

## Notice of Meeting

# Licensing Committee

**Date:** Thursday, 16 January 2014

**Time:** 17:30

**Venue:** Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road,  
Andover, Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

Tom van der Hoven - **01264 368001**

email [tvanderhoven@testvalley.gov.uk](mailto:tvanderhoven@testvalley.gov.uk)

**Legal and Democratic Service**

Test Valley Borough Council,  
Beech Hurst, Weyhill Road,  
Andover, Hampshire,  
SP10 3AJ

[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

**PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.*

## Membership of Licensing Committee

### MEMBER

Councillor A Hope  
Councillor J Anderdon  
Councillor I Andersen  
Councillor A Beesley  
Councillor A Brook  
Councillor J Budzynski  
Councillor M Cooper  
Councillor B Few Brown  
Councillor A Finlay  
Councillor K Hamilton  
Councillor A Johnston  
Councillor P Lashbrook  
Councillor N Long  
Councillor I Richards  
Councillor A Tupper

Chairman  
Vice Chairman

### WARD

Over Wallop  
Chilworth, Nursling  
& Rownhams  
St.Mary's  
Valley Park  
Alamein  
Winton  
Tadburn  
Amport  
Chilworth, Nursling  
& Rownhams  
Harroway  
Romsey Extra  
Penton Bellinger  
St.Mary's  
Abbey  
North Baddesley

# Licensing Committee

Thursday, 16 January 2014

## AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 12 November 2013
- 6 Minutes of the Licensing Sub-Committee held on: None
- 7 **Licensing Procedure Rules - Licensing Committee** 5 - 6  
Procedure rules for hearing licensing applications
- 8 **Vehicle Licence Condition - Spare Wheel** 7 - 11  
A report to review the Council's current policy of not allowing licensed taxis to use space saver wheels or tyre sealant devices.
- 9 **Sexual Entertainment Venue Licence - The Piston Broke, 43 London Street, Andover** 12 - 21  
To consider an application for a Sexual Entertainment Venue Licence in respect of premises located at The Piston Broke, London Street, Andover

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## **ITEM 7**

### **Licensing Procedure Rules Licensing Committee**

#### **Application**

These Procedure Rules shall apply when the Licensing Committee sits to hear Licensing applications other than those made pursuant to the Licensing Act 2003 and the Gambling Act 2005.

#### **Terms of Reference of the Licensing Committee:**

1. Ward Councillors will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any ward Member (whether a Member of the Committee or not) may make a statement setting out his views or the views of those he represents. Such statement may be made immediately after any objector has made his case and been questioned thereon.

#### **Procedure for hearing licensing applications:**

Following receipt of an application, the Licensing Officer will carry out reasonable consultation with any interested parties, including ward members. In the case of Public Entertainment applications this will include a notice to be advertised on the premises and a notice in the local press. Should any objection be received which cannot be resolved, the licensing application will then be referred to the Licensing Committee for consideration and determination. All objectors will be invited to the meeting; the Council's scheme of public participation will not apply.

1. Written objections, representations, petitions, etc will be circulated with the Agenda and will be taken into account by members of the Committee. It will not be possible to circulate any such communications received after the Agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. Agenda and papers for consideration will be circulated at least 3 clear days before the meeting.
2. At the commencement of the meeting the Chairman will outline the procedure to all those present.
3. The Licensing Manager of the Council will present the facts to the Committee and will explain the Recommendation.
4. The Members of the Committee may ask questions of the Licensing Manager.

5. The Applicant or any person representing him may ask questions of the Licensing Manager.
6. Any Objector or any person representing him may ask questions of the Licensing Manager.
7. Relevant Council Officers, representatives of the Police or Fire Service (if present) may be questioned by:
  - (a) Members of the Committee
  - (b) The Applicant or any person representing him
  - (c) Any Objector or any person representing him
8. The Applicant (or his representative) may present his case, including calling any witness. The Licensing Manager and/or Members of the Committee may ask questions of the Applicant or any witness
9. Any Objector may ask questions of the Applicant or any witness.
10. The Objector (or his representative) may present his case including calling any witness.
11. The Licensing Manager and/or Members of the Committee may ask questions of the Objector.
12. The Applicant may ask questions of the Objector
13. The Applicant may sum up his case
14. The Objector may sum up his case
15. The Committee will deliberate in private with only its legal adviser and Committee Administrator in attendance. The decision on the matter and the reasons for it will be communicated to all those present in open session before the meeting is closed.

