

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Tuesday, 23 February 2016
SUB-COMMITTEE MEMBERS PRESENT:	The Deputy Mayor, Councillor Gordon Jackson (Chairman) Councillor Mike Hurdle Councillor Mike Parsons
OFFICERS PRESENT:	Mark Adams (Licensing Officer) Sophie Butcher (Committee Manager) Bridget Peplow (Senior Lawyer Litigation)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	The Quadrant, Onslow Street, Guildford, GU1 4SG
TYPE OF APPLICATION:	Application to vary Sexual Entertainment Venue Licence SEV0001 (Schedule 3, Local Government (Miscellaneous Provisions) Act 1982)
DETAILS OF APPLICATION SOUGHT:	To vary the conditions attached to the licence allowing the provision of Sexual Entertainment.
APPLICANT:	In attendance on behalf of Star Oyster Ltd: Mr Michel Harper (Manager/Owner) Miss Fleur Whitbread (P.A. to Mr Harper)
OTHER PERSONS:	Mike Smith (Licensing Team Leader) (observing)

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DETAILS OF DECISION TAKEN:

The Chairman reminded all attendees that the hearing was being webcast locally (not live) and if making a representation at the hearing attendees were deemed to have consented to being recorded.

The Sub-Committee considered the application to vary the conditions attached to the Sexual Entertainment Venue Licence SEV0001, which was granted on 27 August 2015 following a Licensing Sub-Committee Hearing. The licence expires on 26 August 2016. The Sub-Committee also considered the relevant sections of the Council's Licensing of Sex Establishments Policy and the National Guidance on Sexual Entertainment Venues issued by the Home Office.

The Sub-Committee noted that the applicant had submitted a list of proposed conditions at the hearing on 27 August 2015, very similar to those submitted with this application. The Sub-Committee, at that hearing, had rejected the majority of the proposed conditions and applied the standard conditions as per the policy with some amendments.

The application to vary the conditions attached to the Sexual Entertainment Venue Licence SEV0001 was in respect of a new building (not yet built) on a site currently occupied by a nightclub. The application was received on 16 December 2015 and no objections were received.

The Council normally imposes standard conditions on all licences. However, if deemed necessary in any particular case, the Council may change, alter or replace the standard conditions or any of them with conditions that are specific to the application before them.

To assist the Sub-Committee in their deliberations, the Chairman invited the applicant's representative to state the case in support of his application to vary the conditions attached to Sexual Entertainment Venue Licence SEV0001. The following submissions in support of the application were made:

- He had not sought legal representation for this hearing, owing to the fact that very similar proposals had been considered by the Licensing Sub-Committee on 27 August 2015;
- making the case for granting a Sexual Entertainment Venue licence had been the substantive issue at the Licensing Sub-Committee hearing on 27 August 2015, albeit for a premises which was not yet built;
- he referred the Sub-Committee to page 84 of the agenda pack, which detailed the rationale behind each of the proposed variations to the conditions.
- given the number of proposed changes to the conditions, he was happy for the Sub-Committee to defer their decision, so that a full consideration of all facts could be undertaken.
- He referred the Sub-Committee to the Statement of Licensing Policy, which came into effect as of 6 January 2016. It was the applicant's view that the policy applied to premises licences and to gaming licences.

The Senior Lawyer Litigation, Bridget Peplow clarified for the benefit of the applicant and the Sub-Committee that the Statement of Licensing Policy related just to the Licensing Act 2003 and was not relevant to the consideration of this application. The Council had adopted its own Sex Establishment Policy.

