal of a sex establishment licence:	Yes	No
Has the Applicant ever had a sex establishment licence revoked?		
If the answer to any of the above questions is Yes, please provide full details on a separate sheet of paper.		
PLEASE GO TO QUESTION 5.		
Q5. Does the Applicant have a trading name different from that given in answer to questions, 2, 3 or 4 above? If so, please state the trading name below:		
ELEGANCE		

Q6. What is the Applicant's trading address:

**1 GRANADA ROAD, SOUTHSEA
PORTSMOUTH**

Post Code:

PO4 0RD

Daytime Contact Number:

[REDACTED]

Email address:

[REDACTED]

Q7. Will the business for which a licence is required be carried on for the benefit of a person other than the applicant:

If yes, please provide below the name of such person(s). If such person(s) are a company or other corporate body, state their place of registration and registered number, and the identity of all Directors, the Company Secretary and those with a shareholding greater than 10%.

Yes

No

/

Q8. Does the Applicant operate any other sex establishments, whether licensed or not? If so please state the name, address and type of sex establishment (e.g. sex shop, sexual entertainment venue or sex cinema).

Wiggle 159, Old Christchurch road, Bournemouth bh1 1js. Sexual entertainment venue

Wiggle 1- 3 Surrey Street, Portsmouth, PO1 1JT. Sexual entertainment venue

Q9. For each of the individuals named in the answers to questions 2, 3, 4, 7 and 8, please confirm that the form at Appendix A to this application form has been completed and submitted as part of this application.	Yes /	No
--	-----------------	-----------

Part 2 – THE PREMISES, VEHICLE, VESSEL OR STALL

please tick ✓

Q10. Is this application in respect of:

a) Premises	/
b) Vehicle	
c) Vessel	
d) Stall	

Q11. If the application relates to a vehicle, vessel or stall, where is it proposed to be used:

Q12. If the application relates to a premises, please provide the full address of the premises for which a licence is required:

**1 GRANADA ROAD
SOUTHSEA**

Post Town:	PORTSMOUTH	Post Code:	PO1 1JT
------------	------------	------------	---------

Q13. Is the whole of the premises to be used as a sex establishment:	Yes	No /
---	------------	----------------


If not, please state below:

- the use of the remainder of the premises; and
- the names of those who are responsible for managing the remainder of the premises.

THE REAR PART OF THE BUILDING ONLY IS TO BE USED AS AN SEV. THE AREA IS CLEARLY MARKED ON THE PLAN

Q14a. State the nature of the Applicant's interest in the premises, vehicle, vessel or

stall, e.g. owner, lessee, sub-lessee:		
OWNED BY THE DIRECTORS J.S OJLA AND R.K.OJLA LEASED TO WELLHOT LTD		
Q14b. If the Applicant is a lessee or sub-lessee, state:		
(i)	The name and address of the landlord:	
	J.S.OJLA AND R.K.OJLA <div style="background-color: black; width: 200px; height: 40px; margin-top: 5px;"></div>	
(ii)	The name and address of the superior landlord (if any):	
(iii)	The amount of the annual rental:	NIL
(iv)	The length of the unexpired term:	NA
(v)	The length of notice required to terminate the tenancy:	NA
Q15a. State the current use of the premises:		
NIGHTCLUB AND LAP DANCE CLUB		
Q15b. Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?:		Yes
		No
Q15c. If so, state the date of the planning permission:		Has been used as such since 2000
Q15d. If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details:		
Has been licenced under 2003 act		
Q16a. Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?:		Yes
		No

Q16b. Please provide full details including the name of any Designated Premises Supervisor :		
LICENCE NO. 218 D.P.S JASPAL SINGH OJLA 		
Q16c. Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?:	Yes /	No
Q16d. Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details below:	Yes /	No
ALCOHOL AND ENTERTAINMENT AS EXISTING LICENCE		
Q17a. Is each customer access to the premises, vehicle, vessel or stall:		
• Directly from the street or a public thoroughfare?		/
• From other premises?		
If from other premises, please provide full details below:		
Q17b. Is each customer access from the street to be supervised at all times the premises are open to the public?:	Yes /	No
If the answer is No, give full details of proposed door control and supervision:		
Q17c. State whether all door supervisors are to be licensed with	Yes	No

the SIA:	/	
Q18. Are the premises, vehicle, vessel or stall constructed or adapted so as to permit access to, from and within the premises (including WC facilities) for disabled members of the public?	Yes /	No
If the answer is No, please state the Applicant's proposals for affording such access?		
Q19. Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application?:	Yes /	No
If the answer is yes, please state the name and address of the person or body now operating the business:		
WELLHOT LIMITED		

Part 3 – THE BUSINESS

Q20. Under what name will the business be known?:	
ELEGANCE	
Q21. Is the application in respect of:	
<ul style="list-style-type: none"> • A sex shop 	
<ul style="list-style-type: none"> • A sex cinema 	
<ul style="list-style-type: none"> • A sexual entertainment venue 	/
Q22. Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example:	
<ul style="list-style-type: none"> • a management agreement; • partnership agreement; • profit share arrangement. 	
If so, please provide full details together with a copy of any such agreement?:	
NO	

Q23. Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements:

NONE

Q24. Is the business required to purchase merchandise from a particular person or body? If so provide full details.

NO

Part 4 – MANAGEMENT OF THE BUSINESS

Q25a. State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall (“the Manager”):

ABDOU SCATTRED

Q25b. Will the Manager be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole and exclusive occupation?:

Yes
/

No

Q25c. State which person(s) will be responsible for the day to day management of the business in the absence of the Manager (“the Relief Manager”)?:

JASPAL SINGH OJLA

Q25d. Will the Relief Manager(s) or one of them be based at the premises full-time in the absence of the Manager?:

Yes
/

No

Q25e. In respect of the Manager and Relief Manager(s), please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

Yes
/

No

Q26. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.

Please give details of the days and times during which it is proposed that the business will be open.

MON – SUN 10PM – 4AM

Q27. Please state the proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used. (please note that a colour photo/ plan of the exterior showing such signage and advertising is required to be submitted with this application):

PHOTOGRAPHS ARE INCLUDED OF THE SIGNAGE AS EXISTING

Q28a. What means are to be taken to prevent the interior of the premises being visible to passers-by?:

ALL WINDOWS ARE BLOCKED UP

Q29b. What, if any, window displays are to be exhibited? Please indicate the size and nature of any intended display:

NONE

Q30. State what age restrictions are to be applied in respect of admissions and how are these to be enforced?: (Please state as part of your answer what forms of ID will be accepted and whether it is proposed to use electronic systems. For sex shops, please provide details of arrangements for preventing proxy sales)

OVER 18 ONLY. WE HAVE A CHECK I.D FOR ALL PERSONS THAT LOOK UNDER 21 POLICY. ONLY PHOTO I.D. IS ACCEPTED.

Q31. Please state the arrangements for CCTV at the premises and for the retention of

recordings: (Please state as part of your answer whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded)

WE HAVE EXISTING CCTV WHICH IS RECORDED AND KEPT FOR 28 DAYS.

Q32. ANSWER THIS QUESTION ONLY WHERE THE APPLICATION RELATES TO A SEXUAL ENTERTAINMENT VENUE.

Q32a. Is the proposal to allow full nudity at the premises?

YES

NO

/

Q32b. Provide full details of the nature of the entertainment intended to be provided, e.g. lap-dancing, pole dancing, stage strip-tease:

LAP DANCING, POLE DANCING AND STAGE SHOWS

Q32c. Please state what, if any, separation between performers and audience is proposed. E.g. performers on stage; 1 metre; no contact; or full contact:

THERE IS NO CONTACT

Q32d. Is it intended to provide private booths or areas?

Yes

No

/

If yes, please provide full details including proposals for supervision of such areas:

WE HAVE CCTV, SIA SECURITY, AND STAFF TO MONITOR THE AREA

Q33. THIS QUESTION NEED NOT BE ANSWERED IN RESPECT OF RENEWAL APPLICATIONS.

Q33a. Please state the proposals for preventing nuisance to residents and businesses in the vicinity:

WE HAVE CCTV AND SIA STEWARDS ON THE FRONT OF THE BUILDING. ANYONE FROM OUR PREMISES THAT MISBEHAVE ARE BARRED. OUR CUSTOMERS ARRIVE AND LEAVE IN SMALL GROUPS SO DON'T MAKE A LOT OF NOISE.

Q33b. Please state the proposals for promoting public safety:

WE HAVE CCTV, SIA STEWARDS, FULL HEALTH AND SAFETY POLICIES, FIRE SAFETY POLICIES AND FULL STAFF TRAINING. ALL LEGAL OBLIGATIONS ARE ADHERED TO.

Q33c. Please state the proposals for preventing crime or disorder:

CCTV AND SIA DOOR STEWARDS

Q33d. Please state the proposals for protecting children from harm:

CHILDREN ARE NOT ALLOWED WHEN THE PREMISES ARE OPEN

Q33e. Please state the Applicant's systems for checking the age and right to work in the UK for all staff and dancers/performers.

FULL APPLICATION RECORDS ARE KEPT INCLUDING A PHOTOGRAPH. PHOTO ID IS COPIED AND KEPT, NATIONAL INSURANCE NO. IS KEPT AND AVAILABLE TO ANY AUTHORISED PERSON.

Q33f. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for training all staff in the Code of Practice for performers and for monitoring and enforcing compliance: (Please note that the Code of Practice must be attached to this form)

All staff are given a copy of our rules and regulations. Once they have read them they have to sign a contract to that effect. All performers are monitored by our staff and management.

Q33g. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the

system for notifying customers of the Rules for Customers and for monitoring and enforcing compliance: *(Please note that the Rules for Customers must be attached to this form)*

The rules are clearly written and posted in the reception area and in various locations inside the premises. The dancers also verbally tell the customers.

Q33h. IN RESPECT OF SEXUAL ENTERTAINMENT VENUES ONLY, please set out the system for monitoring compliance with the venue's Policy for Welfare of Performers. *(Please note that the Policy for Welfare of Performers must be attached to this form)*

Any performer can go to management with any concerns. A record of that is kept and action taken to resolve it.

Q34. Set out any further information which you wish the Licensing Authority to take into account: *(Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the Authority's Sex Establishment Licensing Policy)*.

Q35. Is there any information on this form which you do not wish to be seen by members of the public? If so, please state which particular information you wish to remain private and provide reasons why you do not wish it to be seen.

Part 5 – APPLICANT CONTACT DETAILS

PLEASE GIVE THE CONTACT DETAILS WHICH YOU WOULD LIKE TO BE USED FOR THE PURPOSES OF THIS APPLICATION.

Name:	JASPAL SINGH OJLA
Organisation:	WELLHOT LIMITED
Address:	OJS IND. PARK CLAYBANK ROAD PORTSMOUTH PO3 5SX
Telephone Number:	██████████
Mobile Number:	██████████
Fax Number:	██████████
Email Address:	██

Part 6 – SIGNATURE AND DECLARATION

The following declaration must be signed in all cases:

- If the Applicant is an individual, by that individual;
- If the Applicant is a partnership, by all individuals who are partners;
- If the Applicant is a company, by a director;
- In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application cease to be correct, or if there are any changes in the information provided as part of the application between the date the application is submitted and the date it is determined, the Applicant **MUST** advise the Licensing Authority immediately. **FAILURE TO DO SO MAY RESULT IN ANY LICENCE ISSUED BEING REVOKED.**

I/We certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name:	JASPAL SINGH OJLA
Position in Organisation:	MANAGING DIRECTOR



Signature:		Date:	
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ANNEX A

Part 7 – INFORMATION ON INDIVIDUALS

Name:	JASPAL SINGH OJLA		
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)	DIRECTOR		
Date of Birth:	[REDACTED]		
Gender:		Male /	Female
Permanent Residential Address:	[REDACTED]		

If resident at this address for less than 3 years, state previous address:			
Have you been resident in the UK for more than six months prior to the date of the application?:		Yes /	No
Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.		Yes	No /
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence		Yes	No /
Licence for the sale or supply of alcohol		Yes	No /
Licence for the provision of entertainment, whether sexual or otherwise		Yes	No /
Personal Licence under the Licensing Act 2003		Yes	No /
If so, please provide full details:			
Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:		Yes	No /
If so, please provide the following details:			
Date:	Convicting Court:	Offence:	Penalty Imposed:

To your knowledge, are you currently the subject of any criminal investigation?:		Yes	No /
If so, please provide full details:			
Have you ever had any civil legal action taken against you?		Yes	No /
If so, please provide full details:			
Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:		Yes	No /
If so, please provide full details:			
Have you ever been disqualified from acting as a company director?:		Yes	No /
If so, please provide full details:			
Is there any other information which you believe the Licensing		Yes	No

Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the information you have supplied?:		
If so, please provide full details:		
Is there any information in this Annex which you do not wish to be seen by members of the public?:	Yes	No /
If so, please state which information and the reasons why you do not wish it to be seen.		
I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.		
Signed:		Dated:



Portsmouth
CITY COUNCIL

ANNEX B

Part 8 – DOCUMENTS TO BE SUPPLIED WITH THIS APPLICATION

Site Scale Plan (1:1250).	Yes /	No
Drawings showing the front elevation as existing.	Yes	No
Drawings showing the front elevation as proposed (including proposed signage, advertising and window display.	Yes /	No
Scale Layout Plan of Premises. (Note the requirements of the layout plan are set out below).	Yes /	No
Planning Permission.	Yes	No
Certificate of Lawful Use or Development.	Yes	No

If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.	Yes	No
If the Applicant is a partnership, a certified copy of the Partnership Deed.	Yes	No
A copy of any other licences for the premises, vehicle, vessel or stall.	Yes /	No
Code of Practice for Performers.	Yes /	No
Rules for Customers.	Yes /	No
Policy for Welfare of Performers.	Yes /	No

Part 9 – REQUIREMENTS FOR LAYOUT PLAN

The Layout plan must show:
1. The layout of the premises including, stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the premises, e.g. performance areas, reception
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises include a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the premises.
16. The location of emergency exits.

Part 10 – DOCUMENTS EVIDENCING PUBLIC NOTICE AND SERVICE

Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application.	Yes	No /
Copy of notice of application displayed on or near the premises.	Yes /	No
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3, paragraph 10(10) of the Local Government (Miscellaneous Provisions) Act 1982.	Yes /	No

Evidence of service of this application form and all enclosures upon the Chief Officer of Police within 7 days after the date of this application.	Yes	No /
<p><u>Contact Details for the Police:</u></p> <p>Hampshire Constabulary Licensing Unit Southsea Police Station 259 Highland Road Southsea Portsmouth Hants PO4 9EX</p> <p>Email: Portsmouth.licensing@hampshire.pnn.police.uk Tel: 0845 045 4545 Direct Dial: 023 9289 9080 Fax: 023 9289 3285</p>		
<p>NOTE: WHEN THE APPLICATION IS MADE ELECTRONICALLY, INCLUDING ALL ENCLOSURES, THE LICENSING AUTHORITY WILL SERVE THE CHIEF OFFICER OF POLICE.</p>		



Part 7 – INFORMATION ON INDIVIDUALS

Name:		ABDOU SCATTREN	
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)		MANAGER	
Date of Birth:		[REDACTED]	
Gender:		Male <input checked="" type="checkbox"/>	Female <input type="checkbox"/>
Permanent Residential Address:		[REDACTED]	
If resident at this address for less than 3 years, state previous address:		[REDACTED]	
Have you been resident in the UK for more than six months prior to the date of the application?:		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licence for the sale or supply of alcohol		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licence for the provision of entertainment, whether sexual or otherwise		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Personal Licence under the Licensing Act 2003		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If so, please provide full details:

Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:

Yes

No



If so, please provide the following details:

Date:

Convicting Court:

Offence:

Penalty Imposed:

To your knowledge, are you currently the subject of any criminal investigation?:

Yes

No



If so, please provide full details:

Have you ever had any civil legal action taken against you?

Yes

No



If so, please provide full details:

Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:

Yes

No



If so, please provide full details:

Have you ever been disqualified from acting as a company director?:

Yes

No

If so, please provide full details:

Is there any other information which you believe the Licensing Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the information you have supplied?:

Yes

No

If so, please provide full details:

Is there any information in this Annex which you do not wish to be seen by members of the public?:

Yes

No

If so, please state which information and the reasons why you do not wish it to be seen.

I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.

Signed:

[Redacted Signature]

Dated:

- If the Applicant is a partnership, by all individuals who are partners;
- If the Applicant is a company, by a director;
- In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application cease to be correct, or if there are any changes in the information provided as part of the application between the date the application is submitted and the date it is determined, the Applicant MUST advise the Licensing Authority immediately. FAILURE TO DO SO MAY RESULT IN ANY LICENCE ISSUED BEING REVOKED.

I/We certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name:	
Position in Organisation:	



Portsmouth
CITY COUNCIL

Signature:		Date:	
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ANNEX A

Part 7 – INFORMATION ON INDIVIDUALS

Name:	JASPAL SINGH OJLA		
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)	DIRECTOR		
Date of Birth:	[REDACTED]		
Gender:		Male /	Female
Permanent Residential Address:	[REDACTED]		

If resident at this address for less than 3 years, state previous address:			
Have you been resident in the UK for more than six months prior to the date of the application?:		Yes /	No
Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.		Yes	No /
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence		Yes	No /
Licence for the sale or supply of alcohol		Yes	No /
Licence for the provision of entertainment, whether sexual or otherwise		Yes	No /
Personal Licence under the Licensing Act 2003		Yes	No /
If so, please provide full details:			
Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:		Yes	No /
If so, please provide the following details:			
Date:	Convicting Court:	Offence:	Penalty Imposed:

To your knowledge, are you currently the subject of any criminal investigation?:		Yes	No /
If so, please provide full details:			
Have you ever had any civil legal action taken against you?		Yes	No /
If so, please provide full details:			
Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:		Yes	No /
If so, please provide full details:			
Have you ever been disqualified from acting as a company director?:		Yes	No /
If so, please provide full details:			
Is there any other information which you believe the Licensing Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the		Yes	No ✓

information you have supplied?:		
If so, please provide full details:		
's there any information in this Annex which you do not wish to be seen by members of the public?:	Yes	No /
If so, please state which information and the reasons why you do not wish it to be seen.		
I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.		
Signed:		Dated: 24.4.12



ANNEX E

Part 8 – DOCUMENTS TO BE SUPPLIED WITH THIS APPLICATION

Site Scale Plan (1:1250).	Yes	No
Drawings showing the front elevation as existing.	Yes	No
Drawings showing the front elevation as proposed (including proposed signage, advertising and window display).	Yes	No
Scale Layout Plan of Premises. (Note the requirements of the layout plan are set out below).	Yes	No
Planning Permission.	Yes	No
Certificate of Lawful Use or Development.	Yes	No
If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.	Yes	No



Part 7 – INFORMATION ON INDIVIDUALS

Name:	RASHWINDER KAUR OJLA		
Former Name (if any):			
Position in relation to Applicant: (e.g. Director, Partner, Manager)	DIRECTOR		
Date of Birth:	[REDACTED]		
Gender:	Male	Female ✓	
Permanent Residential Address:	[REDACTED]		
If resident at this address for less than 3 years, state previous address:			
Have you been resident in the UK for more than six months prior to the date of the application?:	Yes ✓	No	
Have you ever been disqualified from holding a sex establishment licence under Schedule 3, paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982. If yes, give full details.	Yes	No ✓	
Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?			
Sex establishment licence	Yes	No ✓	
Licence for the sale or supply of alcohol	Yes	No ✓	
Licence for the provision of entertainment, whether sexual or otherwise	Yes	No ✓	
Personal Licence under the Licensing Act 2003	Yes	No ✓	

If so, please provide full details:

Have you ever been convicted of a criminal offence, whether in the UK or elsewhere?:

Yes

No

✓

If so, please provide the following details:

Date:

Convicting Court:

Offence:

Penalty Imposed:

To your knowledge, are you currently the subject of any criminal investigation?:

Yes

No

✓

If so, please provide full details:

Have you ever had any civil legal action taken against you?

Yes

No

✓


If so, please provide full details:

Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?:

Yes

No

✓

If so, please provide full details:		
Have you ever been disqualified from acting as a company director?:	Yes	No ✓
If so, please provide full details:		
Is there any other information which you believe the Licensing Authority would reasonably need to know or you would like the Licensing Authority to take into account when considering the information you have supplied?:	Yes	No ✓
If so, please provide full details:		
Is there any information in this Annex which you do not wish to be seen by members of the public?:	Yes	No ✓
If so, please state which information and the reasons why you do not wish it to be seen.		
I DECLARE THAT THE INFORMATION PROVIDED IN THIS ANNEX IS TRUE AND COMPLETE.		
Signed:		Dated: 24-4-12

CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

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.

We thank you in advance for your cooperation in this matter and hope you enjoy your visit.

The Staff @ Wiggle & Elegance

PERFORMERS CODE OF CONDUCT.

When performing as a dancer at Wiggle & Elegance you will be expected to obey the Following rules. If you fail to do so, your contract may be terminated and payment withheld.

Before you start your performance you must:

- Provide documentary evidence of your age by way of passport or driving licence with photograph and entitlement to work in the country.
- Confirm that you have not been convicted of any offence of or related to prostitution or drugs.
- You will obey rules set by Wiggle & Elegance for your safety or that of customers.
- You will familiarise yourself with the Company's policies for health and safety, emergency procedures security and drug awareness copies of which will be displayed in the dressing rooms. You will observe and perform and comply with all conditions and restrictions set out in the Public Entertainment Licence or Premises Licence granted by the Local Council a copy of which will be provided for your use and in particular:
 - a) Always maintain a good appearance and be polite and courteous to customers and staff.
 - b) There shall be no intentional physical contact between dancers 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.
 - c) Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
 - d) There shall be no photography permitted by customers on the premises.
 - e) Customers must remain seated for the duration of a performance.
 - f) Dancers shall not perform if under the influence of alcohol or drugs.
 - g) Dancers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - h) The performer may not simulate any sexual act during a performance.
 - i) You will not arrange to meet any customers either inside or outside the premises.
 - j) You will not make any arrangement with any of the customers.
 - k) Dance routines must not breach the conditions of the premises licence.
 - l) Dancers must not touch the breasts or genitalia of another performer, at any time even as part of a performance.
 - m) There shall be no nudity by dancers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment
 - n) 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.
 - o) Dancers must fully dress (i.e. no nudity) at the end of each performance.
 - p) Partners, spouses, girlfriends, boyfriends are not allowed in the club whilst the dancers and dancers are working.
 - q) You must not distribute cards or notes or any other material (physical or electronic) bearing personal information about yourself to any customers.
- You agree to random locker search procedures the frequency of which will be determined by Wiggle & Elegance management. These searches are designed to keep this establishment a drug free environment.

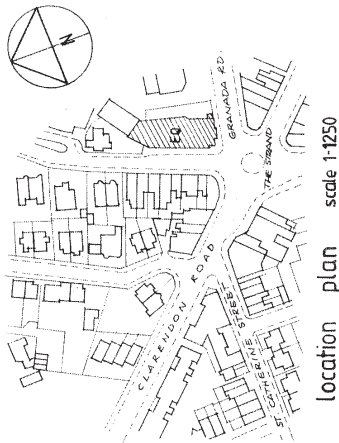
Any breach of the above will lead to the immediate termination of this agreement and your immediate expulsion.