## ITEM 8                      **Vehicle Licence condition – Spare Wheel**

Report of the Head of Legal & Democratic (Portfolio: Corporate)

### **Recommended:**

**That the current licence condition for hackney carriages and private hire vehicles requiring the carrying of a full size spare wheel be replaced with the condition as shown in Annex 1 attached to this report.**

#### SUMMARY:

- The current hackney carriage and private hire vehicle licence conditions prevent vehicles using space-saver wheels and similar temporary repair measures.
- Whilst the Council has previously believed this condition to be necessary for vehicle safety, it is apparent that the condition is no longer appropriate and a request has been received to amend the condition.
- The Committee is therefore asked to agree to the amendment of the condition.

### **1 Introduction**

- 1.1 Hackney carriages and private hire vehicles licensed by the Council are bound by a number of conditions. The conditions are reviewed periodically and revised where appropriate. A number of changes were made in February 2008 including a change to the condition regarding spare wheels. The condition currently states that *“All vehicles shall have a minimum of four road wheels and carry a spare wheel to the same specification as the road wheels. Space-saver tyres, tyre sealants and other puncture safety features are not permitted”*.
- 1.2 This condition was introduced as a result of concerns over vehicle (and thus driver and passenger) safety and in particular about inappropriate use of space-saver wheels. Officers believe that the condition as originally introduced was necessary and proportionate but a number of complaints were received about the condition stating that it failed to take account of the fact that many modern cars come equipped with only a space-saver wheel or in some cases just a tyre sealant device. Following a request from a Private Hire Vehicle Operator for the condition to be reviewed, the Head of Administration, who has delegated authority to issue hackney carriage and private hire vehicle licences, recommended that the condition be reviewed by this Committee at its meeting held in February 2010. The Committee decided at that time to retain the condition. The Council has now received another formal request to review this condition.

## **2 Background**

- 2.1 As mentioned above, the current condition was introduced in February 2008 and last reviewed in February 2010. It is acknowledged that more vehicles are coming onto the market fitted with space-saver spare wheels. Some vehicles do not now even carry a space-saver wheel but instead carry a can of tyre sealant or other device. In many cases there is little or no space for a full size wheel to be stored without compromising the amount of luggage area that is available or preventing the potential soiling of a passenger's luggage.
- 2.2 By law, all vehicles have to be "type approved" (including the spare wheel) before being legally allowed on the road. This has been given as an argument as to why the Council should accept space saver wheels. Usually in the case of a space saver wheel the owner's manual would state that the wheel is only suitable for 'get you home' purposes and will advise that the wheel should not be used beyond a certain distance or above a certain speed (typically 50mph). In addition manufacturers will often give an instruction that the vehicle is driven immediately to a place where repairs can be carried out, or a new tyre purchased. It is suggested that this approach should form the basis of any revised condition.

## **3 Corporate Objectives and Priorities**

- 3.1 The licensing of hackney carriages and private hire vehicles is a statutory responsibility and does not relate directly to the Council's corporate priorities. Licensing of vehicles reduces the potential for illegal plying for hire by unlicensed vehicles. It provides transport for the public who may not have any safe alternative means of transport available.

## **4 Consultations/Communications**

- 4.1 One operator has complained formally about the restrictive nature of the current condition but others have complained informally. Officers consulted with other local authorities to check their policy and out of 12 only one prohibits the use of space savers and temporary repair measures. The Council's Vehicle Inspector (Transport Manager, Environmental Services) agrees with the proposed revised condition.

## **5 Options and Option Appraisal**

- 5.1 The options are either to retain the existing condition or relax or remove it. It is the view of officers that retention of the current condition is no longer proportionate, is unduly restrictive and does not reflect advancements in motor technology. Removal or relaxation of the current condition will undoubtedly assist those vehicle owners whose vehicle does not ordinarily come provided with a full size spare wheel. Complete removal of the condition could lead to problems if vehicles do not undertake repair or replacement of the tyre as soon as possible. Thus it is suggested the condition be amended to stress the need for this. A proposed revised condition is attached as Annex 1 to this report.



## **6 Resource Implications**

- 6.1 There are no direct resource implications as a result of this recommendation. Some vehicle operators/drivers have complained that they have been required to purchase a full size spare wheel which has required a financial outlay on their part.