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The Chairman, read out the Statement of Licensing Policy 13.3-13.6, which the applicant had referred to:

- 13.3 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 13.4 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 13.5 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 13.6 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- The applicant wished for a similar approach to be adopted, whereby conditions attached to the Sexual Entertainment Venue licence were not overly burdensome.
 - The applicant had held a licence for the provision of sexual entertainment in Guildford for the past 10-15 years with no problems.
 - The applicant did not want to be in breach of the conditions currently attached to the licence, which by virtue of their wording, conflicted in the applicant's view, with what the condition intended to achieve.
 - For example, condition 12 stated that 'there must be no physical contact between the dancer and the customer at any time'. It was the applicant's view that due to the nature of the hospitality environment, contact between dancers and patrons was inevitable. The applicant had therefore deleted this condition.
 - Similarly, the applicant had deleted condition 18, as it required that 'any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.' The applicant stated that the external appearance of the building was a matter for planning and not licensing.
 - The applicant had also deleted condition 23, which states that 'leafletting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100-metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy, which must be approved by the Council'. The applicant did not think that he should be held responsible for the removal of leaflets from the highway or within a 100-metre radius of the premises.

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- In addition, the applicant had removed condition 49, which stated that ‘panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times’. The applicant had never heard of panic alarms being used in the Sexual Entertainment industry.
- The applicant had consulted with the Licensing team and created a set of conditions that were appropriate and fit for purpose. Some conditions relating to age, in the applicant’s opinion, had been duplicated, and therefore some of those conditions had been removed.

The Chairman drew the applicant and Sub-Committee’s attention to page 121 of the agenda pack, and read out the introduction to the standard conditions that applied to the regulation of Sexual Entertainment Venues:

‘These conditions will generally be attached to all licences granted under the Act. These conditions may be dispensed with, added to or modified by the council where appropriate. Where, in these conditions, there is a reference to the consent of the council being required, the consent may be subject to terms, conditions and restrictions as appropriate.

In accordance with Home Office guidance, where a condition is inconsistent with and is more onerous than a condition in a Licensing Act premises licence, the Licensing Act condition shall cease to apply.’

The Chairman thanked the applicant for detailing the rationale behind the proposed changes made to the conditions currently attached to the licence (on page 39 of the agenda pack). However, some other conditions had either been changed or omitted. The Chairman invited the applicant to go through each condition, as currently attached to the licence so that the sub-committee had a common understanding of the changes proposed overall. The applicant gave the following reasons why it was appropriate to depart from the standard conditions or omit them:

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1. Unless stated otherwise, the licence hereby granted shall operate for one year from the date on the licence, after which it shall cease to be in effect, unless an application for renewal is submitted in the manner prescribed by the council.

Proposed condition:

Unless stated otherwise, the licence hereby granted shall operate for five years from the date of the licence, after which it shall cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.

The applicant had been informed that the request for licences to last 5 years had to be rejected as legislation only allowed the grant of a licence for 1 year, at which point a new application was required.

2. Wording of standard condition not changed.

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3. Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.

The above condition had been deleted, as it was the applicant's view that the prices of drinks could vary on different days and times owing to varying promotional activities. The additional printing of drinks price lists was a replication of the alcohol licence that requires standard prices to be printed and shown behind the bar. The Chairman stated that the condition prevented unscrupulous businesses from increasing the price of alcoholic drinks to exorbitant rates.

4. Price lists and the code of conduct for customers must be printed in a manner, which is clear and easy to read.

The above condition had been deleted; as it was the applicant's view that it was an excessive requirement to print out price lists of drinks as well as a code of conduct for customers. The applicant accepted that having a code of conduct was prudent, but stated that this was dealt with elsewhere in the conditions.

5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.

The above condition had been deleted, as it was in the applicants view, a replication of a later condition. The applicant stated that the Sub-Committee agreed at the hearing on 27 August 2015, that a note would be put on the licence stating that the conditions would only apply when 'relevant entertainment' was taking place and this had been omitted from the current licence. The Licensing Team Leader confirmed with the applicant that this would now be included.

To aid the applicant, the Chairman confirmed that the Sexual Entertainment Licence conditions only applied when 'relevant entertainment' took place. 'Relevant entertainment' extended to striptease and pole dancing. It was the applicant's view that employees would already be trained, for example, Security Staff would be SIA accredited and dancers' were self-employed and trained to dance. The applicant was unsure of what bar staff would be trained in specifically. The Chairman confirmed that suitable and sufficient training was required to be undertaken by those persons involved in the activities of Sexual Entertainment, such as chaperones. Bar staff would need to be trained in the requirements of the Licensing Act 2003, applicable to that role.

6. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

The above condition had been deleted, as it was the applicant's view that the naming of a commercial premises was not a matter for the Licensing Authority. The Chairman stated that the Sub-Committee would need a lot of convincing to omit the standard condition, given that the name of such a premises could be inappropriate and therefore warranted approval by the Council.

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7. Wording of standard condition not changed.
8. The premises shall be open to the public during the following hours Monday – Sunday 12:00pm – 5:30pm on each day.

The Sub-Committee noted that the variation application also requested a longer period of opening from 11pm on New Year's Eve to 5:30am on 2 January. The applicant confirmed that this was a typo and not intended to include New Year's Day as well. The applicant would liaise with the licensing officer to confirm the non-standard timings of operation.

9. Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.

Proposed condition:

Dancers shall only perform on the area identified on the plan attached to the licence.

The applicant, in support of the above proposed condition, stated that the removal of the reference to booths/VIP areas gave the licensing authority greater control to define the areas where the entertainment could take place. In addition, there was a presumption that there would be booths or VIP area, which was not necessarily the case and therefore did not reflect how the premises would operate.

10. Relevant entertainment shall only be performed by the dancer. There must be no audience participation.

Proposed condition:

Striptease entertainment shall only be performed by the dancer.

The applicant confirmed that the type of relevant entertainment had been defined, namely as 'striptease', as without a clear definition, the licensing authority would have greater difficulty in controlling 'relevant entertainment' as it covered too broad a remit of different types of activity.

11. There must be no physical contact between dancers.

Proposed condition:

There must be no intimate contact between dancers.

The applicant stated that intimate contact described the type of activity more accurately than the standard condition.

12. There must be no physical contact between the dancer and the customer at any time.

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Proposed condition:

The applicant proposed to delete this as it was a repetitive condition.

13. Any performance shall be restricted to dancing and the removal of clothes. There shall not be any other form of sexual activity or stimulation, which, for the avoidance of doubt, includes kissing.

The above condition was considered inappropriate and therefore deleted as the term 'performance' precluded any other type of performance that could be taking place, such as magic shows or hosting pop groups. The Chairman clarified for the applicant that the licence related only to sexual entertainment. The standard conditions therefore did not apply to magic shows or pop groups and did not restrict the applicant in this way.

14. Sex toys must not be used and penetration of the genital area by any means must not take place.

Proposed condition:

Penetration of the genital area by any means shall not take place.

The above-proposed condition was recommended, as it was felt by the applicant that it would prevent licensing officers having to decide what was and was not a sex toy.

15. Wording of standard condition not changed.
16. Proposed condition referred to a Challenge 21 policy in place of the Challenge 25 policy referred to in the standard condition.
17. The external appearance of the premises must be approved by the council in writing.

The above condition had been deleted, as it was the applicant's assertion that it was duplicating the jurisdiction of the planning authority. The external appearance of the premises should be regulated by the planning authority.

18. Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.

The above condition had been deleted for the same reasons given above in relation to condition 17.

19. Wording of standard condition not changed.

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20. Signage shall only be illuminated between 10pm and 6am, and moveable signs placed outside the premises shall be removed between 6am and 10pm.

The above condition had been deleted, as the applicant felt that signage should be agreed by the planning authority. The applicant also felt that 10 pm was too late and signage should be illuminated after dark. The Chairman commented that the standard condition had been amended at the last hearing to refer to 8 pm instead of 10 pm.

21. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

Proposed condition:

Any window display shall not be of a sexually explicit nature and shall not contain images or text of a sexually explicit nature.

This removed reference to the need for the council's approval for the above-mentioned advertisements and it was the applicant's assertion that it removed the burden from the council.

22. Staff employed or subcontracted by the premises shall not tout or advertise the premises, except by way of flyers.

The above condition had been deleted, as it was the applicant's view that they should be able to advertise their premises as a commercial enterprise.

