

Proposed Conditions to Variation Application

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.

Sexual Entertainment Venues

General

1. Unless stated otherwise, the licence hereby granted shall operate for five years 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.
2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents will be adopted in consultation with the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.

Exhibition of the licence

3. The licence, or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises the police, and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police officer.

Hours of opening (to be tailored to Individual licences)

4. The premises shall only be open to the public during the following hours:

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

Conduct on the premises

5. Dancers shall only perform on the area identified on the plan attached to the licence.
6. Striptease entertainment shall only be performed by the dancer.
7. There must be no intimate contact between dancers.
8. Penetration of the genital area by any means must not take place.
9. Customers shall not be permitted to throw money at the dancers.

External appearance

10. There shall be a notice displayed inside each entrance or doorway to the premises which shall clearly be visible to any person entering the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 21 policy.

Persons who appear to be under the age of 21 will be required to show proof of age.

11. Access to the licensed area of the premises shall be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

Advertising

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

Layout of premises

- 23. No access by patrons shall be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.**
- 24. No alterations (including temporary alterations) shall be made to the structure 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.**

Management of the premises

- 25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.**
- 26. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:**
 - 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.**

29. 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.
30. The licensee shall retain control over all parts of the premises where licensable activity is taking place, and shall not let licence or part with possession of any such part of the premises. The council must be notified as soon as reasonably practicable in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
32. No persons under the age of 18 shall be admitted to the premises whilst the SEV license is in operation.
33. The licensee shall operate a Challenge 21 age verification policy..
34. The licence holder shall not employ any person under the age of 18 in any capacity while the SEV license is in operation.

Safety and security

35. 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. The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.
37. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises shall on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, cause any required footage to be downloaded immediately or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller shall ensure that they are secured to prevent any overwriting.

38. The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting investigating and preventing crime. It must be possible to replay exported files immediately eg. no re-indexing of files or verification checks shall be required.
39. A minimum of two Security Industry Authority registered door staff shall be present on the premises during the performance of relevant entertainment. In addition, the licensee shall provide such additional SIA registered door staff as shall be reasonably required by Surrey Police or the licensing Authority.

Staff welfare

40. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:
- a) has not been convicted of theft drug offences or prostitution
 - b) has the right to work in the UK
- The licensee shall keep records of the checks made including copies of any documentation such as a basic disclosure, passport visa, driving licence or national insurance number provided by the dancer.
41. 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
42. The information required in accordance with Condition 42 shall be provided in the dressing rooms or alternatively a sign shall be placed in the dressing rooms advising that the information pack is available on request.

43. **Dancers shall only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.**
44. **Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.**
45. **The licensee shall ensure that dancers have secure dressing rooms facilities to secure valuables and proper sanitation facilities available to them.**

CCTV Condition

- **CCTV shall be installed and all cameras shall continually record whilst the premises are open to the public and the video recording shall be kept available for a minimum of 31 days with time and date stamping. Videotapes shall be kept in a locked secure place and shall not be viewed except for proper management purposes. No copies of shall be made except for distribution to or under the direction of the licensing authority and/or Surrey Police. Videotapes shall be made available to the licensing authority and to Surrey Police together with facilities for viewing. If requested. Tape recordings shall be erased promptly after 31 days. In this condition, "video tapes" and "video recordings" shall include storages and retrieval on and from any digital medium or any other system. (*Condition F14 on Premises Licence GUPLA0518 Unit 2*)**

SUPPLY OF SERVICE RULES

All Entertainers must abide by these rules at all times

- **No physical contact between you or the customer during a performance.**
- **You must never arrange to go home with a customer after you leave the premises. No entertainer is to meet a customer outside of the premises.**
- **Customers must remain seated for the entire dance and the Entertainer is required to ensure this occurs.**
- **No sitting on chairs during dances.**
- **Between dances you must have your dress on, you may not walk around in an indecent fashion.**
- **You may do consecutive dances for the same customer without redressing each time providing the customer is fully aware that he will be charged for each new dance.**
- **No glasses or smoking in the dressing room.**
- **No chewing gum.**
- **Entertainers are required to conduct themselves in a sober and proper manner.**
- **Always wear a garter on your thigh.**
- **No bags in left on the floor in public areas.**

Code of Conduct for Customers

Terms and Conditions

- Patrons wishing to use our cashing facility can do so by purchasing our own currency known as Harpoons. This facility is available in Harpers at the cash desk in the lounge area. Please ask a member of staff.
- No unsecured account or credit facility are available, without exception.
- We accept most major credit and debit cards in exchange for Harpoons.
- Harpoons can be used for payment of dancers and hostess and the tipping of service staff. They cannot be used for the purchase of drinks, hospitality or any other monetary transaction.
- A 20% surcharge will be added to your credit card transaction for the use of these cashing facilities.
- The Harpoons are not refundable or transferable and are only valid within these premises for the above mentioned purposes. We reserve the right to withdraw the use of these at any time after the close of business that day without notification and the value attributed to them is for the day of purchase only.
- Please note all dancers must be paid in cash or with Harpoons. Credit cards are not accepted for dancing or tipping.
- A dance will last for the term of an individual song lasting approximately 3 minutes.
- An individual topless tableside dance costs £10.00 and a fully nude tableside dance is £20.00 per dance. Table dance fees are set by the venue and are considered a fee and not a tip or gratuity.
- Invitation to a hostess or a dancer to be seated at your table in your company will incur a charge of £200.00 per hour in the main club areas, chargeable in 30 minute tranches. Payment to the club not to the invitee.

The Rules

- Gentlemen must be seated before a dance can commence a dance and must remain seated at all times during the dance with their hands at their sides. There should be no contact between the dancer and customer.
- There must be no touching of the dancers at any time.
- The exchange of personal details or solicitation and/or rendezvous between patron and dancer is strictly forbidden and will result in the patron being asked to leave the venue and being barred. The dancer will be dismissed.
- Customers must not participate in a dance or any form of entertainment.
- The customer must remain fully clothed at all times.
- It is strictly forbidden for a Dancer to leave the club with a customer or rendezvous. Solicitation is forbidden by either party.
- Any breach of the above rules will result in the customer being excluded from the club.

VARIATION APPLICATION EXPLANATION

Licence No SEV00001

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's, in support of the above proposed condition, stated that the removal of 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 of 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's confirmed that the type of relevant entertainment had been defined, namely as 'striptease', as without a clear definition, the licensing authority would have great difficulty in controlling 'relevant entertainment' as it covered too broad a remit of different types of activity.

1.1. There must be no physical contact between dancers.

Proposed condition:

There must be no intimate contact between dancers during a performance.

The applicant states 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.

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 applicant's Counsel, Mr Bowes, asked if it was possible to put a note on the licence, if granted, which stated that conditions only applied when 'relevant entertainment' was taking place. It would assist the applicant and operators to help them distinguish between the different types of operations that would be hosted. The Licensing Officer confirmed that he was content with adding a note, as it was a statement of the current legal position.

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 on 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 has 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.

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.

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 verbally or otherwise promote, tout or advertise the premises, except by way of flyers.

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

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.

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'.

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 is proposed.

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 was assumed that the premises would have VIP areas. 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.

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

The above condition had been deleted as panic alarms were not in the applicant's view used in the sexual entertainment industry, or warranted.