## **7 Legal Implications**

- 7.1 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Borough Council to attach such conditions to hackney carriage and private hire vehicle licences as it “may consider reasonably necessary”. It is the view of officers that the amended condition allowing the use of space saver tyres and other temporary repair measures is reasonable and necessary.

## **8 Equality Issues**

- 8.1 There are no direct equality issues arising from this report so no further Equalities Impact Assessment has been undertaken. It is worth noting that national studies show that taxis are used significantly by some of the more vulnerable and disadvantaged members of the community who do not have access to their own private transport and for whom taxis provide an essential safe form of transport

## **9 Other Issues**

- 9.1 Community Safety – none direct but see paragraph 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – the provision of hackney carriages and private hire vehicles may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none directly but indirectly the whole Borough.

## **10 Conclusion**

- 10.1 Full size spare wheels are judged to be effective in approximately only 70 per cent of punctures as they are either un-roadworthy or drivers don't have the right tools, strength or knowledge to change a wheel. There could also be a safety issue particularly if changing a wheel on a motorway hard shoulder. Alternatives are now common place and include the space saver wheel, compressor and foam/gel, the self-sealing tyre and run-flat tyre. As the average driver only gets a flat tyre once every 44,000 miles or five years car makers and drivers alike have accepted that carrying a full size spare wheel is no longer relevant. Relaxation of the current condition will reflect this.

Background Papers (Local Government Act 1972 Section 100D)

Correspondence held within the Licensing Section

Hackney Carriage and Private Hire Licensing Conditions

Report to Licensing Committee 9 February 2010

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	One
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Author:	Michael White	Ext:	8013
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File Ref:	MW/D.8/1
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Report to:	Licensing Committee	Date:	16 January 2014
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**ANNEX 1**

- a) The vehicle shall have at least 4 road wheels fitted with manufacturer's recommended size tyres, which – unless alloy – shall have matching wheel trims.
- b) The vehicle must also carry at least one spare wheel, a jack and wheel-brace all securely stored in a position not liable to damage passenger's luggage. The spare tyre should be of the same type as fitted to the road wheels.
- c) If a vehicle is fitted with a 'Space Saver' spare tyre or similar emergency repair system, these will be permitted if:
  - The type of space saver or other system is an original part of the vehicle's design specification.
  - The space saver tyre or other system is limited to use in an emergency situation only, at a maximum of 50mph. Distance and mileage is to comply with manufacturer's instructions.

## **ITEM 9            Sexual Entertainment Venue Licence – The Piston Broke, 43 London Street, Andover**

Report of the Head of Legal and Democratic (Portfolio: Corporate)

### **Recommended that:**

- 1.     The Committee approve the application for a Sexual Entertainment Venue Licence in respect of premises at The Piston Broke, London Street, Andover.**
- 2.     The Head of Administration issue a licence for a period of 12 months with the conditions as detailed in Annex 2 attached to this report subject to any amended conditions the Committee considers appropriate.**

### **SUMMARY:**

- An application for a Sexual Entertainment Venue Licence has been received in respect of premises known as The Piston Broke, London Street, Andover.
- As the Head of Administration does not have the necessary delegated powers, the application must be determined by the Licensing Committee.

## **1     Introduction**

- 1.1 An application has been received from TJJ Promotions Limited for a Sexual Entertainment Venue (SEV) Licence in respect of The Piston Broke bar, 43 London Street, Andover. These premises are currently the licensed Sexual Entertainment Venue within the Borough. The Council adopted with effect from 1<sup>st</sup> April 2011 an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which means that the existing legislation used to license a Sex Shop or Sex Cinema was extended to also include Sexual Entertainment Venues. There is no delegated power for applications to be determined by officers so the matter must come before this Committee for determination.

## **2     Background**

- 2.1 The legislation requires that no person shall, in any area in which the sex establishment licensing provisions have been adopted, use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted by the appropriate local authority. A 'sex establishment' is a sex shop, a sex cinema or a sexual entertainment venue. This report concerns an application for a licence to use premises as a sexual entertainment venue. A 'sexual entertainment venue' is defined by legislation 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.
- 2.3 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.
- 2.4 Whilst each case should be judged on its own merits, it is expected 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; and live sex shows. This 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 license premises as sexual entertainment venues shall depend on the nature of the content of the entertainment provided and not the name it is given.
- 2.5 Applicants are required to display a public notice at the premises and in addition, publish a notice in a local newspaper advising that an application has been submitted and inviting written objections. The Licensing Manager can confirm that both of these requirements have been met by the applicant. Only objections received within 28 days of the date of the notice may be considered by the Council. The names and addresses of objectors must be kept confidential unless the objectors indicate otherwise. No objections have been received.