23. Leafleting/distribution of flyers shall only be permitted after 8pm as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100-metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy, which must be approved by the Council.

The above condition had been deleted as it was stated by the applicant that a significant and onerous obligation was being placed on the operator to remove the flyers.

24. Wording of standard condition not changed and is condition no 23 on the applicant's proposed varied conditions.

25. No alterations (including temporary alterations) shall be made to the structure and installations on the premises, without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Proposed condition:

No alterations (including temporary alterations) shall be made to the structure of the premises without the prior written consent of the council.

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This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

The words 'and installations' had been deleted from the above condition as it was unclear to the applicant what the definition of an installation was? The Chairman confirmed that installation referred to the potential screening for private booths, but agreed to look at the wording to see if it could be made clearer.

26. Wording of standard condition not changed.

27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 26:

a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and

b) is in possession of the written nomination referred to above at all times when they are in charge of and present on the premises.

Proposed condition:

Refers to condition 28 but should refer to condition 25 in the applicant's version.

28. Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.

The applicant had deleted the above condition as it was too onerous. The Chairman stated that this would enable the change of management to someone else without notifying the Council and that this was an untenable position.

29. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

Proposed condition:

Where the licensee, responsible person nominated for the purpose of managing the venue ("the manager") is convicted of an offence, they must as soon as practicable after the conviction inform the council of the conviction giving details of the nature and date of the conviction and any sentence imposed.

The applicant had removed reference to 'director' and 'company secretary' as it was not reflective of the business structure.

30. Wording of standard condition not changed.

31. Wording of standard condition not changed.

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32. No persons under the age of 18 shall be admitted to the premises.

Proposed condition:

No persons under the age of 18 shall be admitted to the premises whilst the SEV licence is in operation.

33. The licensee shall operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premises.

Proposed condition:

The licensee shall operate a Challenge 21 age verification policy.

A Challenge 21 age verification policy was proposed, as this was currently used, as opposed to a Challenge 25 policy.

34. The licence holder shall not employ any person under the age of 18 in any capacity

Proposed condition:

The licence holder shall not employ any person under the age of 18 in any capacity while the SEV licence is in operation.

35. A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.

Proposed condition:

A suitable Closed-Circuit Television (CCTV) system shall be in operation at the premises at all times when licensable activities are being carried out. The CCTV system shall cover areas of the premises to which the public are permitted to have access. The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover external areas of the premises accessed by the public. The location of the CCTV cameras shall be identified on the site plan of the premises in consultation with Surrey Police/British Transport Police and the licensing Authority.

36. Wording of standard condition remains the same.

37. Wording of standard condition remains the same.

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38. Wording of standard condition remains the same.

39. Wording of standard condition remains the same.

40. Dancers shall be aged 18 years or over.

The above condition had been deleted, as it was the applicant's view, that everybody on the premises should be aged 18 years or over.

41. Wording of standard condition remains the same and is number 40 on the applicant's proposed varied conditions.

42. Wording of standard condition remains the same, except for the addition of the first word 'to' which was a typo transferred across from the record of hearing of 27 August 2015.

43. Wording of standard condition remains the same and is number 42 on the applicant's proposed varied conditions.

44. All booths and VIP areas used for private dances must be visible to supervisors and must not have closing doors, curtains or coverings of any description.

The above condition had been deleted, as it assumed that the premises would have booths, which would not be the case. The supervisors would have visibility and CCTV cameras would be in place.

45. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with the SIA registered door supervisors working on the premises, at all times when the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

The above condition had been deleted, as it was not applicable to the premises, which would not operate with booths or VIP areas.

46. Wording of standard condition remains the same.

47. Wording of standard condition remains the same.

48. Wording of standard condition remains the same.

49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

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The above condition had been deleted as panic alarms were not in the applicant's view used in the sexual entertainment industry. The Sub-Committee stated that the applicant would need to provide credible evidence that panic alarms were not industry standard.

50. Vehicles must not be used for personal solicitation, touting or advertising.

The above condition had been deleted, as it was the applicant's assertion that this was beyond the scope of the licensing authority to enforce.