STAFF WELFARE POLICY

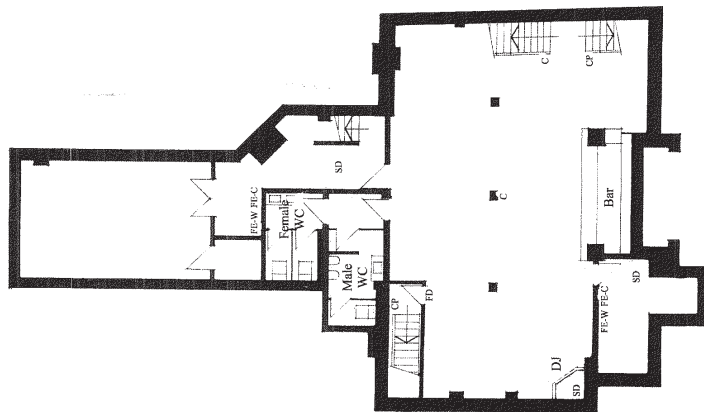
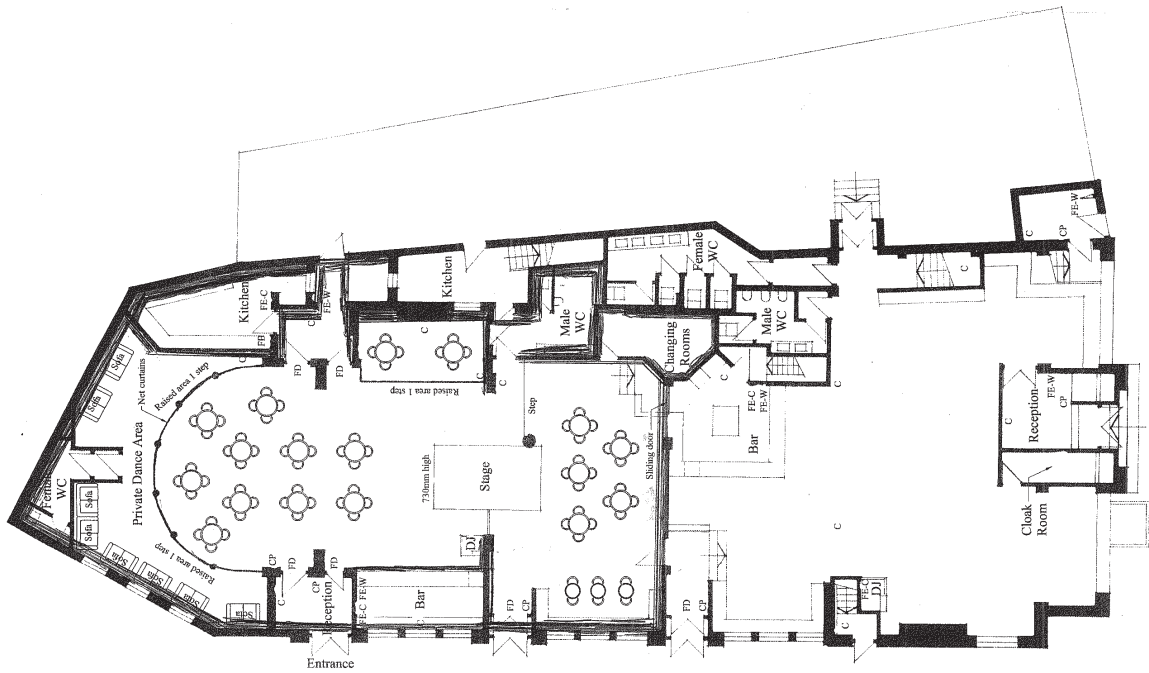
At Wiggle & Elegance we take the welfare of our staff seriously. Below is a summary of some of the facilities provided for our staff:

1. Staff are provided with access to soft drinks throughout the night.
2. Dancers are escorted to their vehicles at the end of their shifts.
3. Door Supervisors are present both at the door & inside the building for the safety of both staff and customers.
4. CCTV is in use for the protection of both staff & customers.
5. Secure, lockable changing rooms are provided for the Performers.

If you have any concerns please do not hesitate to contact the Manager.



Key	
Fire Raiser	B
Smoke Detector	SD
Fire Alarm Light	AL
Fire Door	FD
CCTV Camera	C
Call Point Fire Alarm	CP
Fire Extinguisher - Water	FE-W
Fire Extinguisher - CO2	FE-C
Fire Blanket	FB



Rev.	PRELIMINARY ISSUE	Description	Date	D.N.	Drawn	B.D.	Reviewed
A			25.04.12				



Client: MR. P. OJLA

Project: E.Q. COMPLEX
LOUNGE, ELEGANCE & THEME
GRANADA ROAD, SOUTHSEA

Disc Title: LICENSING PLANS

Scale:	AS SHOWN	Drawn:	D.N.	Reviewed:	B.D.
Status:	PRELIMINARY	Date:	APR 12		
Disc No:	100	Rev:	A		



STAFF WELFARE POLICY

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If you have any concerns please do not hesitate to contact the Manager.

Wiggle & Elegance Staff Handbook

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ALL LADIES & GUESTS MUST ADHERE TO THE FOLLOWING RULES AT ALL TIMES.

1. There must be no touching of the dancers at any time.
2. You must not proposition the dancers.
3. You must be seated and remain seated during the performance.
4. You must remain fully clothed and not attempt to dance with the performer.
5. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
6. No illegal substances are to be consumed on the premises.

Any breach of the rules will result in immediate ejection and exclusion from the club

There will be up to two floor managers on duty each evening of the Cabaret Performances who will supervise and assist customers with the rules regarding the protection of the performers. These floor managers are highly educated professionals who will communicate with the performers and venue management regarding the safety of the performers and also to instruct the performers into what is expected of them with the guests. This includes No touching.

SIA trained and badged Security Door Supervisors will supervise the Entrance to the Venue and they will be backed up with a Security Camera System, which will be monitored throughout the Opening Hours by a full time member of Staff.

The Type of Entertainment we will be providing here at Wiggle & Elegance Cabaret will be of the Highest Quality and will be a Mixture of Theatre and Fantasy. There will be nothing in the Performance of the Contractors that will not have been previously agreed with the Management, Choreographed or rehearsed to allow any personal feeling of offence to be taken by the customers.

WELCOME TO WIGGLE & ELEGANCE.

Wiggle & Elegance wishes to set the standard in high quality Cabaret dancing. All types of dancing should be about fun and is to do with ego and fantasy, not Sex! Our clients and customers come to the Club for fun, they do not wish to be depressed, they do not wish to hear your problems; they do not wish to be harassed.

WE ARE A CABARET SHOW AND YOU ARE THE STARS.

Wiggle & Elegance Management wishes to build up good working relationships with all our performers — we intend to provide the best working environment and will not take advantage. We intend that performers have good remuneration and safe and secure conditions.

In return WIGGLE & ELEGANCE expects all performers to abide by our rules and work with the Company to promote the clubs and the company as a whole. The more the Management and performers can work together to promote the clubs, the more successful the company and Performers will be. The relationship between the Management and the performers is symbiotic — everybody benefits if it works well, everyone loses if it does not.

The Management full appreciate that as a performer you probably understand the business better than anyone else. Any suggestions, ideas to enhance either working condition for the performers or to enhance the club would be greatly appreciate. If performers have any problems, concerns or suggestions, please do not hesitate to bring these to the attention of the Management.

Wiggle & Elegance Staff Handbook

INTRODUCTION.

CONGRATULATIONS.

You have just been selected to join Wiggle & Elegance our goal is very simple, to make our clients happy. To accomplish this goal we must be able to provide our clients not only with the very best entertainment, but also those entertainers with the right attitude who will create a pleasant atmosphere in the club. We can do this by offering outstanding performances with consistent high quality and professional service.

As an entertainer your time with us is an opportunity for you to grow personally and professionally, always challenging yourself to be the very best you can. Your clothes, costumes, appearance, stage presence and dance techniques all take time, effort and determination to perfect and will also be very rewarding when you see the end results.

While performing at Wiggle & Elegance a dance co-ordinator will be on hand to advise and instruct you. You will have full use of a choreographer who will assist you to make the most of your presentation.

We would also be very happy to consider any of your friends. Obviously you will make new friends whilst dancing at Wiggle & Elegance. But we are always delighted to consider new dancers.

SERVICE.

SERVICE FROM ITS EMPLOYEES.

Our Company will not expect anything less than excellence in the service to our guests. Servicing our customers is down to you – you are what the customer sees. Our ultimate goal is to make sure that our customers are pleased with the service and that they have had the best experience possible.

CLEANLINESS.

Employees will take pride in their job, cleanliness will become second nature.

VALUE.

Some people it seems are destined to become successful in one form or another. You are one of those people and that is why you have been selected as a member of our Team, apart from your Individualism, professionalism and your enthusiasm to learn, you have an important tool, your personality the essential part of your key to success.

Your first step to achieving success is to set goals. Achieving those goals will result in your achieving things, which you never thought possible. We all have dreams and desires. They may want to be rich or to live life just to be happy. Whatever they are we chose you to be part of one happy family. Remember, "Succeeding is not harder than failing."

THE STAGE THEORY.

In our industry we must give the best possible service. In order for us to become leaders in our profession, we must give a First Class performance every time we open our doors to the public. Every night, that performance must be as good as the one the night before.

THE BAR: THE STAGE.

The Stage must be kept clean and sparkling at all times. All surfaces must be kept spotless. The lights and sound quality must be kept up to a perfect standard. Our interior must be equally well maintained from ceiling to floor. Every time we open, our unit should look just as it did on our opening night.

Wiggle & Elegance Staff Handbook

THE STAFF: THE PERFORMER.

"The Performer's" personality is what will help to make you a success. The performer must always be of smart and tidy appearance, and must look appealing i.e. clean and ironed clothes, hair washed and brushed, make up on, teeth cleaned. You must be ready to show off your looks, your knowledge and your talents. You must be ready to be part of the Team. Team work is an essential element of the Show.

THE CUSTOMER: THE AUDIENCE.

"The Audience" has come to see the show of a lifetime. You, the employees with the help of the DJ run the show. Your audience should be made to feel welcome, receive expert service and should feel relaxed and ready to watch the show. They should leave feeling happy, satisfied and knowing that they will return here time and time again, hopefully bringing along their friends and relatives.

THE BODY LANGUAGE THEORY.

Positive body language comes into three categories A, B and C.

A. APPEARANCE

Being of smart appearance is a positive sign in the art of body language. If you come into work looking untidy it relays a negative impression of how you view your job, not only to the Manager but also more importantly to the customers. Our motto is to always smile, Even if you don't feel like smiling. Avoid standing with folded arms, slouching or leaning. NEVER stand around chatting to other members of staff, there is always work to be done.

B. BE HELPFUL

If a customer asks you where the toilets are, don't just point out the direction, if you have time, take the customer there yourself. Keep in mind that it is every employee's responsibility to be sure every guest receives proper treatment. If you should see a Customer looking troubled, ask if you can help. If it is a serious problem which you cannot solve, notify a Manager immediately. Treat our guests as you would treat a guest in your own home.

C. COMMUNICATION

Have you ever heard the well-known saying "it's not what you say" it's the way you say it. It is perfectly true. You must remember that good manners cost nothing. Learn to communicate with your customers. Good communication skills make your guests feel at ease.

A final word on the Body Language Theory

You, the Performer are a major part of the Company. Thus, become a natural sales person and product advertiser. You are what the customer sees, so

Look Good! Feel Good! Act Good!

THE PLUS AND MINUS THEORY.

Our Companies success or failure is determined the moment WE make our first transaction with the customer. He or she will leave with an impression. It will be one or two very distinct categories "Plus" or "Minus". If the guests has a "Plus" experience he will leave with a good impression and thing "WOW" what a great experience' thus convincing her that he must return to our establishment. In turn she will probably bring his friends along too.

If a guest has had a 'Minus" experience, that most likely means he will not come back again. Market research indicates that an average dissatisfied customer will tell an average of seven people about the source of their satisfaction. These same rules will in turn tell another six. Therefore, a total of fourteen people are aware of the source of dissatisfaction.

Wiggle & Elegance Staff Handbook

CABARET ARTISTS.

After you say hello, then what? What is the best way to relate with each of the various personalities you are about to entertain?

You are looking for the answers to these three questions:

1. Why are these people here?
2. What sort of people are they?
3. What do they expect from me?

The better you are able to answer those three questions about your guests, the better your chances of entertaining each one the way the guests wants to be entertained.

WHY ARE THESE PEOPLE HERE?

1. They're looking for social contact.
2. They're celebrating a special occasion.

SOME WAYS TO RELATE TO GUESTS.

1. Listen with concern to what guests say
2. Treat all guests as special
3. Make an extra effort to meet guests' needs
4. Be friendly and smile
5. Be courteous and polite
6. Have a pleasant attitude
7. Be sure to thank guests
8. Be sincere

REMEMBER GUEST RELATIONS MEANS ENTERTAINERS WHO ARE READY TO HELP GUESTS AND CONTRIBUTE TO THE ENJOYMENT OF THEIR VISIT.

TEAMWORK.

Just like a sports team works together to win games, so do hospitality employees and entertainers work together to provide services that please guests. That's what makes a group of people into a team, recognising a common goal and working together to achieve it.

EFFECTIVE TEAM MEMBERS.

1. Have positive attitudes towards their performances and themselves.
2. Trust each other
3. Co-operate rather than compete
4. Challenge each other to perform to the best of their ability.
5. Recognise they are all working together towards a common goal — guest satisfaction.

PLAYING ON A PROFESSIONAL TEAM.

1. Contribute to a positive environment by showing your best side.
2. Understand your role and the part it plays in the guest experience.
3. Pitch in and extend your abilities, be a self-starter
4. Concentrate on solving problems rather than placing the blame.

Wiggle & Elegance Staff Handbook

5. Reinforce the team's mission standards and values.
6. Accept or let go of certain responsibilities for the benefit of the team.
7. Explore different and better ways of doing things.
8. Be honest, don't hide behind roles or pretend to know all the answers.
9. Communicate your ideas and concerns with the management of the club.
10. 10 Trust your fellow team members.
11. Try to understand your fellow entertainers and their needs, wants and expectations.
12. Recognise the achievements and contributions of your fellow team members.

FIVE QUALITIES OF AN ATTENTIVE PROFESSIONAL ENTERTAINER.

Successful attitudes differ according to individual personalities. But a good attitude (a successful one) should include five important qualities:

ENTHUSIASM.

An honest, genuine interest in a guest. Your enthusiasm doesn't have to be (and shouldn't be) the bubbling over kind, just a show of interest in your work, in your club and in your guests comfort.

SELF CONFIDENCE.

The belief in one's own ability. Be self-confident. It puts people at ease to feel that when they're seated with you, they've got an entertainer who knows the business. CAUTIONS DON'T LET SELF CONFIDENCE RUN WILD. A cool and detached superior manner doesn't work. Few people are more obnoxious than a surly "know it all" professional entertainer. When you appear confident about your job, your guests will be more able to relax, content in the feeling that they are in good hands.

FLEXIBILITY.

The ability to change. Do a quick study of each guest and adapt your behaviour style with hers. This doesn't mean changing your personality in any way. It simply means your approach to help your guests feel comfortable. A Winning Idea, Adapt your approach to be like your guests. Stay mellow with mellow guests, give fast track business executives snappy, efficient attention.

RESILIENCE.

The power to recover spirits quickly. All the good advice in the world can't guarantee problem free guest relations. Some guests are man and nasty by nature and once in a while, you will find them responding to your courtesy with their own brand of rudeness. How can you defend yourself against this frustrating behaviour? Develop the ability to bound back immediately from insults. Consider the source and accept these irritations as one of the hazards of the job. The danger in letting it get to you is that it can affect your performance (and your fees) at the other tables. One fool can ruin your whole day, but only if you let it. Responding to rudeness with politeness is difficult. But this will help. Let your ego out of the way. Attribute annoying acts and insulting words of the guests to ignorance. The professionals are specialists in getting along with people.

AMIABILITY.

The quality of friendliness that makes one Likeable. It is easier to like someone who likes you. Let your guests know that you like them and get them to like you in return. Guests are less likely to hassle an entertainer they like. Getting to like your guests is not the impossible mission it might appear to be. There is something to like in everyone, even some of your most obnoxious regulars. Letting guests know you like them is not difficult either. One way to do it is to show a cheerful desire to be helpful. Another effective tactic is to show your sense of humour. Nothing relieves the tension of a new relationship faster than a laugh.

SHIFT INTRODUCTION.

At the beginning of each shift report to the Duty Manager then go directly to the dressing room as soon as you are ready check in with the DJ and wait for his cue. On his cue, you will dance three introductory songs on

Wiggle & Elegance Staff Handbook

stage. The first song will be on Pole 1 fully clothed, the second song on pole 2 removing to topless and the third song topless only. This is a crucial part of the show and it is necessary to do it correctly in order to keep our guests in their seats. You should smile and make eye contact. When you have finished your introductory dances you should come off stages and back to the public areas, and introduce yourself to guests.

ON STAGE.

In order to be successful your first time on stage, there are three simple things to remember.

SMILE.

Smiling is contagious, it creates a party atmosphere, and if you look like you're having a good time everybody around you will have a good time too.

MAKE EYE CONTACT.

Don't look at yourself or your feet. During your set make eye contact with as many guests as possible. Guests are more likely to tip you if you single them out by making eye contact.

WORK WITH THE ENTIRE STAGE.

Don't dance in one place. Present yourself to all areas of the club. Once you've programmed yourself to do these things it's time to start working on your styled individualism. On your first shift the DJ will ask you for a brief biography. He will use your biography when he introduces you. You'll want to say something exciting, something you'll be remembered by. Try to develop a dance style that's direct and will make you stand out in a crowd. During your shift you will be called to the stage to dance. Each stage set will consist of three record tracks and you should dance the first fully clothed, remove items of clothing during the second track and dance the third track topless.

When you are called to stage, you must report immediately to the DJ or ensure you are not late for your set. It is imperative you are ready to come on stage the moment you are introduced and it is also common courtesy to the entertainer who is on stage before you. If by chance the entertainer being announced after your set is late, you must stay on stage and continue to entertain until they come out. The club manager will handle the situation in the appropriate manner.

You should also practice stage courtesy when you are on stage with another entertainer. Don't crowd one another but work opposite sides of the stage. If the other entertainer on stage is working on a tip don't cut them off or pass in front of them.

DON'T SETTLE FOR LESS THAN PERFECTION. BE THE BEST YOU CAN.

APPEARANCE.

The Management reserves the right to approve or disapprove any clothing worn in the club.

PERSONAL HYGIENE.

Entertainers should shower before shift and use a deodorant. Entertainers should also keep breath spray or mints in their locker.

CHOREOGRAPHED ACTS.

Choreographed acts are an excellent way to increase your tips. Coordinating your music, lighting, costumes and special effects are highly encouraged by Wiggle & Elegance Cabaret. For ideas on choreographed acts speak to your dance co-ordinator.

REMEMBER! It's the attitude that makes the professional entertainer

Wiggle & Elegance Staff Handbook

THE CLUB MANAGER.

Although each of us has a specific job to do, we try to promote and work within the team concept. Try to always be co-operative, calm and friendly. Consider the pressure your manager may be under during a particularly busy period and wherever possible, direct your problems to the floor manager who will then discuss them with the manager, if and when appropriate.

A DOZEN REASONS WHY A MANAGER LIKES TOP ENTERTAINERS.

Top entertainers are tops with managers because they have:

1. A positive attitude
2. An ability to communicate
3. An attractive appearance
4. A warm smile
5. A sense of Humour
6. A genuine Disposition
7. A professional bearing
8. INTELLIGENCE
9. Sensitivity
10. Good manners
11. Confidence in themselves
12. And they know their jobs well.

MEETINGS.

Periodically you will be asked to attend meetings given by Wiggle & Elegance. These meetings are scheduled for your benefit and are the most important tool given to you in order that you can be proud of where you perform and be recognised for the contribution you personally make.

Meetings should serve as your executive boardroom and be used to solve problems efficiently and professionally.

The time set aside for these meetings should be used constructively as an open forum to discuss events at Wiggle & Elegance and any problems that may have occurred. Wait to socialise with co-performers until the manager has formally excused you.

Being on time for these meetings is a common courtesy to your co-performers.

THE DJ.

The DJ is a central part of the club's entertainment production. Realise that working with large groups of entertainers at any given time is a tremendous responsibility. Every entertainer has a certain style of music that they like to dance to. When you are dancing with another entertainer on stage, it is often impossible to make everyone happy. If you go on stage and the DJ plays something you don't particularly like, you should never under any circumstances show any signs of discontent in front of the guests. Continue to smile and make the best of the situation. The DJ is required to play a certain music given to him by management. The management determines which music is played according to statistics kept; listing what type of clientele the club is receiving. Your DJ will do his best to honour your requests. But remember, management requests come first and these must be followed.

Wiggle & Elegance Staff Handbook

INSTRUCTIONS FOR DJ'S.

1. The DJ must always be punctual and ready to perform at his set play times.
2. The DJ must always be clean shaven, smart wearing clothing as requested by the management of the venue.
3. The DJ must ensure that all dance take turn in performing a topless dance down to underwear only on the stage during the evening.

GENERAL VIOLATIONS.

The following is a list of violations which will result in termination from Wiggle & Elegance.

RUDENESS TO ANY GUEST.

If a problem arises; it is your responsibility to notify the manager on duty immediately. We expect our entertainers to treat our guests with courtesy and respect. However should a problem arise it must be reported to the Manager. At no time will an entertainer attempt to deal with a disorderly guest.

DISHONESTY.

Thefts of money or property from the company guest co-performers or employees. This includes the giving away of merchandise without prior consent of the management or taking money off a guests table.

FIGHTING.

Fighting or wilful acts resulting in injury to others. This includes in the club, on company premises, or on company business. Likewise, harassment, arguing or fighting between co-performers is prohibited.

Additionally it is our policy to NEVER use force of any kind with a patron of the club, regardless of the situation. The one exception to this is limited force (used for restraint) is necessary in order to protect other guests from possible harm. In no instance is it permissible to strike or hit a guest of the club.

INTENTIONAL DAMAGE.

Misuse or destruction of company property or equipment. Entertainers are expected to work under the utmost care at all times. Negligence or wilful destructive acts cannot be tolerated.

DISCLOSURE.

Of any confidential company information Wiggle & Elegance takes pride in the creation of its unique designs and entertainment formats and therefore feels strongly about their confidentiality. We require that entertainers keep any records, files, data, methods, plans guest lists, trade secrets, specification, price lists or other information, which is proprietary in nature confidential.

INSUBORDINATION.

Following a supervisor's instructions is a necessity. If you disagree with a manager's instructions, you must first follow the instructions and then take the issue up with management at a convenient opportunity. Follow the chain of command

SUMMARY.

As an entertainer for Wiggle & Elegance you will be expected to conduct yourself in a professional, mature manner at all times. Your sincere courtesy thoughtfulness, friendliness and business-like attitude will create the type of positive atmosphere in which our guests can relax and enjoy themselves and which will invite them

Wiggle & Elegance Staff Handbook

to return again and again. We should co-operate with each other, work diligently and always remember that we are working together as a TEAM to achieve our individual goals. Your entertainment was attentive and intelligent, polished, polite watchful, available, prompt, efficient, thoughtful, devoted, sophisticated, friendly and helpful.

You were attractive, adaptable, versatile, diplomatic, tactful, cheerful, courteous, sensitive, considerate and poised.

FLOOR CONTROL.

1. Staff to be trained to identify early, any customers causing concern or drinking excessively.
2. Management to patrol the floor constantly to pre-empt antisocial behaviour
3. Any antisocial behaviour should be dealt with by firm but reasoned advice.

If such advice is ignored, persons involved should be advised that failure to comply would result in there being:

- a) asked to leave
- b) removed from the premises

4. Floor management staff will assist Management in the allocation of seating and guiding customers to their seats.
5. Floor Management will ensure doors and floors in the entrance and toilet areas are maintained in prestige condition. We will have full time bathroom attendances but they need to be checked every hour.

VIOLENT CUSTOMERS

1. In the event of a customer attacking a member of staff or another customer, force equal to that being exercised by the protagonist may be used, however care should be exercised not to over react.
2. In situations such as these, the sooner the police are called, the better.
3. If any injury is caused, the assailant should be restrained and handed over to the police.
4. All Managers will be required to complete an Incident Report Form. Also when necessary an accident book should be filled in.