### **3 Consultations/Communications**

- 3.1 The Police, Head of Housing and Environmental Health (Environmental Health Manager) and local ward members have been consulted on this application with no objections received.

### **4 Options**

- 4.1 The Council has limited grounds upon which it can refuse a licence. An application can be refused if the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason. Alternatively, it can be refused if the licence were to be granted to a business which 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. Neither of these statements is relevant in the case of the application before the Committee. An application could also be refused if “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 appropriate for that locality”. The Committee has not decided to set such a limit.

- 4.1.1 The only other grounds for refusal and one which is relevant to this application is 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 in respect of which the application is made.
- 4.1.2 The “relevant locality” is defined in the Act as meaning, in relation to the premises, the locality in which it is situated. If any objections are received, in assessing the application the Committee should consider these in the light of the statutory grounds for refusal mentioned above. In doing so, Members may call on their own views in reaching a decision as to what is appropriate in any particular location. The Committee, in determining the application, should consider each of these issues and determine whether grant or refusal is appropriate and, if so, why. However, it would be unlawful to refuse the application merely because the Committee consider sex establishments are immoral or should not be permitted.
- 4.1.3 It is suggested therefore that Members consider the matters outlined in paragraph 4.1.1 above and detailed below. If Members decide that a licence should not be granted, they must provide details of how the “relevant locality” was chosen, how its character was identified and why that character was thought to make the licensing of a sexual entertainment venue inappropriate.
- 4.2 In determining what is appropriate, it is normal to consider what other premises are in the vicinity of the proposed premises. The Committee may recall that at its meeting held on 17 November 2010 it decided to adopt the policy set out as Annex 1 attached to this report to be used in deciding whether or not a licence should be granted.
- 4.3 The policy states that “Test Valley Borough Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Entertainment Venue in areas that are predominantly residential or close to ‘sensitive premises’ such as schools, places of religious worship or places of education and learning”. This list should not be regarded as definitive and is provided to assist the Committee in determining the application. As an example, if there were a school or church in London Street or part of any immediately adjacent street within the vicinity of the premises then it is generally accepted that this would provide the Council with sufficient grounds for refusing the application.
- 4.4 An analysis of properties within the immediate vicinity of The Piston Broke has not revealed any properties that might be of particular relevance in determining the application apart from some residential flats above the premises. It is also appropriate to mention that the application seeks a licence from 2100 hours onwards when the majority of commercial and other premises in the locality will be closed.

- 4.5 It is suggested that the Committee approach the determination of this application in four steps. Firstly, the Committee should identify an area of reasonably consistent character within which The Piston Broke falls, and consider the application on its own merits. Secondly, the Committee should consider whether the grant of a licence to the applicants for this use of the premises would be inappropriate given the character of the area. Thirdly, the Committee should identify any potential sensitive use of premises near to The Piston Broke (having regard to the comments in paragraph 4.3 above), and consider whether the nature of that use and the proposed use of The Piston Broke is such that the premises are too close. Members should also consider that whilst this is a renewal of the existing licence and thus unless a material change has occurred regarding the area, the premises or other premises within the area, refusal of the application could be deemed appropriate.
- 4.6 The Committee should be aware that if a licence is granted, the conditions adopted by the Council attached as Annex 2 to this report would apply to the licence save that the Council can where appropriate exclude or amend any of the conditions. It may, if appropriate, attach special conditions to the licence to address a specific issue with the premises.

## **5 Option Appraisal**

- 5.1 The options are either to grant a licence or not grant. If the latter, the Council runs the risk that the applicants may appeal by way of judicial review with the risk of the Council losing the appeal (with costs). If the licence is granted, there is a minimal risk that nuisance is caused by the (continued) use of the premises and the amenity of any local residents or businesses may suffer. The imposition of conditions will reduce the likelihood of nuisance being caused and if it does occur, the Council could take this into consideration when an application to renew the licence is submitted.

## **6 Resource Implications**

- 6.1 There are no resource implications as a result of this report. The Committee may wish to note that the application attracts a fee of £1460.

## **7 Legal Implications**

- 7.1 If an application is refused on the grounds of the unsuitability of the applicant then the applicant may appeal the decision in a magistrate's court. If the application is refused on the basis of a numerical limit or for the reasons set out in paragraph 4.1.1 above then the applicant can only challenge the refusal by way of a judicial review.