The Sub-Committee then received the following submissions from the applicant in support of the application:

- The variation of the standard conditions proposed, in the applicants view, represented a much improved, workable and consolidated version of conditions that could be readily applied in the operation of the Sexual Entertainment Venue proposed to be built.
- He respected the Sub-Committee's final decision and would work with the licensing team to ensure the smooth running of the premises.

Having considered the application and the submissions from the applicant, the Sub-Committee

RESOLVED: That the application to vary the conditions attached to the Sexual Entertainment Licence SEV0001 under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982, be granted in part and conditions 5, 9, 11, 17, 18, 20, 22, 25, 32, 34 and 42 be varied in the following terms:

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REASON FOR DECISION:

In reaching their decision to grant a variation of conditions 5, 9, 11, 17, 18, 20, 22, 25, 32, 34 and 42, the Sub-Committee considered the written and oral representations from the applicant. The Sub-Committee noted that no objections to the application had been received.

The Sub-Committee was mindful that the Council had determined the standard conditions to be applied to a licence for a sexual entertainment venue and was therefore very reluctant to change these. The standard conditions will generally be attached to all licences granted under the Act. These conditions may be dispensed with, added to or modified by the council where appropriate. Where, in these conditions, there is a reference to the consent of the council being required, the consent may be subject to terms, conditions and restrictions as appropriate. Notwithstanding this general position, the Sub-Committee felt there was merit in some of the applicant's submissions about the wording of the conditions and they therefore agreed to make the following amendments to the standard conditions, to make them workable and enforceable.

- Condition 5 – the Sub-Committee amended this condition to refer to condition 26 as opposed to condition 28, which was an error. The Sub-committee considered it appropriate for the condition to remain on the licence to ensure that all staff were appropriately trained.
5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 26. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.
- Condition 9 – the Sub-Committee agreed to accept the applicant's amendment to Condition 9 given that it gave the licensing authority adequate control to define the areas where the entertainment could take place. The Sub-Committee accepted that there was a presumption that there would be booths or VIP areas, which was not necessarily the case and did not reflect how the premises would operate.
9. Dancers shall only perform on the area identified on the plan attached to the licence.
- Condition 11 – the Sub-Committee agreed that the wording of condition 11 should be amended to provide greater clarity as to the type of contact that would be unacceptable and to avoid inadvertent breaches.
11. No performances shall include a sex act or simulated sex act with any other performer. Performers must not touch the genitals, anus or breasts of another performer.
- Condition 20 - The Sub-Committee amended this condition so that it was clear that the signage related to 'relevant entertainment':
20. Signage relating to relevant entertainment, shall only be illuminated between 8pm and 6am, and moveable signs placed outside the

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premises shall be removed between 6am and 8pm.

- Condition 22 – The Sub-Committee amended this condition so that it was clear that it only applied to relevant entertainment.
22. Condition 22 – Staff employed or subcontracted by the premises shall not tout or advertise relevant entertainment at the premises, except by way of flyers.
- Condition 25 – The Sub-Committee amended condition 25, as detailed below, to clarify when consent would be required.
25. No alterations (including temporary alterations) shall be made to the structure, lighting or layout of the premises without the prior written consent of the Council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.
- Condition 32 – The Sub-Committee amended condition 32, so that it was clear that no persons under the age of 18 shall be admitted to the premises in relation to ‘relevant entertainment’.
32. No persons under the age of 18 shall be admitted to the premises when relevant entertainment is taking place.
- Condition 34 – The Sub-Committee amended condition 34, so that it was clear that the licence holder shall not employ any person under the age of 18 in any capacity in relation to ‘relevant entertainment’.
34. The licence holder shall not employ any person under the age of 18 in any capacity when relevant entertainment is taking place at the premises.
- Condition 42 – The Sub-Committee amended condition 42, to omit the first word ‘to’ as it was a typo.
42. The Licensee shall provide new dancers with a pack of information. This pack shall include:
- a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
 - b) Details of any other conditions applied by the management of the premises.
 - c) Details of how to report crime to the relevant authority.
 - d) Details of the premises public liability insurance.
 - e) Information on how dancers can obtain personal liability insurance
 - f) Details of unions, trade organisations or other bodies that represent the interests of dancers
 - g) A copy of the code of conduct for dancers
 - h) A copy of the code of conduct for customers
 - i) Price lists for drinks and sexual entertainment