Wiggle & Elegance Staff Handbook

DOOR SUPERVISORS

1. Ensure compliance with standing instructions.
2. References for all Door Supervisors. Badges must be displayed and recorded by the receptionist.
3. The purpose of Door Supervisors is to prevent or minimise problem guests or to remove the problem guest.
4. It should always be done with the absolute minimal force.

Door Supervisors are obliged to react without hesitation.

STANDING INSTRUCTIONS FOR DOOR SUPERVISORS

1. Under no circumstances may weapons of any kind be carried.
2. The door supervisor will remain sober at all times whilst on duty and the consumption of alcoholic beverages is prohibited, smoking and eating will not take place in public view. Where practical coffee breaks will be organised.
3. Fraternalisation with patrons, friends and relatives is prohibited.
4. Use only moderate language to address customers and refrain from swearing, shouting or other behaviour likely to cause distress to other customers.
5. Physical force will be used only as a last resort and then only the minimum necessary for self-defence or to protect another person or property or when escorting a person from the premises that has been asked to leave by the management. It is essential that every effort should be made to calm situations and achieve result by verbal persuasion.
6. Door supervisors will be dressed in accordance with instructions from the management and will remain clean and tidy throughout their tour of duty.
7. They will render such assistance as may be required by the civil police.
8. Door supervisors function under the direct control of the person in charge of the premises and they will take instruction only from that person and appraised him of any incident that has or appears likely to occur.
9. Under no circumstances will the door supervisor leave the premises during his tour of duty, and at the discretion of management will maintain a discreet view of customers to ensure that appropriate standards of behaviour and dress are maintained and to prevent rowdiness, excessive consumption of alcohol and misuse or trafficking on drugs. The standard of conduct required is that laid down by the licensee or other person in charge of the premises.
10. Entry to the premises will be refused to any person who is intoxicated behaving in a disorderly manner, inappropriately dressed or has previously been prohibited entry to the premises. The licensee retains the right to admit a person or to ask them to leave without giving reasons for that course of action.
11. Any incident, no matter how light will be fully reported to the licensee, recorded in the incident book and signed as this information may be required by the licensee.
12. The door supervisor will record on a daily basis in the book provided for that purpose, his name, time of commencing duty, time of leaving duty and his signature.
13. Under no circumstances should any difference of opinion between management and the door supervisor be debated in the presence of customers. The matter should be resolved at the end of the

Wiggle & Elegance Staff Handbook

session in the privacy of the manager's office. The Manager is always right and should never be overruled by a member of door staff.

Wiggle & Elegance Staff Handbook

CODES OF CONDUCT & POLICIES

PERFORMERS CODE OF CONDUCT.

When performing as a dancer at Wiggle & Elegance you will be expected to obey the Following rules. If you fail to do so, your contract may be terminated and payment withheld.

Before you start your performance you must:

- Provide documentary evidence of your age by way of passport or driving licence with photograph and entitlement to work in the country.
- Confirm that you have not been convicted of any offence of or related to prostitution or drugs.
- You will obey rules set by Wiggle & Elegance for your safety or that of customers.
- You will familiarise yourself with the Company's policies for health and safety, emergency procedures security and drug awareness copies of which will be displayed in the dressing rooms. You will observe and perform and comply with all conditions and restrictions set out in the Public Entertainment Licence or Premises Licence granted by the Local Council a copy of which will be provided for your use and in particular:
 - a) Always maintain a good appearance and be polite and courteous to customers and staff.
 - b) There shall be no intentional physical contact between dancers 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.
 - c) Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
 - d) There shall be no photography permitted by customers on the premises.
 - e) Customers must remain seated for the duration of a performance.
 - f) Dancers shall not perform if under the influence of alcohol or drugs.
 - g) Dancers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - h) The performer may not simulate any sexual act during a performance.
 - i) You will not arrange to meet any customers either inside or outside the premises.
 - j) You will not make any arrangement with any of the customers.
 - k) Dance routines must not breach the conditions of the premises licence.
 - l) Dancers must not touch the breasts or genitalia of another performer, at any time even as part of a performance.
 - m) There shall be no nudity by dancers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment
 - n) 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.
 - o) Dancers must fully dress (i.e. no nudity) at the end of each performance.
 - p) Partners, spouses, girlfriends, boyfriends are not allowed in the club whilst the dancers and dancers are working.
 - q) You must not distribute cards or notes or any other material (physical or electronic) bearing personal information about yourself to any customers.
- You agree to random locker search procedures the frequency of which will be determined by Wiggle & Elegance management. These searches are designed to keep this establishment a drug free environment.

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Any breach of the above will lead to the immediate termination of this agreement and your immediate expulsion.

CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

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.

STAFF WELFARE POLICY

At Wiggle & Elegance we take the welfare of our staff seriously. Below is a summary of some of the facilities provided for our staff:

1. Staff are provided with access to soft drinks throughout the night.
2. Dancers are escorted to their vehicles at the end of their shifts.
3. Door Supervisors are present both at the door & inside the building for the safety of both staff and customers.
4. CCTV is in use for the protection of both staff & customers.
5. Secure, lockable changing rooms are provided for the Performers.

SEV PHOTOS - ELEGANCE







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**LICENSING ACT 2003
PREMISES LICENCE**

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Premises Licence Number:	12/04788/LAPRMV
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Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
Lounge 1 Granada Road Southsea Hants PO4 ORD
Telephone Number: _____

Where the licence is time limited, the dates:

Licensable activities authorised by the licence:
Sale by retail of alcohol Late night refreshment Regulated entertainment consisting of:- Performance of dance Exhibition of a film Provide facilities for other similar entertainment Performance of live music Playing of recorded music Other similar music or dance Entertainment

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PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

The times the licence authorises the carrying out of licensable activities:

Sale by retail of alcohol

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An additional 2hrs on Christmas Eve.

These seasonal timings also apply to the hours of opening and closing.

Performance of dance

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An

LICENSING ACT 2003 PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

additional 2hrs on Christmas Eve.

Exhibition of a film

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An additional 2hrs on Christmas Eve.

Provide facilities for other similar entertainment

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An

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Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

additional 2hrs on Christmas Eve.

Performance of live music

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An additional 2hrs on Christmas Eve.

Playing of recorded music

Monday to Sunday: 00:00 until 23:59

Other similar music or dance Entertainment

Monday to Sunday: 10:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd

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Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An additional 2hrs on Christmas Eve.

Late night refreshment

Monday to Sunday: 23:00 until 03:00

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change of the British Summer Time to Greenwich Meantime). On the days/dates listed below an additional hour is to be permitted for the licensable activity (not including drinking up time) - 1 January, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Friday prior 1st May Bank Holiday, Saturday prior 1st May Bank Holiday, Sunday prior 1st May Bank Holiday, 1st May Bank Holiday Monday, Friday prior 2nd May Bank Holiday, Saturday prior 2nd May Bank Holiday, Sunday prior 2nd May Bank Holiday, 2nd May Bank Holiday Monday, Friday Prior August Bank Holiday, Saturday prior August Bank Holiday, Sunday prior August Bank Holiday, August Bank Holiday Monday, Boxing Day, 27 December, 28 December & 30th December. An additional 2hrs on Christmas Eve.

The opening hours of the premises:

Monday to Sunday: 10:00 until 03:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the premises

**LICENSING ACT 2003
PREMISES LICENCE**

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Wellhot Ltd Unit 1 Oj's Industrial Park Claybank Road Portsmouth PO3 5SX
Telephone number: _____
Email: _____

Registered number of holder, for example company number, charity number (where applicable):
2362993

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
John-Cortin Mario Fernandez
Telephone Number: _____

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:
Personal licence Number: 977
Issuing licensing authority: Portsmouth City Council

**LICENSING ACT 2003
PREMISES LICENCE**

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date Licence Granted: 12.08.2005

Authorised Officer
Licensing Section



Date last Amended: 4 January 2013
Type: Variation

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 1 - Mandatory conditions

01. Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority subject to any exemptions in accordance with the provisions of the Private Security Industry Act 2001.

02. Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

03. Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

04. If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

05. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

06. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

07. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children:

(a) games or other activities which require or encourage, or are designed to require or encourage individuals to -

LICENSING ACT 2003 PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

08. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

09. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

LICENSING ACT 2003 PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

10. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

11. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold and supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

LICENSING ACT 2003 PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 2 – Conditions consistent with the Operating Schedule

01. The maximum occupant capacity permitted on the premises shall not exceed 680 persons:-
180 - Basement
500 - Ground Floor
02. No person under the age of 18 shall be permitted on the premises.
03. In respect of New Year's Eve, the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
04. 2 SIA registered door staff to be employed for the first 100 persons on the premises and a further 1 per the next 100.
05. The Licensee shall take necessary steps to identify customers involved in any inconsiderate behaviour in the vicinity of the premises and to exclude such customers from the future use of the premises.
06. Persons entering and vacating the basement area shall do so only via the separate basement entrance situated to the south east of the premises as opposed to the existing entrance to the premises situated on the Strand Junction, in order to avoid congestion and nuisance occurring on the Strand entrance door.
07. The CCTV system as installed shall be maintained in a satisfactory working condition and the recordings of which are to be kept for a minimum of thirty one days. No changes shall be made to the system without the prior approval of the Council in consultation with the Chief Officer of Police.
08. All noise arising from public entertainment on the premises shall be inaudible 1 metre outside any noise sensitive premises.
09. No persons shall be admitted into the premises after 02:00 hours.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

10. The premises shall not be open for the purpose for which this Licence is granted on any occasion when the Licensing Authority have signified in writing to the Licence holder that the premises shall be closed.
11. (a) There shall be, during the times when members of the public are on the premises, a sufficient number of attendants in the building for the purpose of ensuring compliance with the conditions of the Licence, or such numbers as may be requested by the Chief Officer of Police for ensuring adequate public order at any premises.

(b) The Licence holder and all such attendants shall take due precautions for the prevention of accidents and shall abstain from act which tends to cause fire or endanger members of the public in any way.
12. Before members of the public are admitted to the premises, the Licence holder or other nominated person must ensure that all conditions of the Licence are fully met.
13. During the period that the premises are used for entertainment, there shall be in attendance staff trained in the routine to be followed in case of fire or other emergency. There shall also be staff trained in first aid procedures.
14. Police and Fire Officers for the County of Hampshire shall at all times have access to the premises and the Licensee shall comply with any reasonable fire preventative and safety measures that may be required by the Chief Fire Officer.
15. All parts of the premises shall be open to inspection by duly authorised Officers of the Licensing Authority during the time the premises are being used for the purpose for which the Licence is granted or at any other time upon reasonable notice being given to the Licence holder.
16. The Licence holder shall conduct the premises decently, soberly and in an orderly manner. Nothing contrary to sobriety, decency or good manners shall be performed, produced, exhibited or represented therein. No profanity or impropriety

LICENSING ACT 2003 PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

of language, dress, dance (including any performance involving the removal of garments), or gesture or anything which is in any way offensive to public feelings or calculated to produce a disturbance or breach of the peace shall be permitted on the premises.

17. No part of the premises shall be used by prostitutes for the purposes of solicitation or otherwise exercising their calling.

18. No exhibition, demonstration or performance of hypnotism on any person shall be permitted without the prior written consent of the Licensing Authority.

19. The Licence holder shall take all due precautions for the safety of the public, the performers and their employees.

20. No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied on the premises or on land adjoining by or on behalf of the Licence holder which is likely to be injurious to morality or to encourage or incite crime or to lead to disorder or to be offensive to public feeling or which contains any offensive representation of a living person.

21. Where the Licensing Authority shall have given notice in writing to the Licence holder objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.

22. Alterations or additions of a permanent nature to the structure, the lighting, heating or ventilating installations or to the seating, gangways or other arrangements at the premises shall not be made except with the prior approval of the Licensing Authority. Copies of plans showing proposed alterations or additions must be submitted to the Licensing Authority at least 21 days prior to the application. Plans shall also be submitted to the Chief Fire Officer and Chief Officer of Police.

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Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

23. The arrangements and provisions made for disabled persons shall at all times be effectively maintained and in accordance with any special conditions imposed by the Licensing Authority in respect of a specific premises.

24. Persons awaiting admission to the premises shall not be allowed to congregate in any part of the premises except in positions approved by the Licensing Authority for this purpose.

25. The maximum number of persons to be admitted at any one time to the premises shall not exceed those figures indicated on the Licence.

26. All doors leading from EXITS into passages or the outside of the premises shall where required by the Licensing Authority to be kept open and fastened back by means of a padlock or other device and be kept clear of obstruction. Temporary barriers shall not be fitted and any permanent barrier in exit ways which may be approved with the approval of the Licensing Authority for checking or controlling admission shall be so arranged that the position immediately in the line of exits will open automatically upon pressure being applied in the direction of the exit.

27. The number, size and position of all doors or openings provided for the purpose of egress from the premises shall be to the satisfaction of the Licensing Authority and shall comply with the following requirements.

(a) All such doors or openings approved by the Licensing Authority shall be clearly indicated by the word "EXIT".

(b) Doors and openings other than EXITS which lead to parts of the premises accessible to the public shall have notices placed over them indicating the use of such parts or be marked "PRIVATE" or "NO PUBLIC ADMITTANCE".

(c) Such notices and signs indicating the way out of the premises shall be provided as the Licensing Authority may consider necessary.

(d) Notices bearing the words "NO EXIT" shall not be exhibited without the consent of the Licensing Authority.

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(e) The notices referred to in this condition shall be where practicable at a height of at least 6 feet 9 inches (2057mm) above the floor and where possible shall be placed over the doors or openings to which they relate.

(f) All notices shall be a minimum 100mm block lettering, white lettering on a green background.

(g) All new EXIT signs shall comply with British Standard 5499 Part 1 1990. The Licensing Authority shall, if a premises does not afford a satisfactory degree of illumination, require that all EXIT signs be of a maintained type (for the licensed area of the premises only).

(h) All means of escape routes including gangways, corridors or passageways leading to exits and all stairways and ramps for public use must be kept free from obstruction and adequately lit whenever the licensed premises are in use.

28. Only such parts of the premises as have been approved by the Licensing Authority shall be used as retiring rooms or cloakrooms and provision for hanging hats or coats shall not be made in any corridors, passages, gangways or exit ways used by the public.

29. No fastenings other than automatic bolts of a type approved by the Licensing Authority shall be fitted on exit doors used by the public and bolts so fitted shall be of such pattern in such position as the Council may determine except that cabin hooks or stops to keep the exit doors in an open position may be fitted. Automatic bolts shall be of such a pattern that horizontal pressure on the cross bars will open the door. The cross bars shall, where practicable, be placed at a height of 3 feet (914mm) from the bottom of the door. Doors fitted with automatic bolts shall have a notice (at least 50mm high) "PUSH BAR TO OPEN" fixed upon them in block lettering, white on a green background.

If the Licensing Authority shall have given consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains, padlocks or other

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devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the premises. Normally all chains/padlocks should be kept in an area constantly supervised by the Licence holder or other responsible staff. All chains and padlocks must be secured to a proper "chain board" and properly numbered.

30. Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.

31. Curtains shall be adequately supported. They shall not be hung across gangways or over stairways or in such a manner as to conceal notices. Where hung across doorways or across corridors they shall be so arranged as to draw easily from the centre and slide freely and be so hung that they are clear of the floor.

32. All fixed or permanent decorations shall be treated with a suitable flame retardant solution. If it appears to the Licensing Authority that the use of a material, fabric or finish might assist the spread of fire in the premises then such material, fabric or finish must be replaced or be treated with a suitable flame retardant solution to reduce this risk.

33. No rubbish or waste paper shall be stored or allowed to accumulate in any part of the licensed premises. Storage of combustible material or flammable liquids shall not be allowed on the premises.

34. All parts of the premises and fitting therein including the seating, door fastenings and notices shall be maintained at all times in good order and condition. All new seating provided at a licensed premises shall be treated with a suitable flame retardant solution or comply with current British Safety Standards to minimise fire risks. Seating, tables and chairs and other furniture and fittings shall be so arranged as to allow free and ready access to exits.

In premises where more than 200 persons and less than 400 persons are to be seated in the auditorium, the seats or chairs shall be battened together in lengths of not less than 4 and not more than 12 seats.

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In premises where more than 400 persons are to be closely seated in the auditorium the seats or chairs adjoining front, rear or cross gangways and the seats adjoining exits shall be firmly fastened to the floor and all remaining seats or chairs shall be battened together in lengths of not less than 4 and not more than 12 seats.

Gangways shall be provided intersecting the seating in such a manner that the centre of no seat or chair shall be more than 14 feet (4.5m) from a gangway measured along a line of seating.

35. (a) The premises shall be provided with fire extinguishers suitable to the fire risks of the premises and such equipment shall be maintained in proper working order and shall be available for instant use.

(b) All fire fighting equipment provided within the premises shall be examined at least once annually. Portable fire extinguishers shall be examined at least once monthly and tested by a competent person in accordance with the British Standard Code of Practice 5306: Part 3 1980. The date of such test shall be clearly marked on the extinguisher or on stout tabs attached thereto. The Licence holder shall produce upon request a certificate that all fire fighting equipment has been examined and tested by a competent person. All extinguishers shall be mounted on wall brackets with their carrying handles approximately 3 feet (914mm) from the floor level.

(c) A log book shall be kept on the premises in which shall be entered particulars of any unusual occurrences (such as fires, the breakdown of any of the lighting services or water supply), fire drills and of every test of vital equipment. The log book shall be kept available and be produced for inspection when required by a Fire Officer, Police Officer or by any authorised Officer of the Licensing Authority.

(d) There shall be displayed in a conspicuous place if the premises are not connected with a telephone, particulars of the nearest telephone available in the event of an emergency.

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Any outbreak of fire, no matter how small, must be reported immediately to the fire brigade and notices giving instructions on how to call the fire brigade must be prominently displayed on the premises.

(e) The Licence holder, the person in charge of the premises and at least one other member of the staff shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided and the method of summoning the fire brigade.

(f) If a fire alarm system is installed, the Licensee shall produce upon request, a certificate that the system has been examined and tested by a competent person.

36. Except with the permission of the Licensing Authority in writing and in accordance with any conditions attached to such permission, scenery or other stage properties shall not be kept or used on the platform or in any part of the premises.

Except with the consent of the Licensing Authority in writing and subject to any conditions which may be attached to such permission, explosives or highly flammable substances shall not be brought in, stored, or used on the premises.

Pyrotechnic or other such devices shall not be used without the prior written consent of the Licensing Authority.

Highly inflammable materials must not be used for the costumes of the performers, in the scenery or the decoration of the stage auditorium or any part of the premises unless they have been rendered fire retardant to the satisfaction of the Licensing Authority and are maintained in that condition. The use of naked flame shall not be permitted except where strictly necessary to the performance and with the prior approval of the Licensing Authority in writing.

Toy balloons filled with inflammable gas shall not be used, sold or exhibited on the premises.

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37. Limelight, acetylene gas installation or steel cylinders for the storage of compressed air, oxygen, hydrogen or other liquid gas under pressure shall not be used except with the permission of the Licensing Authority in writing.
38. All lavatories, WC's and urinals in the premises shall at all times be kept in good order and repair and be properly cleaned, ventilated, disinfected and supplied with water (hot and cold) and the doors leading into these facilities shall be suitably marked. Adequate and separate sanitary conveniences shall be proved for person of each sex as required by the Licensing Authority. No fee shall be payable for the use of these facilities.
39. In premises where food is served, the storage, preparation and serving areas shall be maintained to the satisfaction of the Licensing Authority.
40. All floors, floor coverings and upholstery in the premises shall be maintained in a clean condition.
41. Carpets, matting and other floor coverings shall be secured and maintained so that they will not ruck and cause obstruction or be in any way a source of danger.
42. The edges of the tread of steps and stairways shall be rendered and maintained in a non-slip condition and where lighting conditions render it desirable, the edges of such steps shall be made conspicuous by painting or other means.
43. All electric lamp holders within reach of the public shall be kept fitted with lamps or earth leakage devices (RCCBs).
44. All electrical fittings, wiring and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Licensing Authority. All electrical installations shall be inspected once each year by a qualified electrician appointed by the Licence holder and a certificate stating the conditions of the installation (including the emergency lighting system) shall be forwarded to the Licensing Authority upon request.

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45. The public parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority.
46. No form of heating other than that approved by the Licensing Authority shall be used in any part of the licensed premises.
47. All forms of heating shall be so protected or situated sufficiently far from any woodwork, hangings or other materials likely to catch fire for there to be no likelihood of fire by reason of their proximity to the heating appliance.
48. Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position.
49. Where necessary, heating appliances shall be protected by suitable fire guards.
50. Soda water and similar fountains shall be installed only in positions approved by the Licensing Authority and the following conditions observed:-
- (a) A reducing valve of a suitable type shall be fitted between the gas cylinder and the piping to the carbonator and shall form part of the fixed installation.
 - (b) A suitable and adequate safety valve shall be attached direct to the carbonator.
 - (c) A pressure gauge shall be fitted direct to the carbonator and that unless the gas cylinder is adjacent thereto a gauge shall also be fitted to the low pressure side of the reducing valve and the normal working pressure of the machine shall be suitably indicated on the dials.
 - (d) All pressured gas cylinders in use or in store shall be so positioned and provided with substantial securing straps or chocks to avoid them being damaged.
51. Where as part of the public entertainment, flashing lights including stroboscopic or "circulating" arc lights are used then:-

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(a) a notice shall be displayed in a prominent position at the entrance to the premises advising visitors of the nature of the lighting systems used and specifying a person from whom details of the lighting system can be obtained or,

(b) the lighting system shall be such that flashing lights are set at a frequency not exceeding five flashes per second.

52. No laser device shall be used in a premises without the prior written consent of the Licensing Authority.

53. In relation to only the morning on which British Summer Time begins, the permitted hours for the provision of music, singing and dancing at licensed premises normally open between 01:30 and 02:00 hours shall extend to one hour after the normally specified terminal hour.

54. The licence holder shall ensure that existing operating procedures and policies, which include risk assessments, training of all staff in all aspects of regulatory compliance and operating policies and measures for the avoidance of noise or other nuisance to neighbours are maintained.

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Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

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

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Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 4 - Plans

See attached.

Humphreys, Nickii

From:
Sent: 19 May 2012 12:29
To: Licensing Shared Email
Subject: elegance

i object to the licence. thanks

Humphreys, Nickii

From:
Sent: 21 May 2012 11:46
To: Licensing Shared Email
Subject: Sex establishments 'ELEGANCE' strip club

Dear Sir/Madam

I would like to object to the renewal of a license for the 'ELEGANCE' strip club in Waverley Road, Southsea.

I object because granting this license both promotes and condones a sexual culture which has proven links to gender based violence and discrimination. By licensing such a business it gives rise to the normalisation of people taking their clothes off for money. I trust this is not part of the culture for our liberal democrat administration?

I further object because of the clubs' location in a residential area. As a resident I do not want these seedy outposts of the sex industry on my doorstep where residents have to endure the kind of anti-social behaviour and often illegal activities that a strip club attracts and makes many residents feel unsafe.

Regards

Humphreys, Nickii

From:
Sent: 24 May 2012 13:45
To: Licensing Shared Email
Subject: FW: 12/03425/SEXEST - Elegance 1 Granada Road

From:
Sent: 24 May 2012 09:52
To: 'Nickii.humphreys@portsmouthcc.gov.uk'
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Ms Humphreys

I wish to object to the above application as a local resident

The club is in an overwhelmingly residential area .
It looks seedy and is out of keeping with the area. There are very few licensed premises in that area of Southsea
It is adjacent to schools, nurseries and parks

I gather that 1300 or so messages of support have been received, filtered through Elegance.
Could I suggest that these are subject to scrutiny for duplications, or personation. A simple trial would be to put names and addresses into a spreadsheet and sort on names.

Humphreys, Nickii

From:
Sent: 11 May 2012 19:59
To: Licensing Shared Email
Subject: License application for Elegance strip club Waverley road Southsea

Under new government legislation the above club has to apply for a new Sex Establishment license. We would oppose the license on the grounds this is a conservation area with two schools and a church in close proximity. Since it was granted a license as a lap dancing club the building has deteriorated to the extent it is a complete eyesore to this area. We live within fifty yards of the club and are often woken 3am on Sunday morning when they close. I am not very confident that our request will be successful as you have in the past given out liquor licences willy nilly to all and sundry. However this is a opportunity for us to air are views.

Sent from my iPad

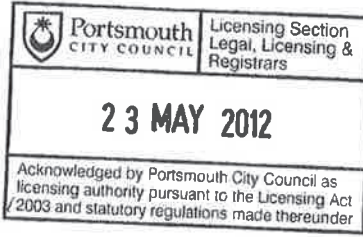
Humphreys, Nickii

From:
Sent: 18 May 2012 16:16
To: Licensing Shared Email
Subject: Elegance strip club Waverley Road

To the Portsmouth Licensing Officer

My husband and I object to the City Council renewing the license of the Elegance Strip Club. We live across the road from it and it is a blot on our otherwise very pleasant area. It attracts voyeurs and is demeaning to women in general. Strip clubs have links with crime, prostitution and sex trafficking and are part of the culture which sees women as sex objects and at its worst leads to the kind of abuse reported in the papers recently where Asian men abused young children because they thought this was acceptable in this country.

Yours sincerely ;



S

81-05-12

Deen Swi

Elegance hap dance club,
Clarendon / Granada Rd.
Strand

I understand the above is up to
have to license renewed.

I would like to ^{say} it is a nuisance from
occasional punters walking past rowdily.
The rubbish left on the pavement outside
and should such a club be in a
built-up residential area -

Yours Sincerely

Humphreys, Nickii

From: Licensing Shared Email
Sent: 14 May 2012 09:31
To: Humphreys, Nickii
Subject: FW: LAPREM/5702 License Renewal - Objection

From:
Sent: 11 May 2012 23:19
To: Licensing Shared Email
Subject: LAPREM/5702 License Renewal - Objection

Dear License Application Office,
I understand that "Elegance" strip club with it's entrance located on Waverely Road, Southsea has applied to renew it's license.

I would like my objection to this license to be considered on the grounds of:

1. Strip clubs have proven links with the following;
 - a) crime
 - b) prostitution
 - c) sex trafficking
 - d) violence
 - e) drugs
2. Waverely Road and the surrounding area is family orientated which is not in keeping with a strip club "on the door step".
3. All clubs from the sea front have been colocated with other clubs in Guildhall Walk - this club should also be colocated with the others in Guildhall Walk where it can be properly policed.
4. There is always traffic problems near the round about when the club is open with cars illegally parked on double yellow lines oppisite the entrance to the club.
5. Strip clubs encourages anti social behaviour on the streets late at night with groups of youths often loitering on street corners with verbally abusive behaviour which is threatening (especially to women).

Humphreys, Nickii

From:
Sent: 29 May 2012 08:07
To: Licensing Shared Email
Subject: Elegance - objection

Good morning,

I've seen a notice that Elegance wish to renew its sex establishment license. I would like to object. I come to Portsmouth for weekends with my grandparents and this type of establishment really let's Portsmouth down. Let's face it...it's not something to boast about, and it will unarguably attract the wrong kind of people. These kind of places are rather dirty, seedy and disgraceful. A 'woman' offering sexual favours to a 'man' for money. It's not respectful. It won't do anything to gain Portsmouth respect. Though if your aim is to attract this kind of publicity then I'm sure you'll go bounding ahead in agreeing to this sexual establishment.

I think lap dancing is dirty and ultimately very sad. The 'men' who come here could have wives or girlfriends...some are about to get married and think nothing of having another 'woman's' vagina waggled arpund their face and rubbed all over their lap. The 'men' will get turned on and coupled with the copious amount of drink they are likely to consume, what effect do you think this will have on them and others when they depart the venue and continue with their night? What if they meet more girls later, or encounter a solitary woman walking down the street. I'm not saying untowardly behaviour is certain, but it's far more likely their actions, communication and general viewing of women will have been marred by their earlier experience. It could be a dangerous thing.

I think if you decline the sex establishment license you may experience negativity from the owners, the workers. But this venue will still be available for someone to turn it into a respectable bar/a shop/anything, thus enabling people to apply for jobs there. In the long term, Portsmouth could gain a lot of respect.

The more and more equal women become in society, the more venues like this one will fail. I think they will become a thing of the past because the concept is so sexist, it's almost unbelievable they exist.

Please consider carefully before renewing the license. Many of us see these places as harmful, sad, frustrating, objectifying, demeaning, old fashioned, dirty, disgusting, disgraceful, foul, unsexy, limiting and debilitating places.

Thank you for reading.

Kind regards,

Humphreys, Nickii

From:
Sent: 25 May 2012 13:57
To: Licensing Shared Email
Subject: 12/03425/SEXEST - Elegance, 1 Granada Road

Dear Mrs Humphreys,

I wish to object to the above application.

Although I currently live in Gosport, I am originally from Portsmouth and will return there in the not too distant future as I consider it my home.

Wiggle lap dancing club is in a completely unacceptable location. It is surrounded completely by residential properties, as well as being very close to the beach which is a family tourist area.

Lap dancing clubs also encourage a culture of objectification of women. It has been acknowledged on an international level that objectification is linked to violence against women. The licensing committee has heard previously from the Hidden Violence Team how these establishments affect the lives of women in the city, not only on streets outside these clubs, but in their homes. This is testimony from subject matter experts and I believe the council should take their previous objections very seriously.

I have myself witnessed women being harassed outside these types of establishment and believe this is a common occurrence which causes the locality of sex establishments to become 'no-go zones' for women as they do not feel safe. The council has a responsibility to ensure the city is safe for all it's female residents and visitors and I encourage you to take a stand against objectification and violence against women.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 10:50
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

I wish to object to this application:

a) The character of the area is family residential, with a family leisure or educational area close by. A Church is also close by, St Simons.

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment. There also many Hotels and B & Bs.

It is also on a principle walking route for families travelling to and from the Sea Front. I do not see such a seedy establishment as right for such a route. It will diminish the City's image, after much hard work improving that image by the City Council.

Mayville High School is close and the existence of this club nearby is not conducive to good schooling in my view.

b) The impact of the premises on the character of the area

The building is "scruffy" and besmirched with Graffiti at times, some of it very offensive. The exterior of the building needs to be put in good repair and painted in a more attractive and blended colour scheme, in my view.

c) Not everyone will be comfortable with this "laddish" sex club. In particular, ladies will avoid walking past this type of establishment when it is open. Also the presence of "bouncers" squeezed into suits is in some way "threatening". It is a visible sign there might be violent behaviour, not something we want on our streets, I think. Indeed there has been violence at this venue.

d) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

Humphreys, Nickii

From:
Sent: 25 May 2012 12:42
To: Licensing Shared Email
Subject: 12/03425/SEXEST - Elegance, 1 Granada Road

Dear Mrs Humphreys,

I wish to object to the above sex establishment licence application.

I fully agree with the councils draft policy which states that there is no place within the city of Portsmouth where it is appropriate to have a sex establishment. I believe the location of this club is completely inappropriate. It is completely surrounded by residential properties and is close to the beach which should be a family friendly area to support PCC's wish to promote the city as the 'Great Waterfront City'.

Lap dancing clubs encourage the objectification and exploitation of women. I have personally experienced harassment outside of these types of venue, as have some other women I know. This is a common place occurrence and I am sure does not only affect myself and people I know, but numerous women who work, live and visit the city.

Although I currently do not live in Portsmouth, it is where I grew up and I plan to return in the not too distant future. Portsmouth City Council has a responsibility to ensure the safety and welfare of all its residents and visitors.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 23:49
To: Licensing Shared Email
Subject: Fwd: Elegance, 1 Granada Road - application for sex establishment licence

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living close to this establishment.

The City Council draft sex establishment policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and when walking home at night find other routes to take rather than walk by these premises. The club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 22:08
To: Humphreys, Nickii
Cc:
Subject: Objection to Elegance 1 Granada Road

Dear Ms Humphries

12/03425/SEXEST – Elegance 1 Granada Road

We wish to object to the above application as a resident living just round the corner from this establishment.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

We are surprised that the Chief Officer of Police has no objections to the application bearing in mind the incident which occurred in my road in January 2006 when a doorman finishing his work at Elegance

nightclub was shot and severely injured. Ever since then people in this area have been concerned for their safety.

A News journalist wrote in her column on March 5th 2012 that “there’s no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society”. I wholeheartedly agree.

Please note that I wish to make a deputation at the meeting when the matter is considered.

Yours sincerely

Humphreys, Nickii

From:
Sent: 13 May 2012 08:31
To: Licensing Shared Email
Subject: Eleganc Strip Club

I am a local resident and live in Granada Road. I strongly object to the renewing of the license for the above establishment. In this age of human Rights I, as, an older lady, should have the right to walk Waverley Road at night and not have to see young women entering the establishment for the purposes of pandering to men who take delight in this acts.

A local resident. If you want me name and address I should be happy to supply it provided it is not passed on to anyone else.

Humphreys, Nickii

From:
Sent: 21 May 2012 13:44
To: Licensing Shared Email
Subject: Letter re: Sex Establishment Licence, specifically pertaining to Elegance, Granada Road, Southsea

Dear Sirs,

I received a call to action leaflet asking residents who believe that Elegance lap dance club has no place in the local vicinity to make their objections heard by our City Council.

I am one such resident who strongly believes that the license for Elegance ought to be revoked and that there is no place for this nature of establishment in the local vicinity. Taking out the emotive opinions around the subject of women working in the sex industry and the place of sex businesses in our society, I fervently believe that it is complete wrong to have any sex related business in such a residential area; one which is close to several junior schools, parks, community halls, leisure facilities and in an area that we as a city are trying portray as cultural tourist destination.

I live a short distance from Elegance and walk my children to school past Elegance, it is simply not an appropriate place for this club. The club itself is hardly conspicuous and its name hardly synonymous with its exterior which is grubby, seedy and run down. I walk my children to school; there have been a number of occasions where we've had to slalom past discarded bottles, takeaway trays and piles of vomit. There are no other night clubs or pubs in the immediate neighbourhood which are aimed at the same target market and so it is wholly out of place. In fact, this particular site would be far better served by being transformed into homes for local families; it would suit the locale far better.

Looking at Portsmouth as a whole I cannot see that there is an appropriate place for these sex businesses; the city is densely populated, there are numerous nurseries, infant/junior and senior schools throughout the city. We are fortunate to have a good number of parks, swimming pools, libraries and other leisure facilities across the city, there would always be something aimed at children which would be a stone's throw from a sex business.

As adults we have a responsibility to protect our children and the youth of the city from overtly sexual images, businesses or industries, and as a parent I try to protect my children from this by using parental locks on the internet and the tv so they can't stumble across porn, but as step out of my front door there is a black castle of the lap dancing world with a neon blue pole dancer to furthermore highlight its presence, this is some I alone cannot shield my children from.

Additionally, on the few occurrences that I do go out in the evening to Osbourne Road or Albert Road I never feel comfortable walking home as I have to walk past Elegance; it is intimidating and slightly threatening having to walk past the queue outside the building.

I simply believe that these businesses shouldn't be in built up residential areas.

Best regards,

Humphreys, Nickii

From:
Sent: 09 May 2012 21:41
To: Licensing Shared Email
Subject: Objection to Elegance application to renew sex establishment license

Dear Sir/Madam,

I am writing to object to the 'Elegance' application to renew its sex establishment license. I feel that granting such a license will lead to an atmosphere which is intimidating, possibly even threatening, to female residents during the hours at which the nightclub operates.

I am also extremely unhappy about the fact that I walk past the building every day with my toddler and preschooler, with the club's sexist logo highly visible. It will not be long before I have to explain to my young daughter that she will one day grow up to be seen by a section of society as akin to a piece of meat. I believe that the gradual absorption of the sex trade into 'mainstream' society is an extremely worrying scenario for men and women alike, and I would like to see Portsmouth take a stance against the large businesses that profit from it.

Please let me know if there is anything further needed in order for this objection to be officially recognised.

Humphreys, Nickii

From:
Sent: 15 May 2012 11:02
To: Licensing Shared Email
Subject: Elegance strip club

I object to the renewal of its license.

It is totally out of place in this residential area, causing a lot of disturbance in the early hours.

Also it is morally wrong.

Humphreys, Nickii

From:
Sent: 20 May 2012 09:23
To: Licensing Shared Email
Subject: sex establishments

I would like to object to the applications for licences of Wiggle and Elegance. What would it say about gender equality in Portsmouth if they were allowed? How would they enhance our communities? What about the levels of violence and abuse against women if they can be objectified in this way?

Humphreys, Nickii

From:
Sent: 11 May 2012 08:40
To: Licensing Shared Email
Subject: Ref: License application for Elegance Strip Club Waverley Road

Dear Sir,

We wish to register our strong objection to a new license being issued to the Elegance strip club in Waverley Road. We live just around the corner from this venue and I have two children. On occasion we have to walk past this venue to take the children to the doctors and on returning home in the evening we have had to walk passed the girls outside having a break dressed in G strings. Try explaining this to a child. This is totally unacceptable. Even is we pop out to the corner shop of a evening we can see these girls. We also feels it is appalling that this venue can be allowed to open so close to two schools who have children from the age of 4-16 years. Mayville High School is so close that if they stood outside the school they can see the club. There is also a church almost backing onto this club and I am sure they are "over the moon" that this place is so close. On one occasion it was reported in the news that a bouncer from the club was shot in the knee caps yards from Mayville High School. we feel it was unbelievable that such a place should have ever been allowed to open in such a residential area.

We urge you to take our strong objection into consideration in this matter.

Regards

Humphreys, Nickii

From:
Sent: 17 May 2012 19:26
To: Licensing Shared Email
Subject: Elegance - application for a sex establishment license

I wish to object to the above application.

The premises are situated in a residential area of Southsea close to two schools, one of which is a girls school, a place of worship, and on the main thoroughfare from Albert Road to our attractive seafront destination. A number of my friends and my sister, while walking between her old residency in Clarence Rd and my parent's house in Waverley Rd at night, have been sexually harassed outside this club by customers. Last weekend, a friend was walking past 'Elegance' and noticed that some of the lap dancers were touting for business outside the club, while wearing very little. They were also entering The Lounge club next door and trying to persuade customers to visit the lap dancing club. I do not believe that women in particular, including young students, waiting for public transport at the strand, living nearby, or using the fast food outlets should have to encounter sexually charged males exiting this club in the late hours.

The exterior of this building is a disgrace. It was painted black and signs attached to the exterior without any permission sought. There is evidence of graffiti of the word 'cun*s' still visible on the front of the building. There is also dangerous illegal parking every night that the club is open on the double yellow lines opposite the entrance, and a history of violent crime, including a shooting, associated with this club. I have also been made aware that at least 4 of the women that work in this club are also working as prostitutes (my source does not wish to be revealed).

The Council is obliged to promote equality between men and women under the general gender equality duties. By licensing establishments where men go to buy young women to perform sex acts for them, and while numerous women are harassed by punters of these clubs, and young female students are harassed by operators of these clubs to work in them, while at the same time young male students are harassed to attend these clubs to buy women, the Council is in breach of its gender equality duty.

Yours,

Humphreys, Nickii

From:
Sent: 11 May 2012 14:13
To: Licensing Shared Email
Subject: FW: Elegance sex club license renewal

mailto:nickii@hampshire.gov.uk
Subject: Elegance sex club license renewal
Date: Fri, 11 May 2012 13:09:06 +0000

Dear Members of the Licensing Committee

I am writing to place my objection to the proposed relicensing of Elegance strip club in Waverley Road, Southsea, which I understand is up for renewal. I am strongly against this proposal for the following reasons.

1. Waverley Road is a mainly residential area with family houses, single person flats and student accomodation. It is not appropriate to allow a sexual encounter establishment to function in such an area. Because of the type of people that such a club attracts, it is intimidating to walk past it in the late evenings, especially so for women.
2. These clubs attract prostitution, drug and other crime to the area. Elegance is no exception to this.
3. These clubs are degrading for the girls who work in them and also for the customers. Both groups are being exploited by the pimps who run these clubs.
4. The male customers upon leaving the clubs are often drunk and sexually aroused. They tend to engage in yobbish and intimidating behaviour which is very apparent in Waverley Road late at night.
5. Up to ten cars are regualrly parked on the double yellow lines opposite Elegance in the evenings when the club is open. I presume that these belong to either staff or customers. This is on a narrow part of the road and cars turning from Clarendon Road into Waverley Road are forced onto the wrong side into the face of uncoming traffic. Thi is an extemely dangerous situation and I have complained to the police on several occassions but they fail to take action for whatever reason I do not know! Following my latest complaint I was informed that it is the repsonsibility of the council to enforce parking reulations. Therefore I wish you to treat this as a formal complaint and put a stop to this illegal parking.

For these reasons I asked that the relicensing application by Elegance be rejected and I hope that my local councillors to whom I have copied this objection will also give support to this. This objection extends to the putative relicensing of any similar establishments in the Portsmouth area.

Yours faithfully

Humphreys, Nickii

From:
Sent: 12 May 2012 15:31
To:
Subject: Licensing Shared Email
RE: Elegance sex club license renewal

Dear Luke

Thanks for your speedy response to my email.

In answer to the points you raise, I understand that Elegance have applied for a new sex establishment license under the new legislation and that objections must be received by 23rd May 2012. Therefore I don't think that the club will be able to argue that the original license was granted in perpetuity and as you say the council would probably not now grant a license for a late night venue in that location.

My understanding is that 'The Lounge' and 'Elegance' are part of the same establishment, run by the same man. I am also aware that a shooting relating to a bouncer at Elegance took place just a few yards away from the club a few years ago.

May I also respectfully remind you that the Council is obliged to take action to promote gender equality under the Gender Equality Duty (Equalities Act 2010) and by licensing clubs where men go to buy young women to perform sex acts for them and where women get harassed on the street and at home and work by men that have attended these clubs, the Council is in breach of its duty.

Regarding the parking problem, I have not checked car license plates but I suspect that the same cars are regularly parked opposite on the double yellow lines on club nights. These are therefore more than likely to belong to staff and/ or strippers. On at least two occasions when returning home at around 11.00 pm, I have been forced onto the wrong side of the road directly into the oncoming path of fast moving vehicles. Sooner or later this will be the cause of a serious accident. The police and/or council have consistently drawn a blind eye to this illegal parking.

I do hope that you will support the campaign to get Elegance and similar establishments in Portsmouth closed down.

With regards

From: [REDACTED]

Subject: RE: Elegance sex club license renewal
Date: Fri, 11 May 2012 18:37:13 +0100

Thanks for the e-mail.

I am not aware that this club has to seek a new licence at this point. As you may well know, historically licences for lap dancing clubs have been granted in perpetuity with the potential for review if public order problems occur. The

government has changed the rules in this regard, so perhaps the licence for this premises is now up for renewal – I will check.

Were it not already there, the council would not licence a late night venue in that location. However that it has been trading for many years is a material factor, as is that it is difficult to separate out which problems may be occurring at Elegance and which at The Lounge. I will take advice from licensing officers before the application is heard.

The parking problem has been a persistent issue and one I have never quite figured out – as both Elegance and the Lounge are end-of-night venues, I doubt many customers drive to them. My guess is they're staff, but I have never been sure. I will also ask parking to look into the matter. Do you know if they are routinely the same cars?

Regards



Humphreys, Nickii

From:
Sent: 24 May 2012 18:20
To:
Subject: Objection to the renewal of the licence of 'Elegance'

I am objecting to the renewal of the licence of the lap dancing establishment at the end of Waverley Road for the following reasons:

This road is a main thoroughfare for families making their way to the seafront. It has some very interesting buildings and could be a desirable road to live, but has been allowed to deteriorate because of multiple occupancy; absentee landlords who have no interest in maintaining their properties or awareness of amenity; problems with drug users; theft and violence. The owner of the club, the building itself and its occupants cast a sinister shadow over the neighbourhood. Not so long ago there was even a sizeable notice advertising fully nude dances. For these reasons I strongly object to its continuance.

Humphreys, Nickii

From:
Sent: 22 May 2012 20:13
To: Humphreys, Nickii
Cc:
Subject: LICENSING APPLICATION 12/03425/SEXEST - 1 Granada Road Southsea

Dear Mrs Humphreys

The e-mail app on the Portsmouth City Council Website for “Comments on Licensing Applications” appears not to be working so we are sending you this e-mail direct in relation to the above.

As residents and neighbours in the Craneswater area we object most strongly to the proposal for all the reasons clearly stated by Cllr Terry Hall in her comments to you of today’s date. The application is offensive and highly inappropriate.

Yours sincerely,

Humphreys, Nickii

From:
Sent: 23 May 2012 11:14
To: Licensing Shared Email; Humphreys, Nickii
Subject: Aurora - Objection to Licensing application - Elegance
Attachments: SEV license objection - Elegance.doc

Please find attached our objection to the SEV Elegance Licensing application.

Please inform us of the time and venue of the meeting as we would like to attend.

23/05/12

RE:- SEV license application - Elegance 1 Granada Road

wishes to object to the above application.

We fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) *The general character of the area (eg family residential, family leisure or educational area)*

This area is largely residential and is a thorough fair to the sea front being used by families in their leisure time. It is within a two minute walking distance of two schools. The granting of this license is also in direct contradiction to the council's regeneration attempts for "the Great Waterfront City".

b) *The impact of the premises on the character of the area*

The building is completely inadequate and very unattractive. The existing premises are run-down and look seedy, in essence it "sticks out like a sore thumb" as the rest of the area is well maintained by residents, landlords and shop owners. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building.

c) *Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all*

We note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse. Aurora New Dawn has had disclosures from women who live in the area saying they will not walk near the club at night for fear of their safety.

"Research into **male motivations for visiting strip clubs** found that men went to strip clubs to meet women who were willing to act in more 'traditional' ways, and that they wanted a place to 'let frustration out' at the ways in which they had been forced to monitor their behaviour

towards women in the workplace because of equal opportunities and sexual harassment legislation. In this way, lap dancing clubs represent one of the last bastions of male privilege – a place that time forgot in relation to society’s efforts to achieve equality between women and men.” Frank, K. (2005) ‘Exploring the Motivations and Fantasies of Strip Club Customers in Relation to Legal Regulations’, *Sexual Behavior*, Vol. 34 (5), pp. 487 – 504 - statement from the leading violence against women, women’s and human rights organisations in the UK.

Additionally also note there is direct evidence that SEV’s heighten violence against women - “The links between objectification and discrimination and violence against women are recognised at the international level by the legally binding **United Nations Convention to Eliminate Discrimination Against Women (CEDAW)**, which has repeatedly called on states – including the British Government - to take action against the objectification of women.” statement from the leading violence against women, women’s and human rights organisations in the UK

d) *Effects upon regeneration and tourism in the area*

As already stated, the granting of this license is also in direct contradiction to the council’s regeneration attempts for “the Great Waterfront City”.

e) *Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, parks, tourist attractions, educational premises, schools, libraries, historic buildings*

This location is within the vicinity of all of the above listed premises including two vibrant schools.

also wish to note that women’s bodies are not a commodity to be bought and sold and the granting of this license would provide evidence that the council do not adhere to the Gender Equality Duty which came into force in April 2007.

Humphreys, Nickii

From:
Sent: 24 May 2012 11:52
To: Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

It has come to my attention that a planning application or re-application has been submitted for Elegance on the Strand roundabout. I would like my objection to be noted as I do not think that our or any other residential area is an appropriate venue for this type of sex club. The building is badly managed and looks shabby at best. The owners occupy a historic building that is on the very edge of a conservation area (no 19), which spans the whole of Southsea - south of Clarendon Road. The owners have successfully managed to ruin the building by painting it entirely black, completely out of keeping with the area.

There are more appropriate venues in the city centre for a topless bar within the vicinity of all the night clubs. Since the forced closure of all the seafront nightclubs, it seems strange that this venue was not shut down. The owners of the nightclub and topless bar have a major disregard for local residents, allowing their clientele to park on double yellow lines at night on Waverley Road opposite. I walk past the night club on a daily basis and can find the evenings quite intimidating if I am on my own. Four pubs/bars existed on Clarendon Road near the Strand round about, and all of them have gone out of business in the last few years; I for one am glad about that as there were too many, which inevitably attracted drunken behaviour at all hours in a quiet residential area. I would welcome responsible and friendly drinking establishments such as that on Florence Road , which I am very supportive of as I am of others on the sea front.

Yours sincerely

Humphreys, Nickii

From:
Sent: 22 May 2012 17:21
To: Licensing Shared Email
Cc:
Subject: PLANNING APPLICATION - ELEGANCE NIGHT CLUB

Reference: 12/03425/SEXEST – Elegance, 1 Granada Road

I wish to have my objection officially recorded to the above planning application.

Humphreys, Nickii

From:
Sent: 23 May 2012 23:04
To: Licensing Shared Email
Subject: Elegance Lap Dancing Club Objection

As a resident of Somerset Road I would like to object to the Elegance Club renewing its licence as a strip club.

The club is situated at the end of my road and attracts large numbers of visitors, particularly at the weekend. Noise, rubbish and damage to property are some of the consequences of living close to this type of business. Indeed only a few weeks ago many car mirrors were smashed late one night causing much unnecessary expense and aggravation.

It is completely unacceptable to have this type of business situated in a residential area.

I would be delighted if this club was refused its application to continue.

Regards

Humphreys, Nickii

From:
Sent: 24 May 2012 20:15
To: Licensing Shared Email
Subject: Fw: 12/03425/SEXEST - Elegance 2 Granada Road

To: "nickii.humphreys@portsmouthcc.gov.uk" <nickii.humphreys@portsmouthcc.gov.uk>
Sent: Thursday, 24 May 2012, 20:14
Subject: 12/03425/SEXEST - Elegance 2 Granada Road

Dear Ms Humphreys

I am writing to object to the above application as a resident living no more than 5 minutes walk from this establishment.

I support the council draft sex establishment policy which initially concluded that there is no place in Portsmouth suitable for such a licensed sex establishment.

The policy mentions specifically: The character of the area.

This proposal falls a couple of roads from my children's school and in an area where many families including my own reside, as well as a church no more than 50 yards north.

There are other significant issues, such as the effect on the character of the area - including the impact on tourism so close to a predominantly family targeted sea front and security.

But rather than regurgitate points raised elsewhere, I would ask the council to consider this application from a resident such as myself who walks to and from my kids school past this place. It's just not appropriate in this wonderful residential area, an area I moved to 5 years ago and fully intend to never leave. I arrived in Portsmouth in 1999 with the intention of only staying for a little while. I'm still here, such is my affection for the city and specifically Southsea which is so full of charm and character.

It's bad enough what has been allowed to happen to that building and some of the other seafront features. But to allow this application would be another nail in the coffin of the ideal that this area is supportive of a community based, family centric environment.

Thank you for your consideration.

Humphreys, Nickii

From:
Sent: 13 May 2012 15:53
To: Licensing Shared Email
Subject: ELEGANCE STRIP CLUB

I submit this email to object to the renewal of the license for ELEGANCE STRIP CLUB on WAVERLEY ROAD.

Humphreys, Nickii

From:
Sent: 22 May 2012 16:44
To: Licensing Shared Email; Humphreys, Nickii
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

Importance: High

Dear Ms Humphries,

May I please express my concern about the recently exposed plans for the renewal of the licence for the "Elegance" Club on Granada Road. This area of Southsea suffers enough from undesirables, and given the documented history of this establishment, I feel that it simply is not appropriate for such a business to be located in what is otherwise a family-friendly area, especially with the church and the schools nearby.

I understand that you alone may not be able to overturn any decision that the council grants, but I'm sure that I'm not alone in that the majority of your electorate may echo my sentiments.

Kind Regards,

Humphreys, Nickii

From:
Sent: 23 May 2012 22:46
To: Licensing Shared Email

Reference - 12/03425/sekest elegance 1 Granada Road

Please accept my strongest objection to the planning application for a Sex Establishment at the Strand roundabout. I support the thoughts of Mrs Terry Hall in my objections. I would like to add that if it were a resident asking for permission to put in new windows in a conservation area we would be waiting until hell freezes over for a decision this application however seems to be of some urgency as we see the public have been given next to no time to respond.....Please advise why this has not been given adequate time.

I am sickened at times at the need to support this kind of business, even more horrified that our police find it acceptable. At times it seems that this City is no place for decent families. When will councils take a stand for morality instead of profitability. Our council and our police have a moral obligation to All who live in this City.....

Humphreys, Nickii

From:
Sent: 23 May 2012 09:10
To: Licensing Shared Email
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Sir/Madam

We have been informed that the "Elegance Strip Club" has asked for one of the new sex establishment licenses. This establishment is in close proximity to a Church and a number of schools apart from being in a residential area. In our opinion this establishment increases the risk of sex related crimes and sets a very negative image of sex to the impressionable youngsters who walk past this building with its lurid sexual displays.

We object to this license being granted.

Yours Faithfully

Humphreys, Nickii

From:
Sent: 24 May 2012 15:10
To:
Subject: Objection to the relicensing application by Elegance

Dear Members of the Licensing Committee

I am writing on behalf of myself and my wife, to place our objection to the proposed relicensing of Elegance strip club in Waverley Road, Southsea, which is up for renewal.

We strongly object to this proposal for the following reasons.

1. Waverley Road is a residential area with families and children and it is inappropriate to allow entertainment of a sexual nature in this area of town. The club attracts people late in the evening/early hours who have been drinking and as such can be a nuisance when arriving and leaving the club.
2. Waverley road is currently struggling with some multiple occupancy tenants that openly abuse alcohol and drugs and can be aggressive, abusive and sometimes violent towards residents and visitors. Allowing the license of a strip club in a residential area is inappropriate and will only add to the problems we currently face and are trying to deal with.
3. Policing has been tactically targeted towards managing the Guildhall square area of Portsmouth which leaves residents in this area of town exposed to late night drunken disorder and violence that is never tackled in time to prevent or moderate such behaviour. We have witnessed far too many events of this nature over the past ten years.
4. Ultimately, lap dancing clubs are seedy and degrading, especially towards the girls who work in them, and they attract people who abuse alcohol and drugs. If the law tolerates their existence, then they should be managed in a suitable area of town and not located in residential areas where families and children can be exposed to their existence as well as the working girls and clients.

For these reasons, and more, we strongly oppose the relicensing application by Elegance.

Yours faithfully

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Humphreys, Nickii

From:
Sent: 23 May 2012 17:50
To: Licensing Shared Email
Cc: Humphreys, Nickii
Subject: 12/03425/SEXEST- Elegance 1 Granada road

Sir/Madam

My wife & I wish to object to the above application as We live at:-

close to this establishment.

We feel that this sex establishment is situated in an inappropriate area surrounded by family homes. When walking passed this premissis at nights it is very threatening with taxis arriving with groups of men. The property is painted black & looks run down which does not help promote Southsea as a holiday destination.

It is also situated close to our church St Simons & the local private school.

Yours Sincerely

Humphreys, Nickii

From:
Sent: 20 May 2012 10:22
To: Licensing Shared Email
Subject: Elegance

Sir /Madam

I would like to object to the licensing proposal for Elegance Night Club in Southsea.

This area is highly populated and the location of the club situated on a main route from Albert Road to the Strand means that young and old have to pass this undesirable venue.

The closure of the sea front night clubs has already had a positive impact on the neighbourhood and I believe that Elegance is not the type of establishment that Southsea should be encouraging.

Humphreys, Nickii

From:
Sent: 24 May 2012 14:37
To: Licensing Shared Email; Humphreys, Nickii; southsea.forum@gmail.com
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living fairly closely to this establishment at 13 Collins Road, Southsea and a longstanding member of St Simon's Church on the corner of Waverley and St Ronan's Roads.

I would also like to know why our community was given such ridiculously short notice before this important application closes to public comments!

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

I am surprised that the Chief Officer of Police has no objections to the application bearing in mind the incident which occurred in my road in January 2006 when a doorman finishing his work at Elegance nightclub was shot and severely injured. Ever since then people in this area have been concerned for their safety.

A News journalist wrote in her column on March 5th 2012 that “there’s no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society”. I wholeheartedly agree.

Humphreys, Nickii

From:
Sent: 22 May 2012 12:10
To: Humphreys, Nickii
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living just round the corner from this establishment.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

I am surprised that the Chief Officer of Police has no objections to the application bearing in mind the incident which occurred in my road in January 2006 when a doorman finishing his work at Elegance nightclub was shot and severely injured. Ever since then people in this area have been concerned for their safety.

A News journalist wrote in her column on March 5th 2012 that "there's no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society". I wholeheartedly agree.

Please note that I wish to make a deputation at the meeting when the matter is considered.

Yours sincerely

Humphreys, Nickii

From:
Sent: 20 May 2012 16:48
To: Licensing Shared Email
Subject: Fw: Licence for "Elegance"

----- Forwarded Message -----

From:
To: "Licensing@portsmouthcc.gov.uk" <Licensing@portsmouthcc.gov.uk>
Sent: Saturday, 19 May 2012, 9:51
Subject: Licence for "Elegance"

I am opposed to the licence on the following grounds:

1. I have lived in the Clarendon Road area for many years and seen the Strand and immediate sea front become increasingly seedy. Some developers have helped by building some decent housing- but who would want to buy a property near "Elegance"? If the licence is granted I think that the Council is allowing the proliferation of a sexist, seedy establishment. Not something that any resident would want.
2. The building itself was once a traditional, old pub with a garden. It is now a black-painted, ill cared for eyesore.
3. The morality issue is one that must, surely, be questionable. Does the Council wish to support an industry that exploits young women.
4. The road side around the building is double yellow lined but, despite this, cars are regularly parked and no action appears to be taken.
5. The Council should be seen to be pro-active in trying to establish decent, clean businesses in an area which is promoted as part of the traditional tourist area of the city and is a main thoroughfare to the sea front. What we certainly do not want is a run-down, seedy, sexual entertainment venue.

Humphreys, Nickii

From:
Sent: 15 May 2012 17:39
To: Licensing Shared Email
Subject: objection to grant of licence to Elegance

It has been drawn to my attention Wellhot Limited has applied for the grant of a sex establishment licence at Elegance 1 Granada Road Southsea PO4 0RD, Monday to Sunday 9pm to 4am. I object to the re-grant of licencing to this club on the grounds this is a residential area and the club encourages unsavoury characters into the area and means I do not feel safe in my own neighbourhood after dark. Further the hours of the club mean that there is a lot of noise pollution late at night when loud drunken people arrive/leave the club. I live round the corner at and have my sleep disturbed every weekend by drunken louts either shouting or fighting in the streets around the club. If I knew when the liquor and club licences for Elegance and The Lounge were up for renewal I would object to these also.

Please do not publish my name and address.

Humphreys, Nickii

From:
Sent: 16 May 2012 13:19
To: Licensing Shared Email
Subject: Objection to Elegance sex establishment license

Dear licensing committee,

I am writing to object to the application of a sex establishment license for Elegance Strip Club in Waverly Road.

I often walk past Elegance when visiting a friend who lives in the area but the presence of this club makes me feel unsafe. As a young woman, walking past a club with lots of often drunk and sexually charged men spilling out I feel scared and vulnerable.

I feel that the location of this club is totally inappropriate in an otherwise quiet residential area. I feel that I should have the right to walk through Southsea and not be intimidated by men who shout sexist abuse. I already avoid the city centre in the evenings because I feel unsafe, I feel I should not have to avoid going out completely.

The road where the club is situated has double yellow lines, however while the club is open cars park dangerously across them, on pavements and blocking the road. I feel this is a serious health and safety issue.

Even in the day I feel the club changes the look and feel of the area. The silhouette of a woman in a sexual pose. The large ugly imposing blacked out windows. The bottles and posters that are to be found outside the club. They all bring the area down, make it feel grotty, sleazy. This is a residential area with lots of local schools. It to me the presence of this club is a constant reminder of sexism and that women are only valued as sexual objects.

I hope you will take my points into consideration.

Yours faithfully.

Humphreys, Nickii

From:
Sent: 18 May 2012 16:10
To: Licensing Shared Email
Subject: objecting to elegance

I object to allowing elegance to renew their establishment licence and think the building should be used for better use than a "strip club"! And don't want this on my doorstep
Thank you

Humphreys, Nickii

From:
Sent: 17 May 2012 13:59
To: Licensing Shared Email
Subject: Strip club- Waverly Rd Southsea

I would like to object to the renewal of the licence of this establishment. The strand area has become run down, along with a lot of Southsea, and we need to halt the decline of the area even further. The council need to initiate schemes to improve the area for visitors and residents alike. Having a strip club on the corner of Granada Road devalues the property prices in that, and surrounding area.

Humphreys, Nickii

From:
Sent: 24 May 2012 23:53
To:
Subject: objection

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living just round the corner from this establishment.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of schools, parks and the seafront making it totally unacceptable for use as a sex establishment.

I would like to highlight that in re-developing the seafront, as a Southsea resident I was hoping for a cultured feel of the area. Already the strand area is recognised by residents as an area that during the day attracts a high proportion of people using substances. This problem will only be combated if you grant the proposed application. I cannot believe you even considered this application given that you are broadcasting that you want to invest to attract tourism and people using Southsea's hotels, restaurants and leisure facilities.

I trust that seek other investment for the area to be developed.

Yours sincerely

Humphreys, Nickii

From:
Sent: 25 May 2012 11:38
To: Licensing Shared Email
Subject: Ref: Licensing Committee application 12/03425/SEXEST

Portsmouth City Council
FAO Mrs Nickii Humphreys
Civic Offices, Guildhall square
Portsmouth PO1 2BG

licensing@portsmouthcc.gov.uk

Ref: Licensing Committee application 12/03425/SEXEST

I would like to oppose the granting of a license to the Elegance sex establishment currently trading from 1 Granada Road, Southsea PO4 ORD.

I previously expressed my support for the proposed nil cap on the licensing of Sexual Entertainment Venues in all areas of the cities, as indicated in section 7.10, where it states that *"Given the various factors set out above, the Licensing Authority has reached the preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment."*

By dint of its location near to schools, places of worship, and family homes Elegance is an unsuitable establishment for the area. There are many ways in which such clubs reduce amenity to residents, particularly women, and this can have a serious effect on other local businesses and services. By creating no-go areas such establishments effectively stifle development and opportunity for growth in the surrounding locale. Refusing licenses will help to promote Portsmouth as an attractive location for business and tourism.

The council has recently refused permission for the Southsea Castle car boot sale to take place, only half a mile from Elegance's location. The reason stated by the City Council's seafront manager David Evans was that the quality of the event was too downmarket: "We're looking to bring in craft fairs, food festivals and antique fairs in gazebos. These people don't come at the moment because of car boot sales." I would be astonished if the 'quality' of visitors attracted by car boot sales would be lower than those attracted by an ill-maintained eyesore of a lap dancing club. Where markets and sales bring trade to surrounding businesses, sex establishments only bring harassment for residents and encourage yet more drunken loutish behaviour.

Venues like these could be smartened up and made suitable for all customers, men and women - even families - to enhance the community. Please refuse this application.

Sincerely,

Humphreys, Nickii

From:
Sent: 24 May 2012 20:01
To:
Cc:
Subject: 12/03425/SEXEST

Dear Ms. Humphreys ,

Re 12/03425/SEXEST
Elegence 1,Granada Road

I am writing to you as a resident of Southsea,parent ,teacher at a local school and member of St Simons Church.

I would ask the council not to extend planning permission to the Elegance nightclub on the Strand roundabout. This venue does nothing to promote the well-being and safety of local residents . It attracts the criminal underclass to an area where families and vulnerable young people live due to the high percentage of multi-occupancy housing. It promotes casual sex which results in a higher incidence of STDs. My daughters felt very vulnerable walking by there when they were younger. There is no reason for Portsmouth City Council to encourage a venue which lures young women into a degrading and potentially dangerous lifestyle for commercial profit. The standards of a health and safety at the venue known as Elegance would appear to be poor judging the outward appearnace and my memories of the interior from times when it was just a night club. I would like to suggest that the council give it over to be an Arts Centre which would have an appeal to day visitors.

I would also like to know why local residents have been such little notice to voice their opinions either for or against the extension of planning permission to Elegance?

My husband and Mother-in- Law , all resident at this address are in agreement with my objections.

Yours sincerely,

Humphreys, Nickii

From:
Sent: 25 May 2012 09:37
To: Licensing Shared Email; Humphreys, Nickii
Cc:

Ref:[12/03425/SEXEST – Elegance 1 Granada Road](#)

Dear Sir / Madam

Forgive me writing in haste, but I have only just received notification of the plans for the Elegance building in Southsea, together with a plea to make a response by today. [REDACTED] St.Simon's Church, just 100 yards from the said building. I myself live on [REDACTED], but a fair proportion of [REDACTED] congregation live very near to the building in question. It is not apparent from what I have received exactly what sort of sex activity is being proposed for this very prominent building. If this planning development goes ahead I will be concerned for all the young families and single elderly people who live nearby. I will also be concerned for the large population of people living in various kinds of social housing in the immediate neighbourhood, people in hostels, in HIMO's, and in Chewter Close. Our church has worked closely with these people for many years and we have seen how many of them struggle to break free from poverty, marginalization and various destructive behaviours. Like it or not, people are strongly influenced by the atmosphere in which they live, what they see and sense when they go out of their doors, what noises they hear at night.

The area already has a reputation for violence and other destructive behaviours. Allowing this club to develop in this way will simply add another layer of exploitation, degradation and potential for violence to the mix. I very much doubt whether the proposed development is going to help the other local businesses around the Strand, struggling to survive. If the owner wants to develop his property, surely as a city we can think of better ways for him to do it!

Humphreys, Nickii

From:
Sent: 22 May 2012 23:37
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

Dear Sirs

Re Elegance, Strand Roundabout, 1 Granada Road

We object to the proposed planning application concerning this building. The problems with the application include the location being close to a Church and a school, and it being in a residential area. It is not reassuring to see the present poor condition of the building and be aware of previous problems with its present use. Can you please explain why you have not provided proper notice of this application, for public scrutiny and comment. Yours faithfully,

Humphreys, Nickii

From:
Sent: 12 May 2012 10:39
To: Licensing Shared Email
Subject: 'Elegence' license application objection...

12th May 2012

Dear Sir/Madam,

I wish to lodge my objection to licence that 'Elegance' strip club on Waverley Road have applied for.

This business has long been blight on what otherwise would be a pleasant area to live. It is completely inappropriate that a Sexual Entertainment Venue (SEV) should be situated in such close proximity to schools and children's nurseries, churches, residential homes and private properties, and is having an adverse effect on the locality.

The building itself is an utter eyesore that stands out like a sore thumb (I actually believed it was derelict when I first moved into the area!), peeling black paint, graffiti - the words 'n*b' and 'c**t' can be made out on the doorway.

I also wish to object to the fact that there is a strip club in such a densely populated area on the grounds of the culture and clientele such a place attracts. Strip clubs have a proven link to human trafficking, prostitution (several of the 'dancers' at strip clubs in Portsmouth are also registered with escort agencies), and a rise in crime (particularly public order, sexual crime and domestic violence). Such businesses also feed into the idea of making it 'normal' to pay for sexual services.

These are the reasons of why I wish to object to the license application.

Humphreys, Nickii

From:
Sent: 18 May 2012 14:26
To: Licensing Shared Email
Subject: Elegance club

Dear Licensing

I want to object to the renewal of Elegance license.

I do not think it is right to have something of this nature that can lead into other areas of the sex trade. It feeds bad habits in some people. I believe it is degrading of women and find it really offensive.

I also object to driving past and on occasions seeing scantily wrapped women stood in the doorway smoking. I literally mean in a skintone wrap just open at the sides. Very wrong. I have also heard others comment on seeing someone there.

I also object to how cars park on the double yellow lines outside the club when it is open.

Humphreys, Nickii

From:
Sent: 24 May 2012 06:19
To: Humphreys, Nickii; Licensing Shared Email
Cc:
Subject: RE: 12/03425/SEXEST – Elegance 1 Granada Road.
Importance: High

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

Please note that I also wish to object to the above application. I am a resident who has lived in this area for many years and Kenilworth Road, is just around the corner from this establishment.

I wholeheartedly agree with the News journalist who wrote in her column on March 5th 2012 that, **“there’s no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society”**.

Should you require any further clarification, please do not hesitate to contact me.

Humphreys, Nickii

From:
Sent: 23 May 2012 07:49
To: Humphreys, Nickii
Subject: Fw: Elegance club 12/03425/SEXEST – Elegance 1 Granada Road

----- Forwarded Message -----

From: licensing@portsmouthcc.gov.uk
To: "licensing@portsmouthcc.gov.uk" <licensing@portsmouthcc.gov.uk>
Sent: Friday, 18 May 2012, 14:26
Subject: Elegance club

Dear Licensing

I want to object to the renewal of Elegance license.

I do not think it is right to have something of this nature that can lead into other areas of the sex trade. It feeds bad habits in some people. I believe it is degrading of women and find it really offensive.

I also object to driving past and on occasions seeing scantily wrapped women stood in the doorway smoking. I literally mean in a skintone wrap just open at the sides. Very wrong. I have also heard others comment on seeing someone there.

I also object to how cars park on the double yellow lines outside the club when it is open.

Humphreys, Nickii

From:
Sent: 22 May 2012 16:49
To: Humphreys, Nickii
Subject: ELEGANCE No 1 GRANADA ROAD12/03425/sexest

I wish to register my objection to the above application on several grounds which are all incompatible with the council policy

- 1 The general character of the area is predominantly family residential/educational and family leisure
- 2 The general dilapidation of the premises in a conservation area is totally out of keeping
- 3 Applications will normally be refused if in a residential area or one which is characterised by schools/religious places/parks/ nurseries...this area has many such establishments
- 4 This area being so close to the seafront is a tourism area (upon which the city's economy relies) and such an establishment would be to the significant detriment; it is also an area which includes hotels and guest houses ...not an attractive proposition for visitors to the city

Many thanks

Humphreys, Nickii

From:
Sent: 11 May 2012 13:42
To: Licensing Shared Email
Subject: Elegance

I would like to register my objection to the license for the Elegance lap dancing club being renewed

Humphreys, Nickii

From:
Sent: 23 May 2012 11:22
To: Humphreys, Nickii
Subject: planning application 1 Granada Rd

Dear Madam, I object strongly to the planning application of 12/03425/sexist at 1 Granada Rd. Southsea does not want such an unseemly establishment. , resident of Southsea for 50 years.

Humphreys, Nickii

From:
Sent: 25 May 2012 10:57
To: licensing@portsmouthcc.gov.uk
Subject: FW: SEXEST - Elegance, 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST - Elegance, 1 Granada Road

I wish to object to the above application as a resident and the mother of a daughter living in the Craneswater area which is incidentally an area which is very expensive in terms of rates/house prices.

I fully agree with the City Council's preliminary conclusion that there is no place within the city of Portsmouth appropriate to license a sex establishment.

I do not believe that the existing establishment should be allowed to continue in this area which is densely populated by families with young children.

The existing premises are an embarrassing, shabby and seedy looking eye sore in an otherwise well maintained area. The building is so badly maintained that it actually looks derelict which I feel is hugely disrespectful to the character of the area and the residents who have to live nearby. This establishment is within a few hundred yards of a local church and school and is a popular route for children who go to St Swithuns, Southsea Infants and other schools in central Southsea.

I would worry for my own and my daughter's safety after dark and we have both been intimidated by people hanging around the steps, even in broad daylight.

I believe the application for a sex establishment should be refused and I look forward to hearing from you.

Yours sincerely

Humphreys, Nickii

From:
Sent: 24 May 2012 15:31
To: Licensing Shared Email
Cc: Nickii.humphreys@portsmouth.gov.uk
Subject: Elegance, 1 Granada Road, Planning Application

Dear Sirs,

I writing to object to the planning application for a sex establishment in Southsea ref. 12/03425/SEXEST - Elegance 1 Granada Road', on the grounds that it would be too close to a place of worship, a number of school buildings, and, because of its possible location, cause health and safety hazards.

Yours faithfully

Humphreys, Nickii

From:
Sent: 22 May 2012 23:51
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

TO WHOM IT MAY CONCERN

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living near to this establishment.

The general character of the area as a residential, family and educational community makes this application inappropriate.

The property is already dilapidated and is an eyesore in the locality.

I specifically already avoid walking near the club after dark due the sexually aggressive and threatened atmosphere in the vicinity. I am alarmed to understand the club's Staff Welfare (*sic*) Policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

We understand that the Council would ordinarily refuse such applications if the are located in the vicinity of places of worship, educational premises, nurseries, play areas etc - and this building is within 0.5km of all the above.

We have 4 children (aged under 10) and while we accept that adults engage in the sexual activities offered by such sexual establishments I do not want to raise my children in the shadow of such an oppressive establishment.

I look forward to the Council making a fair and just response. Please advice us of the outcome.

Yours sincerely

Humphreys, Nickii

From:
Sent: 22 May 2012 11:20
To: Humphreys, Nickii
Subject: Re application for SEL by Elegance, 1 Granada Road, Southsea

Dear Nickii Humphreys,

I understand that under paragraph 12.3.c of the Local Government (Miscellaneous Provisions) Act 1982 as modified by Section 27(5) of the Policing and Crime Act 2009 the decision to grant or refuse a licence may relate to whether the number of sex establishments is equal to or exceeds 'the number which the authority consider is appropriate for that locality'. I would wish to suggest to the committee that the number appropriate for this locality is zero. I acknowledge that in judging what is appropriate it is difficult to distinguish between oft repeated urban myths and reality; none the less local residents have commented sufficiently often on the behaviour and inappropriate oral comments made by people coming from Elegance that I consider the location to be a material consideration for the committee.

The location is sufficiently far from the established entertainment areas of the City that the Police cannot be expected to provide surveillance as people leave at the end of a performance or at the end of the evening.

The location is in the centre of a residential area where there are a considerable number of families with young children.

The location is adjacent both to Chewter Close and to a number of houses in other roads where people who are considered to be in various ways vulnerable have been housed.

The location is close (250 metres) to the seafront in an area which, according to the City's seafront strategy, is appropriate for family recreation. A large, prominent, lap dancing club would not enhance this strategy.

I would therefore request that the licensing committee reject this application on the grounds of locality.

Humphreys, Nickii

From:
Sent: 27 May 2012 14:33
To: Licensing Shared Email
Subject: Fw: Elegance - 1 Granada Road.

Dear Sir - I have received an 'Out of office' response to this email, with an instruction to forward it on to your address. I hope that this input will still count as having been sent within the prescribed timescale. Please let me know if this is not the case.

Many thanks,

>Date: 24/05/2012 21:38
>To: <Nickii.humphreys@portsmouthcc.gov.uk>

>Subj: Elegance - 1 Granada Road.

>

>Dear Ms Humphreys,

>

>I wish to

object in the strongest terms to the

>application for the granting of

a licence as a 'sex establishment' at

>the property shown above. I

live around the corner in Whitwell Road.

>I have 4 children, one of

whom is a ten-year old girl. The 'Elegance'

>establishment is located

in the middle of a residential area. Already

>my wife and daughter

have to skirt daily around the Strand roundabout

>en route to/from

school or the corner shops to avoid the sleazy adverts

>and posters.

At night none of my family dares to pass close by as the

>punters -

invariably inebriated; and often boisterous, aroused and

>salacious -

have been prone in the past to spill noisily out onto the

>pavements.

It is utterly inappropriate for an establishment of this

>nature to

exist in a residential neighbourhood, cheek-by-jowl with

>decent

families and decent businesses. I would ask you and the Council

>to

reject this application most emphatically.

Humphreys, Nickii

From:
Sent: 23 May 2012 15:05
To: Licensing Shared Email; Humphreys, Nickii;
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living fairly closely to this establishment at Southsea and a longstanding member of St Simon's Church on the corner of Waverley and St Ronan's Roads.

My husband, , wishes also to object to this application. We would also like to know why our community was given such ridiculously short notice before this important application closes to public comments!

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

I am surprised that the Chief Officer of Police has no objections to the application bearing in mind the incident which occurred in my road in January 2006 when a doorman finishing his work at Elegance nightclub was shot and severely injured. Ever since then people in this area have been concerned for their safety.

A News journalist wrote in her column on March 5th 2012 that “there’s no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society”. I wholeheartedly agree.

Humphreys, Nickii

From:
Sent: 12 May 2012 08:22
To: Licensing Shared Email
Subject: Opposition to Sex Establishment License for "Elegance"

To Whom it May Concern,

I would like to register my opposition to the renewal of the Sex Establishment License for :

"Elegance"
1 Granada Road,
Portsmouth,
PO4 0RD

As this is now a largely residential area an establishment of this type is unsuitable both because the area has a lot of families with children and it's proximity to Mayville High School in St. Simons road.

Sincerely

Humphreys, Nickii

From:
Sent: 13 May 2012 10:53
To: Licensing Shared Email
Subject: Elegance License Renewal

I am writing with reference to the SEV license Renewal by Elegance. I would like to clearly state that I support the renewal because of the sterling work in terms of security in the area the club provides. I have been studying clubs and if any violence is nearby to them and I am pleased that Elegance has such a good track record. I do not live in the immediate area but reading what [redacted] has posted on facebook saying anyone can object felt that it was therefore necessary for me to respond. I would also like to point out that a hate campaign has been started against Elegance spreading lies about the club. I am happy that my details will be public record if accepted.

Humphreys, Nickii

From:
Sent: 23 May 2012 11:56
To: Humphreys, Nickii
Cc: Licensing Shared Email
Subject: sex

planning re;12/0345/SEXEST-ELEGANCE 1 GRANADA ROAD

I want to log my objection to planning/licensing application for above
This is a residential area I have family living in Burbridge crescent
and usally travel by bus getting off at strand or frequently walk in
this area. shopping etc and returning by train to Fratton at night.

Humphreys, Nickii

From: Licensing Shared Email
Sent: 15 May 2012 08:39
To: Humphreys, Nickii
Subject: FW: Elegance Nightclub - Waverly Road

Sent: 15 May 2012 22:02
To: Licensing Shared Email
Subject: Elegance Nightclub - Waverly Road

Dear Sir / Madam

I'm writing to object to the renewal of the sex establishment license of the elegance strip club in Waverly road southsea.

Please acknowledge this objection and let me know if you need any more information regarding my objection.

Thanks for your help

Regards

Humphreys, Nickii

From:
Sent: 13 May 2012 19:55
To: Licensing Shared Email
Subject: Licensing of Sex Establishme

I am contacting you to let you know I strongly object to Elegance sex establishment renewing its licence.

As a Portsmouth resident, who also works in a local school, I do not want to live in a city which tolerates sex establishments. Please read the studies linking sexual attacks on women to the setting up of lap dancing and similar clubs in the area. (Camden study particularly).

Portsmouth should be a zero tolerance city. Portsmouth should make a stand and become a city that says no!

The Human Rights and International Equality Laws do not allow for women being disadvantaged in any way because of their sex and sex establishments do just this by endangering women as they go about their daily lives and limiting their freedom of movement for fear of their safety.

I am asking you not to allow this establishment to continue functioning.

Humphreys, Nickii

From:
Sent: 25 May 2012 12:33
To: Licensing Shared Email
Cc: Humphreys, Nickii; southsea.forum@gmail.com
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

Portsmouth CC Licensing Department,

I understand the club 'Elegance' of 1, Granada Road is seeking a license as a sex establishment. I object to this on the grounds of its location, near a church and a school, as well as in a residential area. Please register my objection.

Humphreys, Nickii

From:
Sent: 23 May 2012 19:26
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: Elegance 1 Granada Road - application for Sex establishment licence

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the application above for the following reasons:

1. I understand the Council believe that no such establishment should operate within a 3 mile radius of any school, church or places where families gather – eg parks. You will be aware that Mayville school is just round the corner from the Strand in St Simons Road, St Simons Church is in the same road as The Strand and Wimbledon Park is not far away either. There are also many residential properties close by.
2. There are quite a few people with drug and alcohol abuse problems who have been housed in Waverley Road, and so any such sex establishment being allowed in the same road could increase the risk of unsocial behaviour in the area, which is already an unsafe place.
3. The property at present is very run down and does not enhance the area. As we want to attract tourism to Portsmouth & Southsea, I believe this sort of place detracts from that. There are Guest houses and Hotels nearby and I would hate to see any tourists put at risk.
4. I personally, never walk down near the Strand at night, as I would feel too vulnerable. I believe many women feel the same.

I do wonder what the reasons were for giving so little time for anyone to respond.
Thank you for taking my views into consideration

Sincerely

Humphreys, Nickii

From:
Sent: 11 May 2012 18:01
To: Licensing Shared Email
Subject: Elegance Strip Club; Objection to Licence Application

I live near this establishment & would like to object to their licence application. This is a residential area & not the place for a sex club, which are proven to have links to crime, prostitution, sex trafficking etc. Additionally, the potential links to organised crime groups should be carefully considered by PCC.

Yours sincerely,

Humphreys, Nickii

From:
Sent: 11 May 2012 17:39
To: Licensing Shared Email
Subject: Elegance Strip Club Licence Application - Objection

I live near this establishment & would like to object to their licence application. This is a residential area & not the place for a sex club, which are proven to have links to crime, prostitution, sex trafficking etc. I walk by this building taking my children to school & even during these hours it is a disgrace, I avoid it during opening hours from 2100hrs - 0400 & shudder to think what goes on. Potential links to organised crime groups is major concern.

Yours sincerely,

Humphreys, Nickii

From:
Sent: 23 May 2012 20:45
To: Licensing Shared Email
Cc: Humphreys, Nickii; s
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Licensing

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident near this establishment and using Granada Rd regularly with my young family.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

I am surprised that the Chief Officer of Police has no objections to the application bearing in mind the incident which occurred in my road in January 2006 when a doorman finishing his work at Elegance nightclub was shot and severely injured. Ever since then people in this area have been concerned for their safety.

A News journalist wrote in her column on March 5th 2012 that "there's no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society". I wholeheartedly agree.

This sex establishment is not welcome in this area. Nor does it provide any positive aspiration that I wish my local area to embeide in the community and its inhabitants. The position of the club is completely incongruent with the character and residential nature of the area, especially enroutte to childrens play areas.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 14:45
To: Licensing Shared Email; Humphreys, Nickii
Subject: OBJECTION -- 12/03425/SEXEST - Elegance 1 Granada Road

Importance: High

12/03425/SEXEST – Elegance 1 Granada Road

1. I wish to object in the strongest terms to the application for a sex establishment in the heart of a family community.
2. I also wish to protest at the lack of proper notice given to our community about this application.
3. I object both as an individual who lives near this vile and loathsome sex pit, and also as an elected committee member of the area's biggest public association, the East Southsea Neighbourhood Forum.
4. **I wish to make a deputation against this application on behalf of the Forum when it comes up for its hearing.**

This dump is in a residential area on a direct route to the local shops. Walking past it at night is extremely intimidating. The men hanging around outside look like thugs. The women look like prostitutes and the girls look like under-age apprentice prostitutes. I have frequently witnessed objectionable behaviour there, such as foul language, pushing and shoving, hawking and spitting, etc. People from this "club" have been shot in local streets. The girls who work there have to be escorted to transport at the end of their shift to make sure they are safe. But what about us residents?

When the men have had their sexual gratification and the women have earned their vice money for the night in this brothel (it was once a music venue but whatever it calls itself now, it is effectively a brothel), they tumble out into residential streets as a bunch of lewd, foul-mouthed drunks.

This establishment is within a few yards of a school and backs onto a street of family homes. Hundreds more family homes, most with children, are within 100 yards of this place. So is a church. Within a few hundred yards are areas of recreation, including many facilities for little children, at Wimbledon Park, Canoe Lake and the Seafront.

The premises is not only in a residential area, it is in an area of tourist accommodation. What an advertisement for Southsea! Come to Southsea and see the slappers! Come to Southsea and get your rocks off in a sleaze-pit! When you are done, tour the arson-hit bomb site of seafront property speculators. Look at the rotting pier. Then go home and tell everyone about it.

This application is completely unsuitable for this location.

The brothel-keepers and sex traders who want to run this establishment should be sent packing. There must be somewhere more suitable for them... in the outer areas of Glasgow or Hamburg, perhaps?

Therefore the grounds of my objection are

1. it is unsafe for local residents
2. it is a bad example to local children
3. it's against the general character of the area (eg family residential, family leisure and educational)
4. its severe detrimental impact of the premises on the character of the area
5. the proposed use, particularly at night, would deter women from using the area comfortably or at all
6. detrimental to the local economy
7. degrading to women
8. damages the regeneration of the area
9. damages tourism in Southsea

10. this application for a sex establishment licences falls directly within the categories that the council says should be refused -- in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas etc.

21 May 2012

Licensing Office
City Council Civic Office
PORTSMOUTH PO1 2AL



Dear Sirs

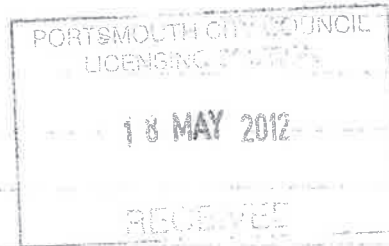
New Licence for 'Elegance' strip club

I would like to record our objection to this license application based on the following:

1. This area of Southsea is no longer an entertainment district as most establishments have closed for conversion or demolition.
2. It is a residential district which doesn't need the presence of establishments which attract crime
3. It needs to be relocated to an entertainment part of the city
4. We are entitled to the peace and security of the residential district which now exists in this part of Southsea

Yours faithfully,

17 MAY 2012



DEAR SIR, MADAM,

I AM Writing WITH
CONSERN REGARDING THE NEW LICENCE
APPLICATION for ELGANCY STRIP CLUB,
AT THE BOTTOM of WAVELEY ROAD,
THE STAND, AS A RESIDENT of ~~WAVELEY~~
~~WAVELEY~~ CLAREDON RD I very strongly
OBJECT TO THIS NEW LICENCE THAT
ELGANCY STRIP CLUB are trying to obtain

THE screams & NOISE ect is BAD,
& These clubs Lead to prostitution
ect,

THIS LICENCE of THEIRS SHOULD NOT
BE ALLOWED TO HAPPEN
YOURS SINCERLY

Humphreys, Nickii

From:
Sent: 24 May 2012 23:06
To: Licensing Shared Email; Humphreys, Nickii
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a local resident.

There was recently a consultation on a sex establishment policy which explained that there is no place in our city for such establishments, due to their proximity to things such as schools, family housing, places of worship. And this site is surrounded by all of these things.

All the other night time clubs have been moved from the sea front area into Guildhall, and I had understood that this was to help with policing etc. On that basis I think this should also be refused, as it is a lone site which will drain police resources, at a time when they are already very stretched.

I also avoid that area at night, when I feel safe to walk around almost everywhere else around my house. It has a seedy feel to it, the building is badly maintained, and I feel it also damages our local economy and the views of visitors to our city. It is close to local B&Bs, and a seafront that we are trying to promote as a key weekend destination in Europe (as long as you avoid the bottom of Waverley Road?).

If you wish clarification on any of these points, please feel free to contact me.

P.S. I did try to comment online using the Public Access system, however it would not allow me to go passed the 'submit your comment' screen. It also didn't have any supporting documentation, is that correct?

Humphreys, Nickii

From: [REDACTED]
Sent: [REDACTED]
To: Humphreys, Nickii
Subject: Re: RE: APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - ELEGANCE 1 GRANADA ROAD SOUTHSEA

Thanks Nikki.

My original objection still stands, although I would also add the following, in relation to the final bullet point of 1.2 in the Sex Establishment License Policy, i.e.

That the Licensing Manager prepares a draft policy together with standard conditions applicable to sexual entertainment venues for consideration and adoption by the Licensing Committee and that the Licensing Manager should include in that draft policy his/her consideration of whether applications should be refused if they are within three miles of any place of worship, swimming pool, leisure centre, park, youth centre, historic building, tourist attraction, educational premises, school, play area, nursery, children's centre or similar premises.

The premises are within the following, which fall within 1 mile (let alone 3):

- Mayville School (Nursery to Secondary)
- St Swithun's School (Primary)
- Southsea Infants School
- Craneswater School
- Brambles Infant School & Nursery
- Cottage Grove
- Priory School
- Portsmouth High School
- Several nurseries (including Leapfrog, Brambles)
- St Simon's Church
- Jewish Synagoge
- St Lukes
- St Judes
- Church of the Holy Sprit
- St Swithuns
- Southsea Castle
- Pyramids
- Wimbledon Park Play Area
- Canoe Lake (including play area and nursery)
- Somerstown Children's Centre
- Albert Road shops
- Havelock Community Centre
- A large section of Europe's aspiring weekend destination & premier Waterfront city

This list is far from exhaustive of things within 1 mile of the establishment, and for a city with a policy including 7.15, it would only seem logical that this application be refused.

Thanks,

[REDACTED]

Humphreys, Nickii

From:
Sent: 23 May 2012 02:27
To: Licensing Shared Email
Subject: 'Elegance Nightclub' 1 Granada Road, Portsmouth, PO4 0RQ - Application for Licence Renewal

To Whom It May Concern,

I would like to object to 'Elegance Nightclub's application for licence renewal.

I feel that it is inappropriately located being situated in a predominantly residential area where families may be disturbed by rowdy groups or individuals leaving the premises late at night.

The condition of the premises I feel is also inappropriate - the venue displays exterior signs depicting a 'pole dancer', this brings unnecessary exposure of the sex industry to families within a residential area with schools nearby.

Some of my friends have previously experienced sexual harassment from customers queueing to enter these premises and I feel that this is an experience many others will have been subjected to and should not have to be subjected to.

These types of venues are known to create areas where some members of the community, particularly women, do not feel safe travelling. There is also increasing evidence to suggest a link between these types of venue and an increase of crime within the surrounding area - I find this extremely concerning given that a large number of crime, particularly sexual crimes, go unreported.

Granting this application will be in contradiction to providing a safe community for all.

Regards

Humphreys, Nickii

From:
Sent: 10 May 2012 20:22
To: Licensing Shared Email
Subject: objection to Elegence strip club

DEAR LICENSE officer
i definitely and strongly object to the renewal of license to the ELEGENCE Waverley Rd Southsea

Humphreys, Nickii

From:
Sent: 10 May 2012 20:16
To: Licensing Shared Email
Subject: Object to license to Elegence Waverley rd

Dear sir,
we extremely object to the renewal of license to the Elegence strip club in Waverley Rd Southsea.

Humphreys, Nickii

From:
Sent: 24 May 2012 09:26
To: Licensing Shared Email; Humphreys, Nickii
Subject: 12/03425/SEXEST - Sex Establishment Licence Application – Elegance, 1 Granada Road

Dear Ms Humphreys

I wish to register my strong objection to the above application. I also want to express my concern at the inadequate notice given for objections to be lodged.

I totally oppose all sex establishments as a matter of principle and fully support Portsmouth City Council's draft policy proposal for a nil limit on them in the city.

It is totally inappropriate to locate such an establishment in a residential area like this, surrounded as it is by family homes, close to schools, a place of worship and hotels/guest houses. It is also unsuitable in an area close to the family-friendly tourist attractions of parks, gardens and the seafront.

Moreover, the dilapidated state of the building's exterior shows a clear disregard and lack of respect on the part of the owner for local residents and the area in general.

The club's existence intimidates many residents - especially women - and makes them fear for their safety. Certainly I and my friends avoid the area at night and we greatly resent the fact that its presence has put part of our city 'off limits'.

In a wider sense, it is a matter of great regret that women continue to be used as sexual objects by all sections of the media and the entertainment industry. They are exploited, degraded and portrayed as readily available for no other purpose than the gratification of men. I suspect that many men who use sex establishments would not wish their own female family and friends to earn their living in this way, yet seem content to let the family and friends of others do so for their 'entertainment'.

At a time when our young people are constantly exposed to sexual images all around them, it is important that they are given positive messages that encourage them to treat each other as equals and with respect. Sex establishments such as 'lap dancing' clubs perpetuate the unhealthy message that there is an unequal power relationship between men and women and that women can be 'bought'.

It has been argued that there is a demand for the 'service' establishments such as the one in this application provide. Yet this is not simply an issue of supply and demand, as the outlawing of other exploitative employment practices has demonstrated over the years. It is a matter of the type of society we want. I believe in a society that provides better choices for women; a society in which they do not have to degrade themselves to earn a living; a society in which women are regarded as more than just sex objects and a society in which men too are not exploited by those who pander to their base instincts to make a profit.

Portsmouth should be promoting itself as a family-friendly city for residents and visitors alike; a city in which everyone is valued and respected and a city of which its residents can be proud. As such, it should be a city in which sex establishments have no place. I therefore strongly urge you to reject this application.

Thank you for your attention.

Humphreys, Nickii

From:
Sent: 24 May 2012 08:40
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

Dear Ms Humphreys,

12/03425/SEXEST - Elegance 1 Granada Road

I wish to strongly object to the above application as a Southsea resident who frequently walks / cycles / drives via the Strand roundabout on my own and with my wife and young children on our way to the seafront, friends local to Granada Road, and local amenities.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment. I truly hope that the City Council will be true to its draft policy by denying the application noted above being made.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

Given this statement, and the fact that 1 Granada Road is only a few hundred yards from schools (e.g. Mayville and St Swithuns), family leisure (e.g. Canoe Lake and the Pyramids), and significant residential areas in all directions, I find it astounding that the City Council is even considering this application.

b) The impact of the premises on the character of the area

The existing premises demonstrate none of the elegance that the name suggests. The building is run-down and looks incredibly seedy with the all black facade leaving no doubt as to the purposes of the premises. In addition, the way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. It is not a place that I would want to pass at night, and in the daytime is often a hangout for youth with nowhere else to go.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

Even as a man I would avoid walking past these premises at night. As for gender equality, how can a club that is singly created to allow men to gawp at women and see them as objects to satisfy their own lusts be seen as fulfilling this factor?

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit. Unless, of course, such guests are here for that specific purpose, in which case I would suggest that they are perhaps not the people that we want in Portsmouth or Southsea.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

As noted above this location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

It was once said that in Portsmouth there were three main types of building: Churches, Pubs, and Brothels. Well, thankfully the latter are (from a legal perspective) now removed. Alas, with this planning application, such premises will not be far away and even though not a brothel in itself, it is not far away with regards its intended purpose.

Finally, a News journalist wrote in her column on March 5th 2012 that "there's no place for these clubs in an enlightened society – there can be little doubt that they are damaging to society". I wholeheartedly agree.

Humphreys, Nickii

From:
Sent: 22 May 2012 09:08
To: Licensing Shared Email
Subject: Objection to licence application
Attachments: Application Objection.docx

RE: Elegance Strip Club – Waverley Road

Dear Sir / Madam,

We wish to lodge a strong objection to the granting of a new sex establishment license to the Elegance Strip Club on Waverley Road.

The existence of this type of establishment is wholly inappropriate in a quiet residential area for those of us with young children, and in addition, it's close proximity to schools. Posters displayed outside the venue are unacceptable viewing for our young children who pass the building daily. A strip club should not be located in a quiet residential area.

Having lived in _____ since 1982, we have suffered late night disruption by way of excess noise, rowdy behaviour, loud shouting, swearing, broken glass, litter, vehicle noise and parking problems outside our house which has caused some considerable distress.

In addition to the above, this type of establishment has been proven to attract excessive drinking, drugs and violent behaviour, this fact has been well publicised. This type of venue would be better situated in the city centre, for example Guildhall Walk where the night life is centralised and controlled.

As any resident, we would want to preserve, enjoy, and enhance the area where we live. A strip club has a negative impact in this residential area.

Yours faithfully,

Humphreys, Nickii

From:
Sent: 24 May 2012 22:35
To: Licensing Shared Email
Subject: 12/03425/SEXEST - Elegance, 1 Granada Road

Dear Mrs Humphreys,

Solent Feminist Network (SFN) is a group consisting of approximately 200 men and women from the solent area who are passionate about building a culture where gender equality is the norm and we wish to object to the above application.

SFN fully support PCC's draft policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

Elegance club is completely surrounded by residential properties. The locality of this sex establishment is wholly inappropriate.

PCC also needs to adhere to the Gender Equality Duty. To licence a sex establishment such as Wiggle would be in direct contravention of these duties. The buying of sexual services from women does nothing to promote gender equality between men and women, it only serves to widen the gap and encourage a culture where harassment and abuse of women become more widespread:

"The links between objectification and discrimination and violence against women are recognised at the international level by the legally binding United Nations Conventions to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states - including the British Government - to take action against the objectification of women."

We are also aware that Elegance has a policy that states dancers are to be escorted to their vehicle at the end of a shift. It is clear that the owner of this sex establishment is fully aware of the danger he is putting women in, but choosing to put his bank balance before the welfare of 50% of the city's population.

Yours sincerely

Humphreys, Nickii

From:
Sent: 23 May 2012 00:03
To: Licensing Shared Email
Subject: Elegance Application for License

22/5/2012.

Dear Sir/Madam,

I have been informed that the "Elegance Strip Club" has asked for one of the new sex establishment licenses.

This establishment is in close proximity to a church and a number of schools apart from being in a residential area.

In my opinion this establishment increases the risk of sex related crimes and sets a very negative image of sex to the impressionable youngsters who walk past this building with its lurid sexual displays.

I object to this license being granted.

Yours faithfully

Humphreys, Nickii

From:
Sent: 24 May 2012 13:37
To: Licensing Shared Email
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a citizen of Portsmouth

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. Even a supporter of the club has described it on the News' website as looking like a "scruffy third world night club venue". The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally, when walking home at night find other routes to take rather than walk by these premises. I note that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of all of the above types of premises making it totally unacceptable for use as a sex establishment.

This type of club is damaging society

Thank you

Humphreys, Nickii

From:
Sent: 24 May 2012 22:59
To: Licensing Shared Email
Subject: Objection to 'Elegance' Sex establishment license

As the owner of a property close to the lapdancing club 'Elegance' I would like to register my objection to its application for a sex establishment license.

I feel the club lowers the tone of the area. The outside of the place is unsightly with its peeling black paint. It often has obscene graffiti and there are often groups of rowdy drunken men leaving the club or standing around the area smoking. I'm sure the last two anti social issues are directly related to it being a sex establishment and the first issue I feel highlights how little consideration the club owner has for its surrounding area and neighbours.

I also object on the grounds that Lapdancing clubs are degrading and exploitative to the women that work in them and they impact women everywhere, including those that don't even set foot inside a lapdancing club by encouraging the objectification of women. They promote the idea that women are something that can be purchased for sexual gratification. Several of the women in my life, including tenants of mine have experienced sexual harassment outside this club.

By not granting a license the council would be showing its dedication to gender equality as well as making Portsmouth a pleasant, upmarket place to live, work and visit.

From:

Sent: 25 May 2012 15:04

To: Chalmers, Richard

Subject: licensing objection

It is difficult to make a considered comment on this application with policy being in a state of flux and with the alternative use of the building being so uncertain. Nevertheless I would like to point out that:

- there are often vehicles parked late at night on the yellow lines in Waverley Road
- there is a longstanding policy of concentrating late night uses in the central area
- some people living in the immediate area are adversely affected by the presence of the club

I wish to register to make a deputation when the matter comes up for determination

Humphreys, Nickii

From:
Sent: 11 May 2012 13:32
To: Licensing Shared Email
Subject: license for "Elegance Strip Club"

Dear Sir/Madam

I have been informed that the "Elegance Strip Club" has asked for one of the new sex establishment licenses.

This establishment is in close proximity to a Church and a number of schools apart from being in a residential area.

In my opinion this establishment increases the risk of sex related crimes and sets a very negative image of sex to the impressionable youngsters who walk past this building with its lurid sexual displays.

I strongly object to this license being granted.

Yours Faithfully,

Humphreys, Nickii

From:
Sent: 24 May 2012 09:08
To: Licensing Shared Email
Subject: FW: 12/03425/SEXEST – Elegance 1 Granada Road

Subject: 12/03425/SEXEST – Elegance 1 Granada Road
Date: Thu, 24 May 2012 08:26:56 +0100

Dear Ms Humphreys

12/03425/SEXEST – Elegance 1 Granada Road

I wish to object to the above application as a resident living just around the corner from this establishment.

When I and my female friends were just fifteen years old, we were, on separate and many occasions, sexually intimidated by male staff through comments asking us whether we would like to work at this establishment, Elegance. We found this threatening and completely inappropriate. This establishment is close to a school and areas where children play, and it is not right to have children feel propositioned in such ways.

I hope that you take on board my strong criticisms of this place, and I hope that the establishment gets closed down so that no other children are in a position to be offered the job of selling their bodies by Elegance.

Yours faithfully,

Humphreys, Nickii

From:
Sent: 24 May 2012 07:45
To: Licensing Shared Email
Subject: Elegance

Dear Sir

I strongly object to this establishment in the area mentioned. The strand is a family area and leads to the Canoe Lake a very popular place for children; they would have to pass this establishment. There is no place for such a club in the Strand or in fact anywhere at all. Please do not allow it.

Yours sincerely

Mrs Nickii Humphreys
Licensing Officer
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2AL

20th May 2012



Dear Mrs Humphreys,

Re: Licensing Application by the Elegance Club, Waverley Road

I wish to object to the application for renewal of the establishment licence by the Elegance lap dancing club which is situated at the junction of Waverley and Granada Roads.

The location of the club is quite unsuitable for any licensed sex establishment. It is in the centre of a residential neighbourhood where there are a large number of families with young children. In particular it is close to Chewter Close where there are a number of very vulnerable families. It is in an area remote from the entertainment areas of Palmerston Road and Guildhall Walk and so cannot receive the level of policing which is needed for a club of this type. It is also close to the seafront where, according to my city councillors, the council is attempting to create an improved environment in order to attract more visitors, and especially families.

However well run the club may be internally, the users of this club have a damaging impact on the local area when they leave. Their behaviour includes lewd comments about women whom they pass and an attitude which seems aggressive and frightening to lone young women. This is not to suggest that they are all like that but that there is a substantial minority who, especially when in a group, make the area feel unpleasant and unsafe.

I would therefore ask the licensing committee to reject this application for renewal of the licence.

Yours sincerely

Humphreys, Nickii

From:
Sent: 25 May 2012 11:40
To: Licensing Shared Email
Cc: Humphreys, Nickii;
Subject: 12/03425/SEXEST - Elegance, 1 Granada Road

Importance: High

Dear Ms Humphreys

12/03425/SEXEST – Elegance, 1 Granada Road

I wish to object to the above application as a resident and the mother of two young children living in the Craneswater area.

I do not believe that the existing establishment should be allowed to continue in this area which is densely populated by families with young children.

The existing premises are completely run down and look terrible in an otherwise well maintained area. This establishment is within a few hundred yards of a local church and school and is a popular route for children who go to St Swithuns, Southsea Infants and other schools in central Southsea. Only this week on our way to school my 7 year old daughter read the name “Elegance” and asked what happened there!

I am by no means a prude but this club is in a completely inappropriate location and in my opinion should be relocated to an out of town commercial area.

I believe the application for a sex establishment should be refused and I look forward to hearing from you.

Yours sincerely,

This email and any files transmitted with it are confidential and intended solely for the information/use of the individual/organisation to whom they are addressed. If you have received this email in error, note that any use of its contents, of the future transmission of it or its constituent parts is strictly prohibited and may be unlawful. Please notify the sender. If any attachments are missing, please contact the

Humphreys, Nickii

From:
Sent: 23 May 2012 08:59
To: Licensing Shared Email
Cc: Humphreys, Nickii;
Subject: 12/03425/SEXEST – Elegance 1 Granada Road

Dear Sir/Madam,

I would like to object to this application on the following grounds please:

It seems to be totally at odds with the draft Sex Establishment Licence policy.

This has become a foreboding area, especially at night, largely due to the presence of these premises.

The surrounding area is largely residential. It is very close to two schools and a church.

These and other factors combine to make this application seem totally inappropriate.

Thank you.

Humphreys, Nickii

From:
Sent: 24 May 2012 15:40
To: Licensing Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST - Elegance 1 Granada Road

I wish to object to the above application as a local living very near to this establishment. My mother is resident in the area (approximately 500 metres from this establishment) and I often spend extensive periods staying with her. I am shocked that the City Council is contemplating, at any level, approval of such a business in such a clearly residentially and seaside family area.

I fully support the City Council draft sex establishment policy which has a preliminary conclusion that there is no place within the city of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment.

The draft policy specifically mentions the following factors:

a) The general character of the area (eg family residential, family leisure or educational area)

These premises are completely surrounded by family residential properties making this site totally inappropriate for a sex establishment.

b) The impact of the premises on the character of the area

The existing premises are run-down and look seedy. The way in which the property is so badly maintained indicates a complete lack of consideration for the character of the area. The Council have had to remove sexually offensive graffiti from the walls of the building. This sort of graffiti discourages women from walking near the premises at night.

c) Gender equality issues, including whether the proposed use, particularly at night, would deter women from using the area comfortably or at all

In response to the draft policy and relating to this establishment in particular, women have stated that they avoid the area and I personally find it distasteful and uncomfortable walking past this business when late at night. I understand that the club's Staff Welfare policy states that "Dancers are escorted to their vehicles at the end of their shifts" which would indicate a clear awareness by the owners that unaccompanied women in the vicinity of the premises are in danger of attack or abuse. I think it is highly inappropriate to have such a venue in a place where essentially the net effect is that my mother and I when I visit cannot walk to the local shop at night without feeling afraid.

d) Effects upon regeneration and tourism in the area

The existence of this venue in an area where many visitors stay in the surrounding hotels and guest houses does nothing to promote the city as an attractive place to visit.

e) Applications for sex establishment licences will normally be refused if they are proposed to be located in the vicinity of places of worship, leisure centres, parks, educational premises, schools, nurseries, play areas

This location is within a few hundred yards of a church, residential houses, hotels, the beach and areas where young children often play or travel through. It is totally unacceptable to consider a sex establishment at this venue.

Should the planning application be granted my mother and I would be very interested to receive a copy of the explanations and rationale as to why such an establishment would not fall foul of the draft policy. It would be something my mother or I would pursue with the local MP along with any sanctions at the local council level for breach of government policies. I note that the approval is to be pushed through quickly and I wonder if this is not designed to circumnavigate any breach of such rules by ensuring approval of the application is obtained prior to the new policy being in force. This would seem highly disingenuous, inappropriate and contrary to what obviously has been previously lobbied for within

Humphreys, Nickii

From:
Sent: 22 May 2012 16:39
To: Licensinq Shared Email; Humphreys, Nickii
Cc:
Subject: 12/03425/SEXEST – Elegance1 Granada Road

I wish to object to the above application. I am a resident who lives one road away from this establishment. I have to pass it to reach my local convenience store and other small shops- dry cleaners, fish & chip shop, cafe etc. Frequently, there are men loitering outside in groups, at all times of the day, and I feel uncomfortable and intimidated walking past. In fact, I often drive the short distance of two hundred yards to avoid doing so.

Portsmouth City Council have stated that there is no place for a sex establishment within the city. I totally agree. This particular area is full of family homes. There is a school not fifty yards away; both teenagers (susceptible and vulnerable to the sex trade and grooming, as a recent court case in UK demonstrated) and young children attend the school. To have men, who have just been titillated sexually, hanging around or walking near to the school is totally unsuitable, if not dangerous.

Southsea is striving to develop its tourist trade. There are a number of respectable guest houses in the same road, not fifty metres from the establishment in question. Again, this is not conducive to tourism. I believe the council has already had to remove inappropriate graffiti from the walls. How can we promote Portsmouth as a safe, family-friendly city with a sex establishment within a couple of hundred metres of the seafront, beach and children's play areas?

I strongly object to the planning application.
Yours faithfully

Humphreys, Nickii

From:
Sent: 17 May 2012 13:40
To: Licensing Shared Email
Subject: Licence for Elegance Strip Club in Southsea

Sir,

As nearby residences of the above establishment, we request that the application is NOT approved.

My wife and I do not feel such a business is suitable to the area. Furthermore from the exterior it has continued to look more unpleasant and "tatty".

Yours,

Humphreys, Nickii

From:
Sent: 23 May 2012 16:07
To: Licensing Shared Email; Nicki.humphrey@portsmouthcc.gov.uk
Cc:
Subject: 12/03425/SEXEST-Elegance1 Granada Road

Reference:12/03425/SEXEST-Elegance1 Granada Road

I am writing to object most strongly to the above application.

I have to pass that ugly, litter-strewn, stained building and pavement every time I go to get a paper or catch a bus. Most often there are men hanging around there and I hate walking past. At times I drive my car to avoid it (especially in the winter when it is dark) which is ridiculous and expensive. It is not only unsuitable to be so near many children and young people, but it also can be a danger too. It is a seedy establishment and has no place in a seaside resort with many good, respectable guest houses and family homes near. It is also near a school and a church so many youngsters have to pass it. There is no place in Portsmouth for such an establishment and I can hardly believe that the application is even being considered.

I was born and brought up in Portsmouth and now I love living in Southsea. Please do not let this blot on the Southsea landscape stay or be developed more for the sex trade or any other such purposes. I feel it is your duty to turn down this application.

Please let me know if there is anything else I can say or do to convince you.

Yours faithfully

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Home Office

Sexual Entertainment Venues

Guidance for England and Wales

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MINISTERIAL FOREWORD



In September 2008, the previous Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These new measures, which take effect on 6th April 2010 in England and on 8th May in Wales, will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

These are important reforms to further empower local communities and the purpose of this guidance is to provide advice to local authorities, operators, local people and other interested parties on the new measures introduced by section 27 and the associated secondary legislation.

Alan Campbell

A handwritten signature in cursive script that reads "Alan Campbell".

Parliamentary Under-Secretary of State for Crime Reduction

March 2010

INTRODUCTION

Definitions

1.1 In this guidance –

The “2009 Act” means the Policing and Crime Act 2009

The “1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982

The “2003 Act” means the Licensing Act 2003

“Section 27” means section 27 of the Policing and Crime Act 2009

“Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

1.2 Section 27 introduces a new category of sex establishment called ‘sexual entertainment venue’, which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.

1.3 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

The Guidance

1.4 The guidance is provided for local authorities carrying out their functions under Schedule 3, as amended by section 27. It will also be of use to operators, the police and the general public.

- 1.5 Interpretation of the relevant primary and secondary legislation is ultimately a matter for the courts. However, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 1.6 The guidance is composed of 3 sections. Section 2 focuses on the 2009 Act and the definition of 'sexual entertainment venue'. Section 3 provides an explanation of the meaning and effect of Schedule 3 to the 1982 Act and section 4 provides guidance on the transitional provisions as set out in the transitional orders: *The Policing and Crime Act 2009 (Commencement No.1 and Transitional and Saving Provisions)(England) Order 2010* and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010* and any equivalent orders made by Welsh Ministers in respect to Wales.
- 1.7 Apart from extending the scope of the 1982 Act to cover the licensing of sexual entertainment venues and removing the sex encounter establishment category in those local authority areas that adopt the new provisions, the 2009 Act and the associated secondary legislation makes only minor changes to the operation of Schedule 3.
- 1.8 Section 27 of, and Schedule 3 to, the 2009 Act come into force in England on 6th April as does the *Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010*. In Wales, the equivalent provisions come into force on 8th May 2010.

POLICING AND CRIME ACT 2009

Meaning of Sexual Entertainment Venue

- 2.1 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A sexual entertainment venue is defined as *“any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.”*
- 2.2 The meaning of 'relevant entertainment' is *“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).”* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 2.3 While local authorities should judge each case on its merits, we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 2.4 The above list is not exhaustive and, as the understanding of the exact nature of these descriptions may vary, should only be treated as indicative. Ultimately, decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

- 2.5 For the purposes of these provisions a premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

Nudity

- 2.6 It is important to note that although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 2.7 Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

The Organiser

- 2.8 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
- 2.9 The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for

one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

Spontaneous Entertainment

2.10 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

Premises that are not sexual entertainment venues

2.11 Paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

2.12 Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the 2003 Act, insofar as they are

providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

Amendments to the Licensing Act 2003

- 2.13 Schedule 7 to the 2009 Act amends the 2003 Act to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the 1982 Act) do not also require a premises licence, club premises certificate or temporary events notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the 2003 Act. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities, subject to any exceptions contained in that Act.
- 2.14 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.15 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from

the definition of regulated entertainment in the 2003 Act. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to. (Nor will providing entertainment facilities for the purposes of the provision of relevant entertainment be regulated entertainment under the 2003 Act).

- 2.16 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment venue licence but will instead need an appropriate authorisation under the 2003 Act, for example, to cover the performance of dance. The exemption from requirements of the 2003 Act for live music or the playing of recorded music which is integral to relevant entertainment does not apply to such venues.

Consultation with Local People

- 2.17 If a local authority has not made a resolution to adopt the provisions introduced by section 27 within one year of it coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution.
- 2.18 The purpose of this duty is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.
- 2.19 This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.
- 2.20 The 2009 Act is not prescriptive about how local authorities should consult with local people in order to comply with this duty. Local authorities have extensive experience of engaging with local people and will know what works best in their individual areas. Clearly, the Secretary of State expects that any consultation exercise carried out under this duty will be fair and meaningful. Local authorities should

seek to make any relevant information available to local people in order to inform their understanding and publish the outcomes of the consultation on the internet.

- 2.21 In practice, local authorities may decide to consult local people on this matter when they consult and involve local people on broader local priorities and crime and disorder or anti-social behaviour priorities as part of their work to develop Local Area Agreements/Local Delivery Agreements and crime and disorder strategies, as required under various existing duties, including, section 138 of the Local Government and Public Involvement in Health Act 2007 and regulation 12 of the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007. This will ensure that consultations are not onerous and form part of the ongoing engagement with local communities undertaken by all local authorities.
- 2.22 For the purposes of this duty 'local people' are defined as anyone who lives or works in the local authority area.

SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Appropriate Authority

- 3.1 The appropriate authority is responsible for determining applications for sex establishment licences. For the purposes of the 1982 Act 'appropriate authority' means the local authority which passed a resolution under section 2 of that Act to adopt Schedule 3 in their area. 'Local authority' means—
- (a) the council of a district (including a unitary County Council) or, in Wales, the principal council¹;
 - (b) the council of a London borough; and
 - (c) the Common Council of the City of London.

Committee or Sub-Committee

- 3.2 Functions under Schedule 3 are the responsibility of the full council of the appropriate authority, as defined above. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.
- 3.3 An authority may delegate its functions to those who sit on its licensing committee set up to discharge licensing functions under the 2003 Act. However, when dealing with an application for a sex establishment licence, the members of the committee would not be acting as the licensing committee under the 2003 Act and would instead be exercising their functions under Schedule 3.

¹ See section 2 of the 1982 Act. Section 17 of the Local Government (Wales) Act 1994 provides that legislative references to district councils are to be interpreted as references to principal councils in Wales. Unitary County Councils have all the functions and powers of district councils.

Adopting the Provisions

- 3.4 Section 27 comes into force on 6th April 2010 in England and 8th May in Wales². On or following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area.
- 3.5 Although many local authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area. However, where a local authority has not resolved to adopt Schedule 3 to the 1982 Act before the coming into force of Section 27, the amendments made to Schedule 3 by section 27 will apply automatically if a resolution to adopt Schedule 3 is made subsequently (see Schedule 3 to the 2009 Act).
- 3.6 The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.
- 3.7 The local authority shall publish notice that they have passed a resolution under section 2 of the 1982 Act or (in cases where Schedule 3 is already in force but the local authority is adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the

² Section 27 (11) was brought into force on 2nd March 2010 but only for the purpose of making the transitional orders.

local authority's area. The notice should state the general effect of Schedule 3.

- 3.8 While there is no statutory duty to do so, prior to deciding whether to pass a resolution, local authorities may, as a matter of good practice, wish to seek the views of local people and businesses. The Secretary of State also encourages local authorities to engage with known sexual entertainment venues at the earliest possible opportunity once a decision to adopt the provisions has been made, to ensure affected businesses are aware of what action they will need to take in order to comply with the new regime.

Requirement for a Sex Establishment Licence

- 3.9 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.
- 3.10 An applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

Premises that are deemed to be Sexual Entertainment Venues

- 3.11 Paragraph 27A of Schedule 3 deems premises with licences to operate as sexual entertainment venues to be sexual entertainment venues whilst their licence remains in force, irrespective of how frequently they are or have been providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

3.12 If an operator with a sexual entertainment venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a sexual entertainment venue (e.g. because they are no longer operating as a lap dancing club) they may write to the relevant local authority to request that their licence be cancelled. Upon receiving such a request from a licence-holder a local authority must cancel the licence in question.

Notices

3.13 Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.

3.14 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.

3.15 All notices should be in the form prescribed by the appropriate authority and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.

3.16 There are similar notification requirements for applications made under the 2003 Act. Where an applicant is making an application under both Schedule 3 and the 2003 Act at the same time they may wish to combine these requirements where permitted.

Application Forms

3.17 Unlike the 2003 Act there is no prescribed application form for an application made under Schedule 3 to the 1982 Act. However, the application must be in writing and contain the details set out in paragraph 10 of Schedule 3 along with such other details as the

appropriate authority may reasonably require. Local authorities must provide for applications to be made electronically and may produce and publish recommended application forms for sex establishment licences setting out all the details required.

Single Point of Contact

- 3.18 Following amendments to sub-paragraph 10(14) made by the Provision of Services Regulations 2009, where an application for the grant, renewal or transfer of a licence is made by means of a relevant electronic facility it will be the responsibility of the appropriate authority to send a copy of an application to the chief officer of police, not later than 7 days after the date the application is received.
- 3.19 Where an application is made by any other means the responsibility to send a copy of the application to the chief officer of police within 7 days of the application being made will remain the responsibility of the applicant.
- 3.20 For the purpose of Schedule 3 a relevant electronic facility means the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009 or any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

Fees

- 3.21 Schedule 3 to the 1982 Act states that an application for the grant, renewal, variations or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.
- 3.22 However, local authorities should have regard to the following documents when determining their fee: *The European Services*

Directive: Guidance for Local Authorities³ and LACORS Guidance on the impact of the Services Directive on councils setting and administering local licence fees within the service sector.⁴

Objections

- 3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values⁵ and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

- 3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.
- 3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no

³ <http://www.berr.gov.uk/files/file50026.pdf>

⁴ www.lacors.gov.uk

⁵ R v Newcastle upon Tyne City Council ex parte The Christian Institute [2001] B.L.G.R. 165

obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.⁶

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

⁶ R v Plymouth City Council v Quietlynn [1998] Q.B. 114.

- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.⁷

3.31 The Provision of Services Regulations 2009⁸ amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having

⁷ *Belfast City Council v Miss Behavin’ Ltd* (Northern Ireland) (2007) [2007] UKHL 19

⁸ Regulation 47

regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated;
and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.⁹

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same

⁹ See R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249 for further guidance.

locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.¹⁰

- 3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.
- 3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

- 3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.
- 3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:
- The hours of opening and closing
 - Displays and advertisements on or in sex establishments
 - The visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another

¹⁰ R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249

- 3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on the each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licences or clubs premises certificate and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

Duration of Licences

- 3.43 Licences for sex establishments can be granted for up to one year.

Appeals

- 3.44 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review.

Licensing Policies

- 3.45 While local authorities are not required to publish a licensing policy relating to sex establishments they can do so if they wish as long as it

does not prevent any individual application from being considered on its merits at the time the application is made.¹¹

- 3.46 A licensing policy for sex establishments might include statements about where local authorities are likely to consider to be appropriate or inappropriate locations for such venues. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality.
- 3.47 Local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality.
- 3.48 Local authorities can also produce different policies or a separate set of criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different sex establishments or the fact that the location that a local authority considers appropriate for a sex shop may be different to that of a sexual entertainment venue.

Offences

- 3.49 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that Schedule and include:
- knowingly causing or permitting the use of any premises as a sex establishment without a licence;
 - being the holder of a licence, knowingly employing a person in a sex establishment who is disqualified from holding a licence;
 - being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
 - being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable

¹¹ R v Peterborough City Council ex parte Quietlynn Ltd (1986) 85 LGR 249

excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;

- being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 to enter the establishment
- being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

3.50 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

3.51 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty to this offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Provisions Relating to Existing Premises

3.52 Where a local authority resolves that Schedule 3 apply in their area having not previously made such a resolution, paragraphs 28 and 29 will have effect for the purpose of sex shop, sex cinemas and hostess bars, but will not have effect for the purpose of sexual entertainment venues. The transitional provisions relating to sexual entertainment venues are explained in part 4 of this guidance.

The Services Directive

3.53 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC (“the Directive”) which was implemented in the UK by the Provision of Services Regulations 2009 (“2009 Regulations”), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3.

3.54 The Department of Business, Innovation and Skills (BIS) has produced guidance for both businesses and local authorities to assist in

understanding the impact of the Directive and 2009 Regulations and what service providers and relevant authorities must do in order to comply. Both guidance documents can be found on the BIS website: <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/page9583.html>

- 3.55 In particular, the 2009 Regulations may affect the way in which local authorities set application fees, process applications and grant licences.

TRANSITIONAL PROVISIONS

- 4.1 This section provides guidance on the transitional provisions as set out in the *Policing and Crime Act 2009 (Commencement No.1, and Transitional and Saving Provisions)(England) Order 2010 (“the Transitional Order”)* and the *Policing and Crime Act 2009 (Consequential Provisions)(England) Order 2010 (“the Consequential Order”)* and the equivalent orders made by Welsh Ministers for Wales.

Transitional Period

- 4.2 The ‘transitional period’ will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area (‘the 1st appointed day’). Six months following the 1st appointed day will be known as the ‘2nd appointed day’ and the day on which the transitional period ends will be known as the ‘3rd appointed day’.
- 4.3 The appointed days will vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.

Existing Operators

- 4.4 To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

- 4.5 “Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to a local authority. However, where a dispute arises between a local authority and an licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the local authority will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.
- 4.6 For the purposes of the Transitional Order a “2003 Act Licence” means a premises licence or club premises certificate under which it is lawful to provide relevant entertainment.

New Applicants

- 4.7 New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

Determining Applications Received On or Before the 2nd Appointed Day

- 4.8 Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

- 4.9 As the appropriate authority is able to refuse applications having regard to the number of sex establishment they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.
- 4.10 No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

Determining Applications Received After the 2nd Appointed Day

- 4.11 Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.
- 4.12 As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

Outstanding Applications

- 4.13 Local authorities should attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date

that Schedule 3 as amended by the 2009 Act comes into force in their area.

- 4.14 Where it has not been possible to determine application before the 1st appointed day, local authorities should advise applicants that they will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.

Existing Licence Conditions

- 4.15 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 4.16 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.
- 4.17 Where a local authority decides to grant a sex establishment licence to an existing operator, who is subject to conditions on their existing premises licence or club premises certificate that relate expressly to the provision of relevant entertainment, they may wish to replicate the existing conditions on the new sex establishment licence if they believe that the existing conditions are sufficient. However, they could equally decide to impose new conditions consistent with Schedule 3 if they believe that new or additional conditions are necessary.

4.18 Although the Transitional Order does not require redundant conditions to be physically removed from a premises licence or club premises certificate, operators and local authorities may agree that this is desirable in order to clarify the operator's legal obligations. Such changes can be made via the minor variations procedure under section 41A of the 2003 Act.

ECHR Considerations

4.19 The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

4.20 In light of the leading case of *Belfast City Council v Miss Behavin' Ltd* (Northern Ireland)¹² it would be prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. (Some Lords did not decide this point or disagreed that such rights were engaged and therefore it would still be open to local authorities to argue that such rights were not engaged in a particular case). However, in any event, the House of Lords were agreed that such rights would only be engaged at a low level. This led Lord Hoffman to say that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

¹² [2007] UKHL 19

4.21 Nevertheless, local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, Protocol 1, can be justified in the general interest.

Changes to Licensing Policies

4.22 Many local authorities who have already adopted Schedule 3 will have published a licensing policy for sex establishments. Such policies may provide a useful guide to potential applicants about whether a particular application is likely to be successful or not.

4.23 Upon resolving to adopt the sexual entertainment venue provisions introduced by the 2009 Act, local authorities should ensure that their licensing policies for sex establishments are up to date and reflect the changes introduced by Section 27. This could mean updating existing policies or producing a policy specific to regulation of sexual entertainment venues.

London

Sex Encounter Establishments

4.24 London local authorities which have adopted Schedule 3 to the 1982 Act as amended by the Greater London Council (General Powers) Act 1986 are able to regulate sex encounter establishments. However, under sub-paragraph 3A(i) premises that hold a premises licence or club premises certificate for the provision of regulated entertainment or late night refreshment are not regarded as sex encounter establishments. This means that, in practice, there are very few, if any, premises that are licensed as sex encounter establishments.

- 4.25 Therefore, the transitional provisions set out that where a local authority, which has previously adopted provisions to regulate sex encounter establishments, passes a resolution to adopt Schedule 3, as amended by section 27, the existing sex encounter establishment category will be replaced by the new sexual entertainment venue category.
- 4.26 In these circumstances, an existing sex encounter establishment licence will be treated as though it had been granted under the new sexual entertainment venue regime with any terms, conditions and restrictions carried over.

Hostess Bars

- 4.27 The hostess bar category of sex establishment, as introduced by section 33 of the London Local Authorities Act 2007, is largely unaffected by the 2009 Act provisions.
- 4.28 In cases where a London local authority has already resolved that the hostess bar category has effect in their area, they will be able to retain this category after the amendments made by the 2009 Act have been adopted and the sex encounter establishment category has been repealed, subject to the amendments made to Schedule 3 by the 2009 Act. Where London local authorities have not adopted the sexual entertainment venue provisions, it will still be open for them to resolve to adopt the hostess bar category after the 2009 Act provisions have been adopted without having to adopt the sex encounter establishment category.

Soliciting for Custom

- 4.29 Under Section 22 of the London Local Authorities Act 2004, as amended by Section 72 of the London Local Authorities Act 2007, it is an offence in London to solicit for custom for a sex establishment. However, paragraph 2A provides a defence if the premises concerned are licensed under Part 3 of the 2003 Act.

4.30 When a London local authority resolves to adopt the provisions introduced by Section 27, it will be a defence if the premises are licensed as a sexual entertainment venue under Schedule 3 of the 1982 Act or are operating lawfully under a 2003 Act licence during the transitional period at the time of the alleged offence.

ANNEX A: GUIDE TO TRANSITIONAL PERIOD AND EXISTING OPERATORS

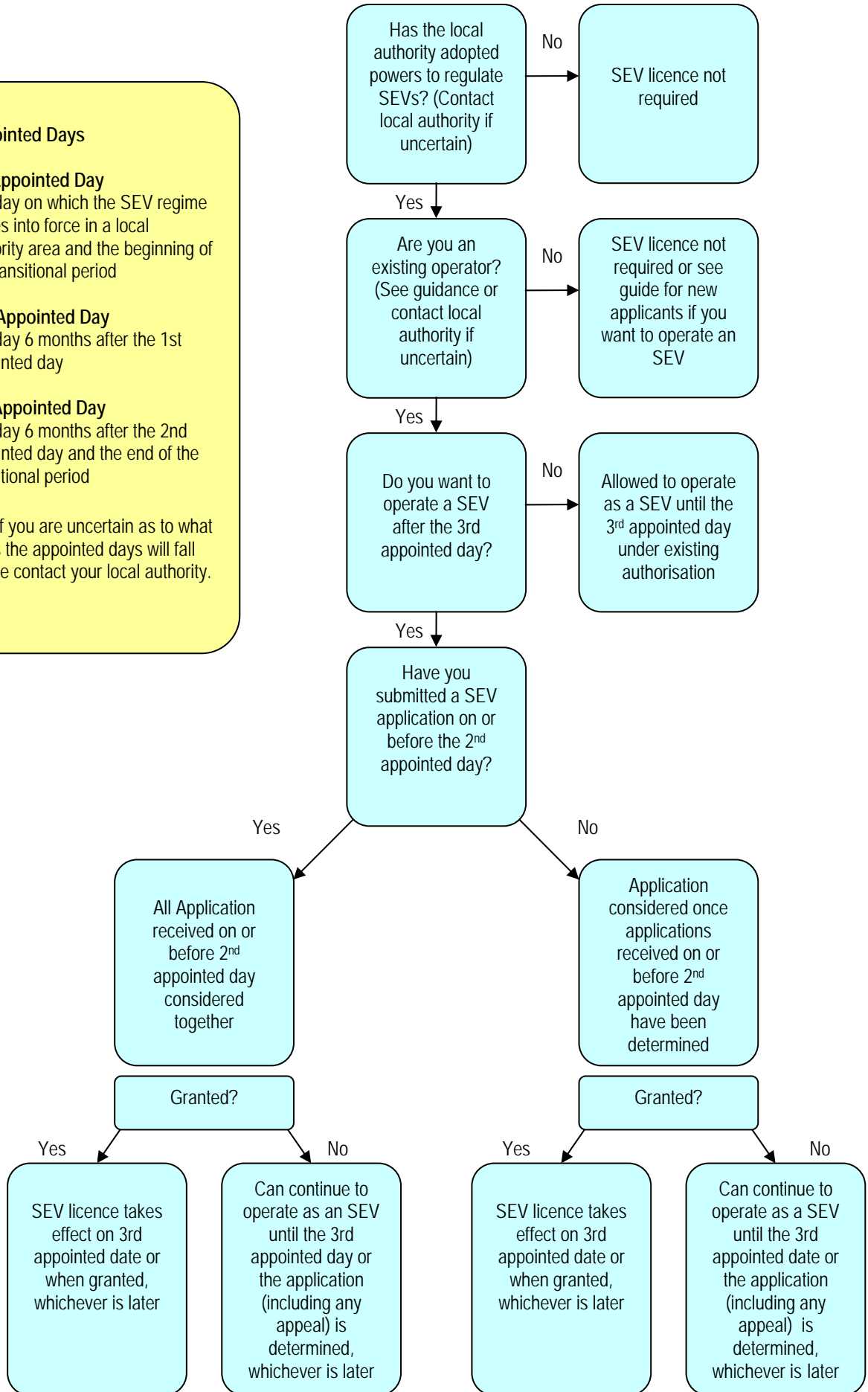
Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.



ANNEX B: GUIDE TO TRANSITIONAL PERIOD AND NEW APPLICANTS

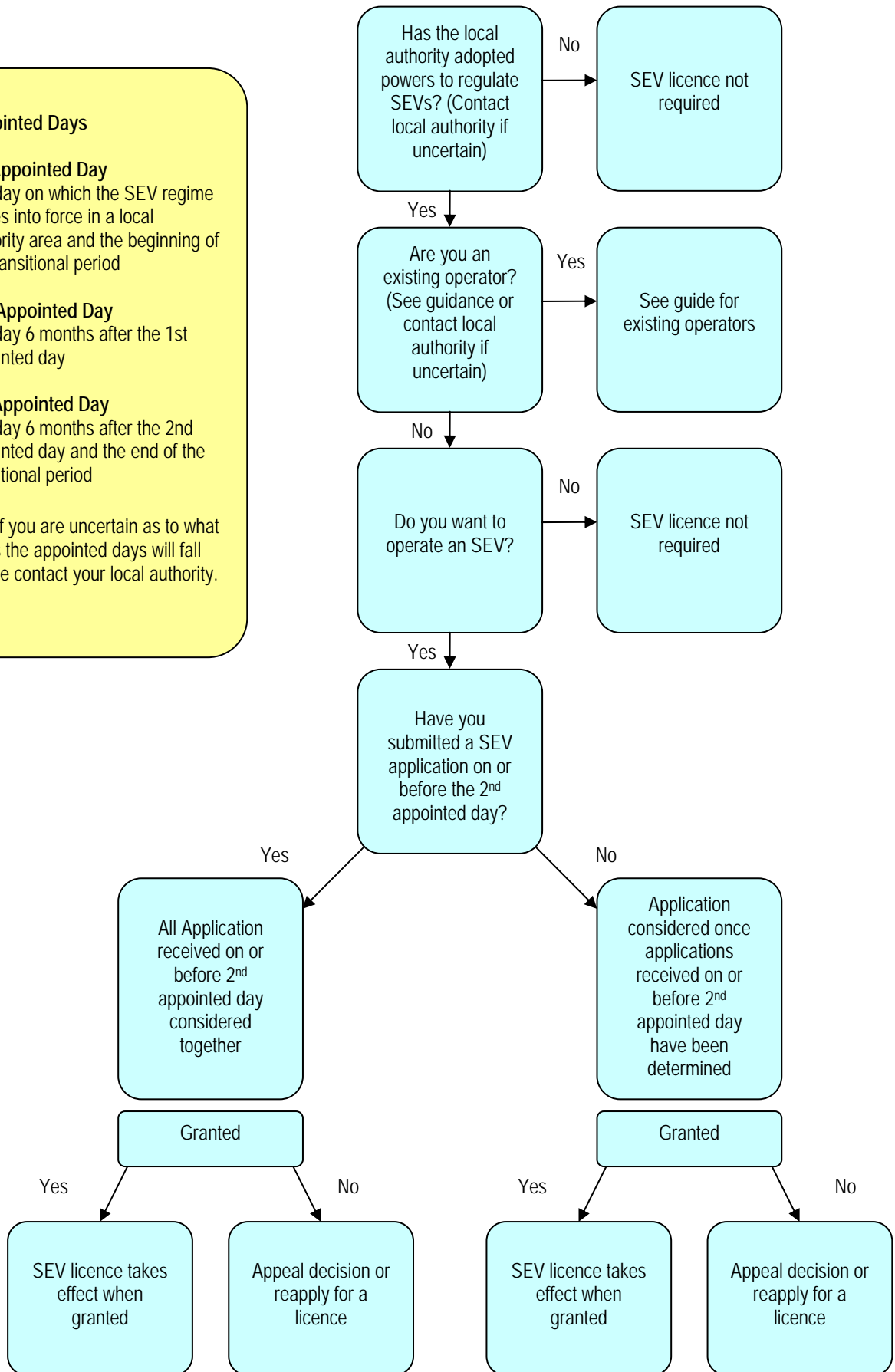
Appointed Days

1st Appointed Day
The day on which the SEV regime comes into force in a local authority area and the beginning of the transitional period

2nd Appointed Day
The day 6 months after the 1st appointed day

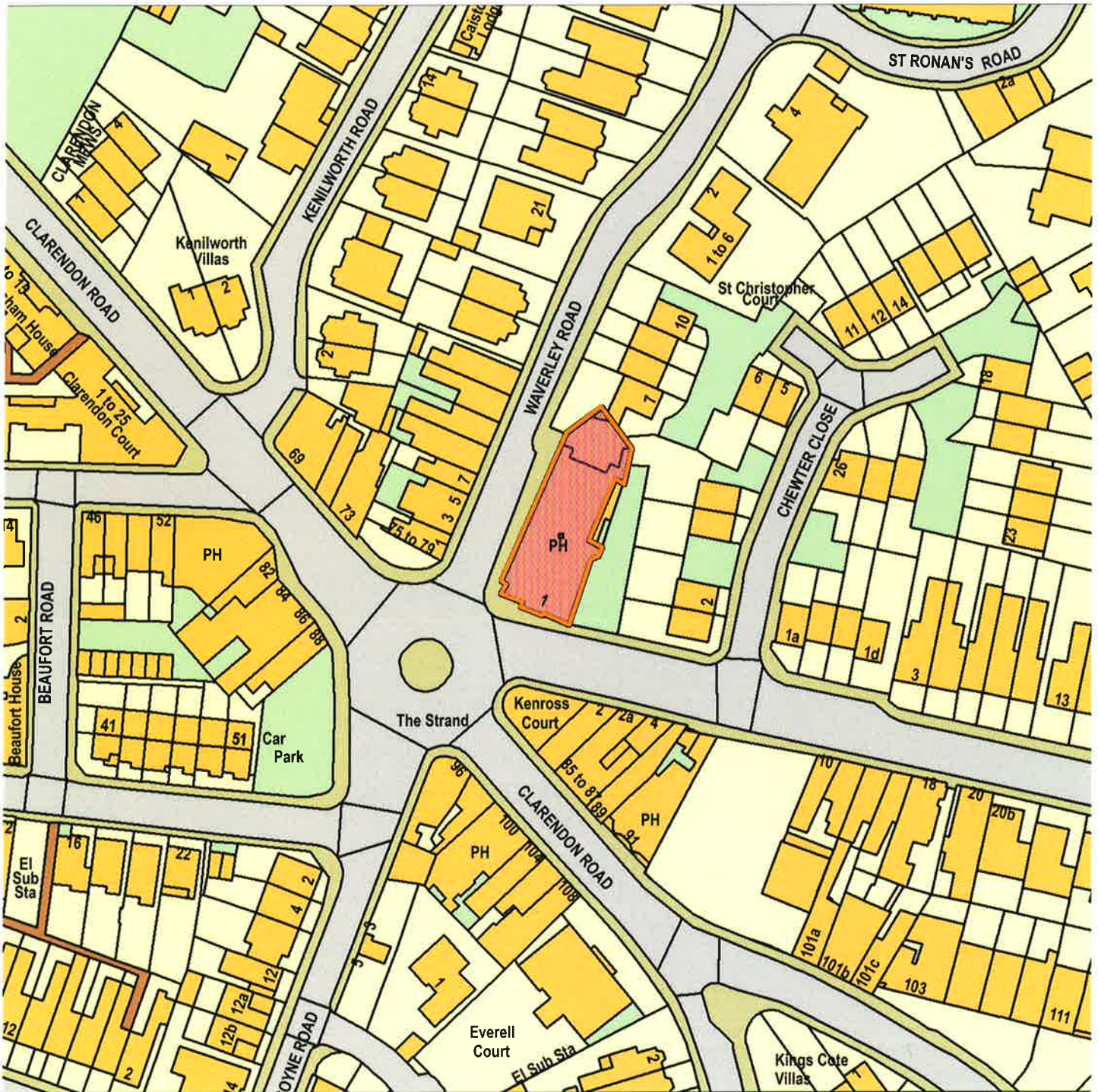
3rd Appointed Day
The day 6 months after the 2nd appointed day and the end of the transitional period

NB: If you are uncertain as to what dates the appointed days will fall please contact your local authority.



Application for grant of a SEV Licence

Elegance 1 Granada Road Southsea PO4 0RD



Scale : 1:1089

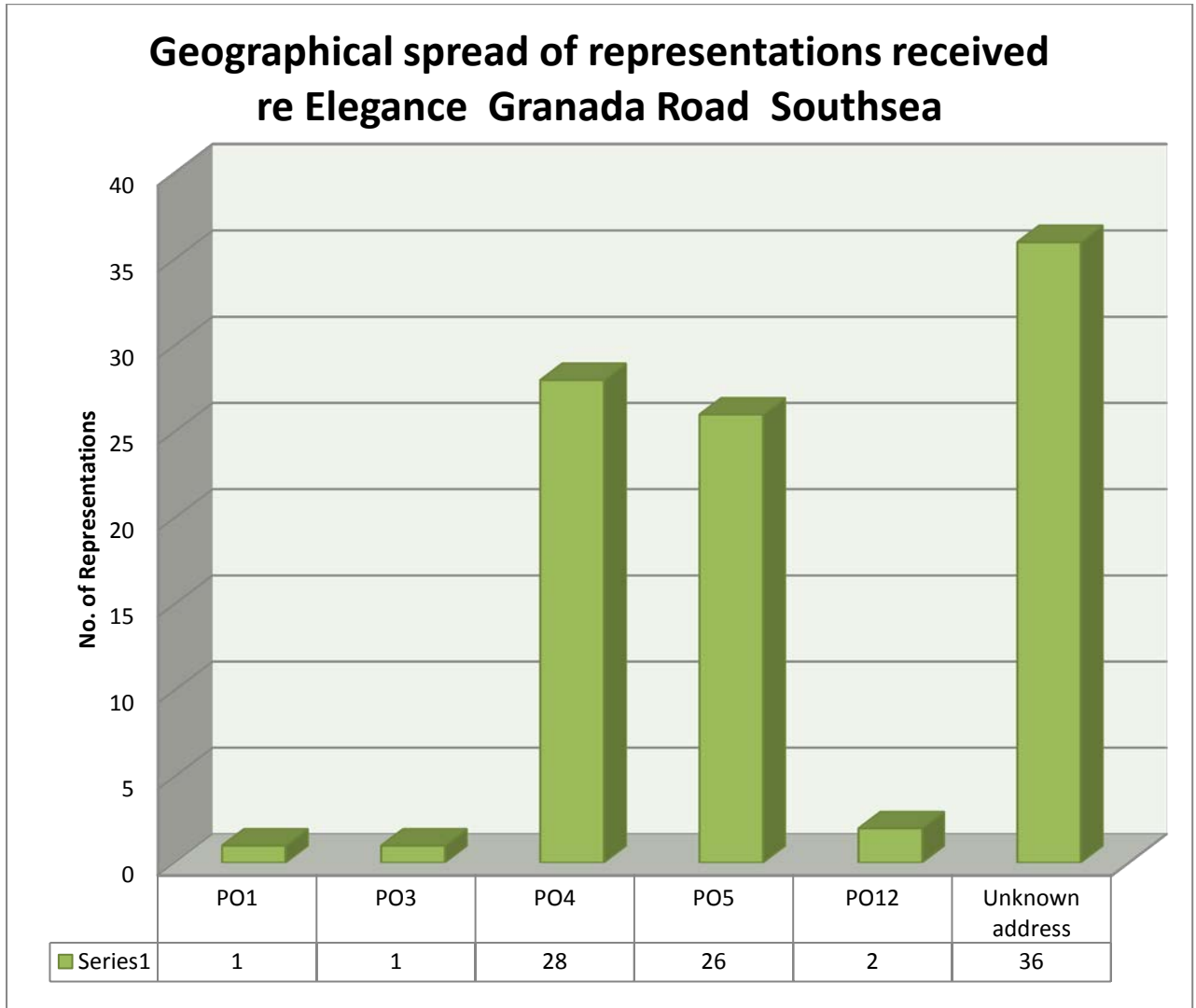
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Appendix G



Total Number of Representations = 94	
PO1	1
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Unknown address	36

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the lounge

GRANAD ROAD

Hotel B&B



AVENUE
OLLY MURS
Country House 18 July

the lounge

20

WATFORD ROAD



THE STRAND
MURALS
SPONSORSHIP
PEOPLE £500
VAN CAR £500
ACT BEHAVING
PROFITABLY

Oliver's

Oliver's

AVENUE
OLLY MURS
Gigging Night 20 July

B

WATERLEY ROAD





Key

Key

EVERY SATURDAY NIGHT
7pm - 3am
FREE ENTRY
AVENUE
OLLY MURS
Opening Night 6th July

WAVERLEY ROAD

the lounge

20





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FREE ENTRY BEFORE 11PM
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JOLLY MURS
July 6th July

WATERLEY ROAD













Emergency





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TIPPING & VOUCHERS
AT THE BAR

Thank You
AS A VALUED CUSTOMER
WE ARE OFFERING
VIP
HALF
PRICE
ENTRY

Challenge
21
Over 21