## **8 Equality Issues**

- 8.1 An Equalities Impact Assessment is not needed because the issues covered have previously been considered by this Committee and the decision to grant a licence does not constitute a change in policy.

**9 Other Issues**

- 9.1 Community Safety – none specific other than that mentioned in paragraph 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – none specific.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – (Andover) St. Mary’s.

**10 Conclusion**

- 10.1 The application has attracted no objections. The Committee must therefore determine the application taking into account the location of the premises in relation to other premises in the immediate area particularly the residential flats immediately above the proposed premises. It should be noted that the Council would be able to exercise control over the premises if a licence were granted by attaching conditions to the licence. It should also be noted that a licence, if granted, would be for a period of 12 months and would then have to be renewed. Upon application for renewal the Committee would be able to take account of the impact of the premises upon the neighbouring area.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Report to Licensing Committee 17 November 2010 and all associated paperwork Report to Licensing Committee 20 September 2012			
<u>Confidentiality</u>  It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Two		
Author:	Michael White	Ext:	8013
File Ref:	EH.19/12		
Report to:	Licensing Committee	Date:	16 January 2014



## ANNEX 1

### Sexual Entertainment Venue Policy

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’.*

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 the 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).

Test Valley Borough Council will judge each case on its own merit but having regard to the statutory definition would expect that the definition of “relevant entertainment” would apply but not exclusively to the following forms of entertainment as they are commonly understood:

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

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.

A licence must not be granted:

- (a) to a person under the age of 18 years
- (b) to a person who is for the time being disqualified due to the person having had a previous sex establishment licence revoked in the area of the 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.

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 or,
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number which Test Valley Borough Council consider is appropriate for that locality
- (d) 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, vehicle, vessel or stall in respect of which the application is made.

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

### **Policy Statement**

Test Valley Borough Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Entertainment Venue in areas that are predominantly residential or close to ‘sensitive premises’ such as schools, places of religious worship or places of education and learning.

Any licence granted shall be subject to the Council’s standard conditions applying at that time and any additional conditions considered necessary in the circumstances.

A licence shall ordinarily be granted for a period of 12 months although the Council may determine to issue a licence for a lesser period if the circumstances warrant this. The licence shall operate until the expiry date stated, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.

The licence may be revoked at any time by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

**ANNEX 2**

**Sexual Entertainment Venue – Standard Licence conditions**

1. Premises licensed as a Sexual Entertainment Venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be used only for the purpose of a Sexual Entertainment Venue as defined in Paragraph 2A of Schedule 3 and shall not be used, wholly or in part, as either a sex shop or a sex cinema.
2. An appropriate room, to be agreed in writing with Test Valley Borough Council, shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.
3. No person under the age of 18 years shall be admitted to or allowed on the premises whilst licensable activities are taking place.
4. No lewd or indecent conduct or conduct likely to cause a breach of the peace shall be permitted on the premises.
5. One or more Door Supervisors, registered in accordance with the Security Industry Authority or other regulatory body, shall be on duty at all times when licensable activities are taking place and these persons shall continually monitor all entrances, exits and toilets.
6. Performers shall be aged not less than 18 years.
7. Only the performers shall provide the entertainment; no audience participation shall be permitted.
8. During any performance, performers may not:
  - a) touch customers in any way;
  - b) approach closer than 30cms (12”) from any part of a patron;
  - c) climb onto furniture provided for patrons; or,
  - d) simulate sex acts.

9. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
10. The Licence holder(s) shall not display outside the premises, or on any advertising material, photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises which may be offensive.
11. The licensee or any other person concerned in the conduct of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises.
12. Windows and any form of openings to the premises including doors shall be obscured so as to prevent any member of the public from seeing through to the premises whilst “relevant entertainment” is being performed.
13. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
14. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
15. No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council acting as Licensing Authority. This condition shall not require notice to be given in respect of routine maintenance works.
16. The licensee shall install a CCTV system covering all of the licensed area. This system shall be linked to a date and time recording facility and the system shall provide a high standard recording facility that will be admissible in a court of law. This CCTV system shall be maintained in good working order and shall operate at all times when the premises are open.

17. The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and any other relevant licensing requirements.
18. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sexual entertainment venue, the special conditions will prevail.
19. The grant of a licence for a sexual entertainment venue shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.