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The Sub-Committee confirmed that they felt all the other standard conditions were appropriate to ensure that there would be no adverse impact from the premises and they would be included on the licence. The Sub-Committee noted that the conditions had been considered in detail at the previous Sub-Committee hearing granting the application for a licence and many of the points raised by the applicant had been considered and rejected at that hearing.

- Condition 1 – Legislation prohibited the Sub-Committee from granting a licence for a period longer than 1 year.
- Condition 2 – Variation not requested
- Conditions 3 and 4 – The Sub-Committee considered that price lists were appropriate to ensure that customers were properly informed and not taken advantage of. The Sub-Committee noted that the applicant raised no objection to the Code of Conduct.
- Condition 6 – The Sub-Committee considered it appropriate for this condition to remain on the licence to ensure that the name was not offensive or otherwise inappropriate.
- Condition 7 – Variation not requested
- Condition 8 – No variation was requested to the hours so the condition was not varied.
- Condition 10 – The wording ‘relevant entertainment’ was retained, to ensure that all sexual entertainment at the premises was covered by the condition.
- Condition 12 – The condition would remain on the licence, as it was appropriate to regulate contact between dancers and customers.
- Condition 13 – The condition would remain on the licence as it was only applicable when relevant entertainment was taking place.
- Condition 14 – The condition would remain on the licence. The Sub-Committee considered it to be appropriate and clear.
- Condition 15 – Variation not requested.
- Condition 16 – The reference to Challenge 25 would remain. The Sub-Committee did not consider the applicant had shown any good reason to depart from the Council’s policy.
- Conditions 17 and 18 – The Sub-Committee did not consider that the applicant had shown any good reason to depart from the Council’s policy. The Sub-Committee noted that the premises was not yet built and therefore the Sub-Committee had no information about the external appearance of the premises. It was therefore appropriate to retain control at this stage.
- Condition 19 – No variation requested
- Condition 21 – The Sub-Committee did not consider that the applicant had shown any good reason to depart from the Council’s policy.
- Condition 23 – The condition would remain. It was appropriate that the applicant removed any flyers from the highway. The Sub-Committee did not accept that this was an onerous obligation.
- Condition 24 – Variation not requested.
- Conditions 26 and 27 – Variation not requested.
- Condition 28 – The Sub-Committee noted that it was appropriate for the Council to be kept informed of any change of personnel within the company. Accordingly, this condition would not be varied.
- Condition 29 – This condition would not be varied. It was appropriate for the Council to be informed of convictions of all persons holding office within the company.

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- Conditions 30 and 31 – Variation not requested.
- Condition 33 – The reference to Challenge 25 would remain for the reasons set out in relation to Condition 16.
- Condition 35 – The Sub-Committee saw no reason to change the Council's standard CCTV condition.
- Conditions 36 – 39 – No variation requested.
- Condition 40 – The Sub-Committee considered it appropriate to retain the condition for clarity.
- Condition 41 – No variation requested.
- Condition 43 – No variation requested
- Conditions 44 and 45– The conditions would remain. If there were no booths or VIP areas the conditions would not apply.
- Conditions 46 – 48 – No variations requested.
- Condition 49 – The Sub-Committee were not persuaded that this condition should be deleted. No evidence had been provided by the applicant that panic alarms were not standard practice within the industry.
- Condition 50 – The Sub-Committee were satisfied that this condition should remain to prevent vehicles being driven round the town to advertise the venue.

The Sub-Committee agreed that a note would be put on the licence stating that the conditions would only apply to 'relevant entertainment'.

Signature of Chairman:

Dated: