

PLYMOUTH CITY COUNCIL

Subject: Angels Gentleman's Club, 38-40 Union Street,
Plymouth.
Grant of Sexual Entertainment Venue Licence.

Committee: Licensing Sub Committee

Date: 13 November 2012

Cabinet Member: Councillor Brian Vincent (Environment)

CMT Member: Anthony Payne (Director for Place)

Author: Linda Perez – Licensing Officer

Contact: 01752 307983
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/SEV

Key Decision: No

Part: I

Purpose of the Report:

An application has been received from Paul Wilson Drinkwater in respect of the premises known as Angels Gentleman's Club, 38-40 Union Street, Plymouth for the grant of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities. In particular:

Delivering Growth: The Sex Establishments Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Reduce Inequalities: The Sex Establishments Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, wellbeing and local amenity on the local community.

Value to Communities: The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The Policy has a key role in protecting workers in sex establishments and reducing the risk of sexual offences linked to the operation of sex establishments.

An Equalities Impact Assessment has been completed with no significant findings

Recommendations & Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.

Policing and Crime Act 2009

[Council's Sex Establishment Licensing Policy.](#)

[Home Office Sexual Entertainment Guidance for England and Wales](#)

Sign off:

Fin		Leg	15985/ag /5.11.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 INTRODUCTION

- 1.1 On the 4th September 2012, the licensing department received an application from Paul Wilson Drinkwater for the grant of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009 in respect of the premises known as Angels Gentleman's Club situated at 38-40 Union Street, Plymouth
- 1.2 The Policing and Crime Act 2009 amended the 1982 Act in so far as it related to the licensing of sex establishments by adding the new category of 'sexual entertainment venue'.
- 1.3 A Sexual Entertainment Venue means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer. Relevant entertainment means any live performance or any live display of nudity which is of such 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).
- 1.4 Relevant entertainment is considered to be;
 1. lap dancing
 2. pole dancing
 3. table dancing
 4. strip shows
 5. peep shows
 6. live sex shows
- 1.5 Full Council resolved to adopt Schedule 3 of the Act on the 30 January 2012, to be effective from the 5 March 2012. The Council also resolved to adopt a Sex Establishment Licensing Policy (the Policy) which provides the framework within which all applications and other decision-making will be considered.

2.0 THE APPLICATION

2.1 The premises are situated on the first floor of 38-40 Union Street, Plymouth with the performers changing rooms located on the second floor. The application is to provide lap dancing, pole dancing, private dances, striptease and VIP dancing.

2.1 The application was correctly advertised in the Western Evening Herald on 6 September 2012 as required by the Act

2.3 The hours applied for are

Monday & Tuesday	– 9.00pm - 11.00pm
Wednesday to Saturday	– 9.00pm – 04.00am
Sunday	– 9.00pm – 11.00pm

2.4 The following documents which formed part of the application are attached to this report marked Appendix A, as they are considered relevant to this application.

Site Plan

Exterior drawings including signage

Scaled Floor Plan

Operating & Safety Procedures including Rules for Members & Entertainers

Entertainers Welfare Procedures – Policy Statement

Additional documents included by officers as they are considered relevant and are attached to this report marked Appendix B.

Premise Licence

External photograph of the premises location

Map of area. (500 ft)

- 2.5 The premises is located in Union St an area governed by a quantity limit statement as defined in the policy which is a factor that should be considered when determining this application. The Policy states:

‘The Act allows the Council to determine a number of sex establishments in a specific locality. This can include determining that the appropriate number is **nil**. The Council considers that there is an over-riding public interest to justify quantity limits for the areas known as Union St and the City Centre to avoid an excessive build up of sex establishments, thereby undermining the character and nature of the designated areas.

Whilst applications will be determined based on their individual merits there will be a presumption against granting additional licenses in areas where the number considered appropriate for that locality have already been granted.

The Council will not take account of commercial need. This is a matter for market forces and may be a relevant consideration for planning applications. The existence or absence of suitable planning approval is not a relevant consideration for the Council, but is a matter for the applicant.

For each of the following areas the number of sex establishments considered as appropriate is;

Location	No of Sex Shops/Cinemas	No of Sexual Entertainment Venues
Union Street	1	2
City Centre	1	Nil

For all other localities the appropriate number will be **nil**’.

The number of Sexual Entertainment Licences applications to be considered at today’s meeting is two.

- 2.6 Mr Drinkwater already hold’s a premises licence under the provisions of the Licensing Act 2003 for these premises which allows the sale of alcohol and regulated entertainment. The application under consideration is separate to these provisions. A copy of the current premises licence is attached within Appendix B.

- 2.7 The premises licence issued in accordance with the provisions of the Licensing Act 2003 will remain in force regardless of the determination of this application, as this is required in order to permit the lawful sale of alcohol from these premises and any other form of regulated entertainment.

This is the first application for a sexual entertainment venue licence following the adoption of Schedule 3 of the Act. Having regard to the transitional arrangements that apply to new businesses, if this application were to be granted, the business will be allowed to commence operation immediately.

- 2.8 When determining a licence application, the local authority must have regard to any

rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention of Human Rights.

Existing businesses have limited rights to continue trading even though it may not completely accord with the new policy aspirations and expectations.

Members should be aware that these premises are not an existing business that pre-dates the adoption of Schedule 3 of the Act.

- 2.9 Members should be aware that the hours applied for in the application conflict with parameters set out in the Sex Establishments Licensing policy in respect to Sunday opening.

The Policy states:

‘The Council will apply hours of operation that are commensurate to the existing use of the area and its effect on the locality. There shall be normally be no operation of licensable activities on Sundays and Good Friday (6am to midnight), Christmas Day or Easter Sunday. Alternative opening restrictions may be put into place dependant on the character of each locality and representations received’.

If the Policy is followed this would mean that the operation hours would be:

Monday & Tuesday – 9.00pm to 11.00pm

Wednesday to Saturday – 9.00pm to 04.00am

Members may consider departing from the Policy upon hearing suitable representations on this point.

3.0 REPRESENTATIONS

- 3.1 No objections have been received to this application within the 28 day consultation period. One letter of representation was received from the Police that set out their observations in relation to this application, a copy is attached marked Appendix C.

4.0 CONSIDERATIONS

- 4.1 The Committee must have regard to the Council’s Sex Establishments Licensing Policy in its decision-making. In particular the following licensing objectives will be taken into account when determining an application and any conditions attached will be necessary and designed to achieve these licensing objectives
- Prevention of crime and disorder
 - Protection of safety, health and public decency
 - Prevention of nuisance
 - Protection form children from harm
 - Protecting the nature, amenity and character of a neighbourhood
- 4.2 Members should be aware that Licensing Committee resolved to adopt a pool of licensing conditions that provides applicants, responsible authorities and Members with a resource from which conditions can be attached to a licence granted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This pool of conditions is not exhaustive and may be altered, amended or varied depending on the individual circumstances of each particular application.
- 4.3 Based on the information supplied by the applicant and the Police and the guidance set out in the Council’s Policy, officers have prepared a draft set of licensing conditions for consideration, marked Appendix D. Care should be given that where conditions are

attached they should be necessary and designed to achieve the stated licensing objectives.

- 4.4 Members should be aware that the policy states that employees receive training approved by Plymouth Safeguarding Children's Board on the identification of potential exploitation of trafficking of children and vulnerable adults. For this reason specific conditions have been included.
- 4.5 Paragraph 12 of Schedule 3 of the Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

Mandatory grounds for refusal:

A licence **must** not be granted:

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

None of the above applies to the licence applied for.

Discretionary grounds for refusal:

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;
- (c) the number of sex establishments, or of sex establishments of a similar kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard-
 - (1) to the character of the relevant locality; or
 - (2) to the use to which any premises in the vicinity are put; or
 - (3) 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.

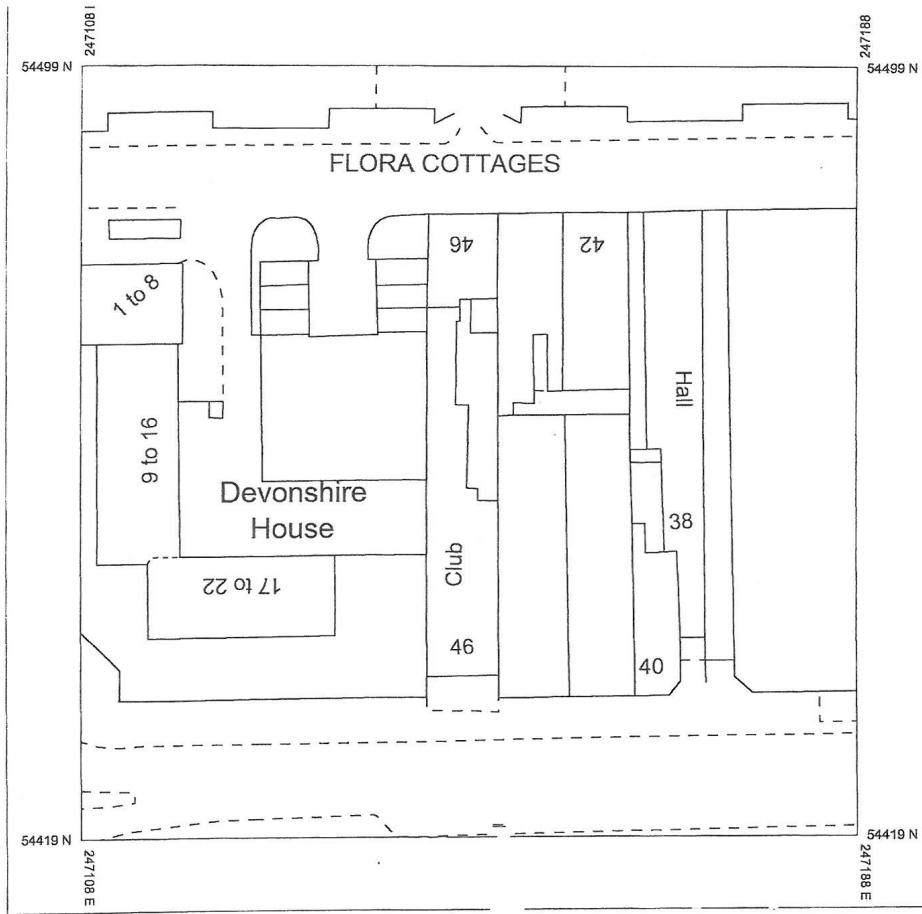
- 4.6 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a

licence, the appropriate authority decides to refuse it on one or more of the above ground's, it must provide the applicant with reasons for the decision in writing. Having considered the application and representations, the Sub-Committee may

- Grant a licence in accordance with the application
- Grant a licence subject to additional and/or varied conditions
- Reject the application.

R. Carton
Manager of Public Protection Service

APPENDIX A



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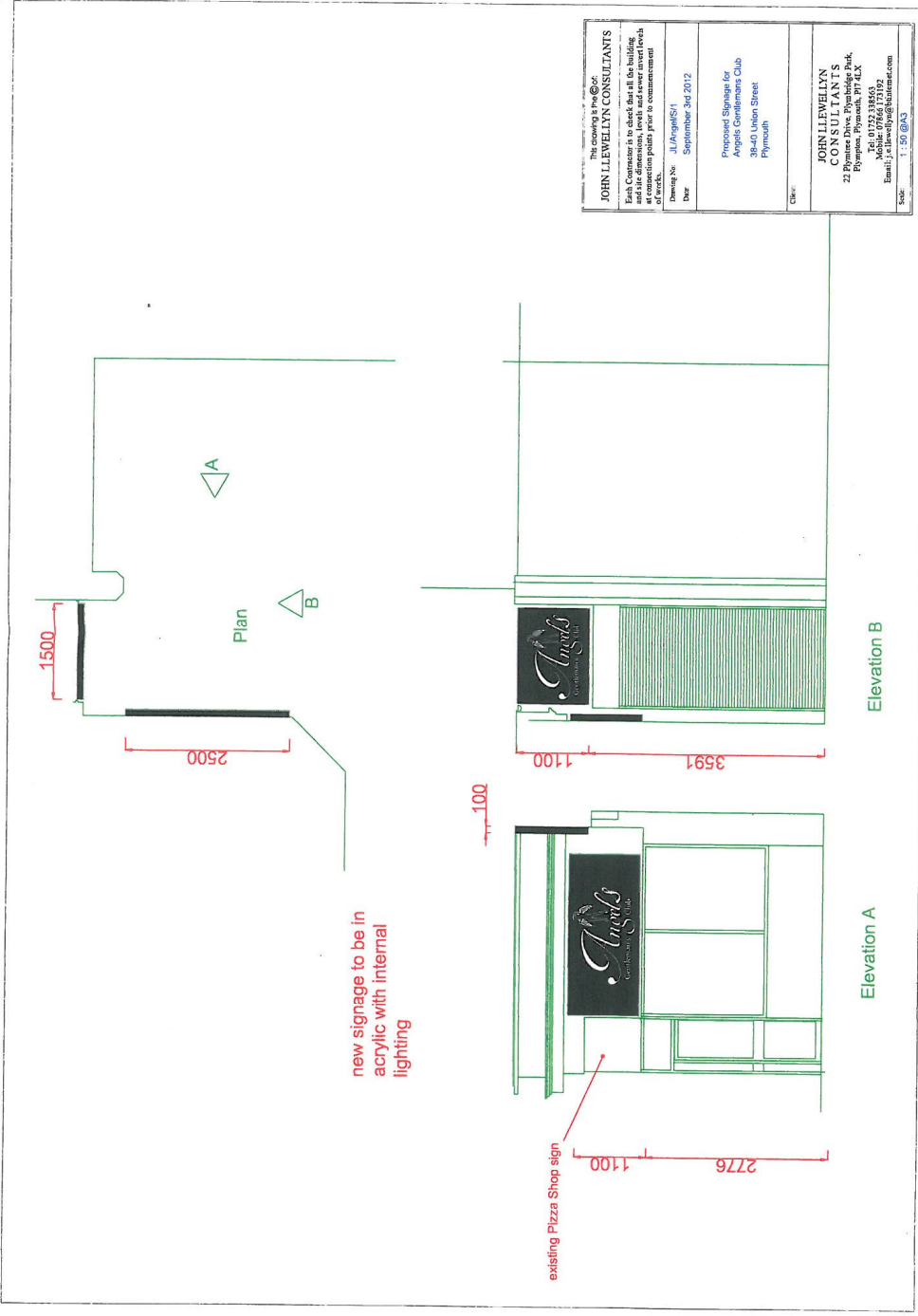


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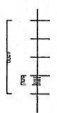
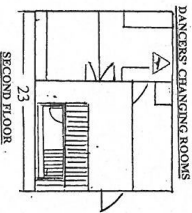
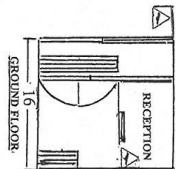
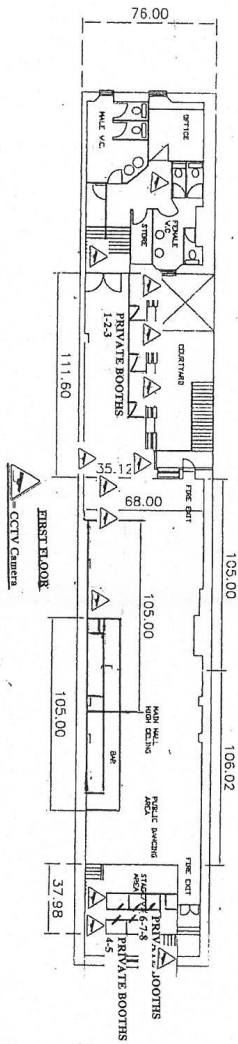
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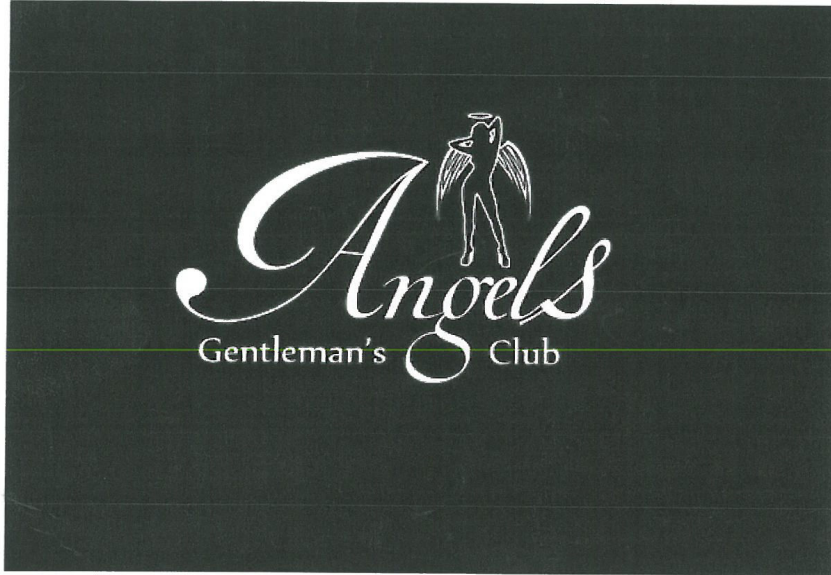
Plot Centre Coordinates: 247148, 54459



<p>JOHN LEWELLYN CONSULTANTS The Leeward Group 22 Plymsea Drive, Plymbridge Park, Plymsea, Plymouth, PL7 4LX Tel: 01752 382673 Fax: 01752 382672 Email: j.l.lewellyn@leeward.com</p>	
<p>Client:</p>	<p>Angels Gentlemen Club 38-40 Union Street Plymouth</p>
<p>Proposed Signage for</p>	<p>Angels Gentlemen Club 38-40 Union Street Plymouth</p>
<p>Drawing No:</p>	<p>JL/Signage/01</p>
<p>Date:</p>	<p>September 30, 2012</p>
<p><small>This drawing is free of charge. It is the property of John Lewellyn Consultants and is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of John Lewellyn Consultants. It is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of John Lewellyn Consultants.</small></p>	



<p>The drawing is the work of:</p> <p>JOHN LLEWELLYN CONSULTANTS</p> <p>Each Consultant is to check that all the buildings and site dimensions, levels and sewer invert levels at construction points prior to commencement.</p> <p>Drawn by: Alwyn Griffiths</p> <p>Date: September 27th 2012</p>	
<p>Proposed Floor Layout</p> <p>Angels Gardens Old</p> <p>38-40 Union Street</p> <p>Plymouth</p>	
Client:	<p>JOHN LLEWELLYN CONSULTANTS</p> <p>22 Pyramus Drive, Plymouth, PL7 4LX</p> <p>Tel: 01752 231553</p> <p>Fax: 01752 231552</p> <p>Email: john.llewellyn@plumtree.com</p> <p>1 3009@k3</p>



38-40 Union Street
Plymouth
PL1 3EY

OPERATING & SAFETY PROCEDURES
Incorporating
Club Rules for Members & Entertainers
August 2012

Angels Gentlemen's Nightclub

OPERATING & SAFETY PROCEDURES

August 2012

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Angels Gentlemen's Nightclub

1. Introduction

- 1.1 Angels Gentlemen's Nightclub will provide to their customers an Adult Entertainment Venue providing self employed dancers, who will perform striptease, nudity and lap dancing on a defined raised stage and where permitted in private booths.
- 1.2 The Entertainment will take place during define times/days as follows:
- | | |
|------------|----------------|
| Monday: | 21:00 to 23:00 |
| Tuesday: | 21:00 to 23:00 |
| Wednesday: | 21:00 to 04:00 |
| Thursday: | 21:00 to 04:00 |
| Friday: | 21:00 to 04:00 |
| Saturday: | 21:00 to 04:00 |
| Sunday: | 21:00 to 04:00 |
- Note: Adult Entertainment will not be provided on Good Friday, Easter Sunday or Christmas Day.
- 1.3 **Sections 3 and 4** of the Operating and Safety Procedures will be posted at the Club's Reception, Bar and in each Private Booth and Table as appropriate.

2. Management Responsibilities

- 2.1 The Manager is directly responsible for the following:
- Strict compliance with these rules and procedures.
 - To ensure that the procedures for entry are strictly observed.
 - That SIA certified door staff are in place at the times specified (management also intend to take SIA door supervisors course)
 - That the CCTV system and cameras are checked to ensure that each is operating correctly.
 - That the requirements of the Club's Health and Safety and Fire Safety Procedures have been checked prior to opening.
 - That the club's air conditioning systems are operating efficiently.
 - That entertainers are clearly directed that they will remain at a distance of 1 metre from the audience at all times.
 - That each self employed entertainer and sub-contractors(DJs) are issued with a copy of these Operating and Safety Procedures.
 - That the self employed entertainers and other sub-contractors are made aware of the Club's Safety Procedures and Welfare Facilities.
 - That self employed entertainers and bar staff are clearly advised of the Club's strict rules regarding the handling of cash.
 - disturbance or possible rowdiness.

Angels Gentlemen's Nightclub

- I. The Bar Staff will be reminded to be vigilant at all times and announce without delay whatsoever of any disturbance or possible rowdiness.

3. Membership Terms and Conditions

- 3.1 All patrons who enter the premises will be clearly advised that:
 - a. That all persons who enter the Club are to comply with these Terms.
 - b. That all persons will be required to confirm their identity and where the customer's age is in doubt that they produce clear evidence of their date of birth accordingly.
 - c. Signage will be posted that **"NO PERSON UNDER 18 WILL BE ADMITTED"**.
 - d. That entry to the Club will be refused if the customer is unable or unwilling to produce acceptable evidence of his/her age.
 - e. That they are to have no physical contact with the entertainers, the Club operates a strict NO TOUCH POLICY at all times.
 - f. They will not be permitted to participate in the entertainment.
 - g. That all monetary transaction are to be made through the bar staff.
 - h. No money shall be thrown onto the stage or place about the entertainers person.
 - i. That no video's or photographs are to be taken at any time.
 - j. That customers may not ask, receive or provide private or personal information from the entertainers.
 - k. That patrons will remain seated at all times during the performances.
 - l. That patrons will remain at a distance of 1 metre from the performance at all times.
 - m. Patrons will not be permitted to be in a state of undress whilst in the premises.
 - n. No Smoking is permitted within the premises, customers who want to smoke will be required to use the designated smoking area provided outside the premises.
 - o. Patrons leaving the premises will be requested to leave the vicinity by the door staff.
 - p. Door/Bar Staff will ensure that taxis are ordered and announced on behalf of patrons when required.
 - q. Failure to comply with the above terms and Conditions at any time will cause the person or persons to be removed from the premises.

4. Entertainers' Self Employment Contracts

- 4.1 The following clauses comprise the contractual agreement between the Club and the Entertainer and does state the Club's terms and conditions of self Employment.
- 4.2 The Client will register the Contractor as being employed by the Club in accordance with the contract.
- 4.3 The Contractor will change from their day wear into their performance wear in the dressing room dedicated as the Performers' Changing Room. This area is **Strictly Private** and no customers are to enter the changing room.
- 4.4 The Contractor will at all time wear a "G String" covering their genitalia and anus, they will be permitted to remove the G String during the last 30 seconds of a lap dance.
- 4.5 The Contractor shall not make any physical contact with the Client's Customers. A strict "NO TOUCH POLICY" is stated in the Client's Operating Rules. Section 3.1.e refers.
- 4.6 The Contractor shall not accept any money from the Client's Customers, ALL financial transactions are to be conducted via the Club's Bar.
- 4.7 All customer tips will be recorded against the Contractor's name and paid by the Manager at the end of the entertainment.
- 4.8 The Contractor shall remain at all times during their performance at least 1 Metre from the seated audience.
- 4.9 The Contractor shall not give or accept the exchange of telephone numbers, addresses or any other personal information, contractors will not be permitted to carry their mobile phone on them whilst on the trading floor
- 4.10 The Contractor will not be permitted to perform if there is any suggestion or visible signs that they are intoxicated or under the influence of illegal substances.
- 4.11 The Contractor will be issued with a panic device to raise the alarm if any customer should become offensive or attempt to make physical contact, or any other inappropriate behaviour. The Contractor is to stop dancing immediately raise the alarm and move away from the scene.
- 4.12 The Contractor is not to make contact with other contractors during the performances.

Angels Gentlemen's Nightclub

4.13 The contractor is not to simulate a sex act during their performance.

5. Security

5.1 All door staff will be licensed as Security Industry Authority Operatives.

5.2 There will be two door operatives as a minimum as appropriate to the Club.

5.3 There will be radio contact between the Manager and Door Staff at all times.

5.4 Taxis will be monitored and announced by door staff.

6 CCTV Operations and Control

6.1 The Manager will ensure that the system is fully functioning.

6.2 The Manager will ensure that the CCTV is constantly monitored.

6.3 The CCTV system shall be securely located to ensure that only authorised persons have access to the system.

6.4 That all recorded material is retained in time/date sequence for 28 days, and will be supported with a 2 terabyte memory capability.

6.5 That all recorded material will be available to the Police and other Authorities.

6.6 That this document and signage announces that CCTV is in operation.

6.7 That CCTV cameras are strategically placed throughout the premises.

6.8 That CCTV cameras are incorporated into each private booth.

6.9 That CCTV cameras are located at the front and rear entrances.

7. Health & Safety

7.1 The Health and Safety Policy and Procedures of the Club are in support of this document. (The Health and Safety at Work Act 1974)

8. Fire Safety

- 8.1 A full Fire Safety Risk Assessment has been undertaken and the Club has been certified as Fire Safe in accordance with current fire safety legislation. (RRFSO 2005 refers).
- 8.2 The Club's Fire Safety Policy and procedures take account of the special fire hazards in specific areas of the workplace. (Reference to an Employer's Guide to Fire Safety has been made where appropriate). All employees of The Company have a duty to report **immediately** any fire, smoke or potential fire hazards to the Fire Service and should dial: **999**
- 8.3 Fire Doors which are designed to slow the spread of fire and smoke through the workplace have been installed at strategic points. Fire Doors must **never be blocked, jammed or tied open at any time.**
- 8.4 Fire exits are located at strategic points throughout the workplace. **Exit Doors and corridors must never be locked, blocked or used as storage spaces.**
- 8.5 Emergency lighting has been installed in exit corridors, above emergency exit doors and throughout the workplace.

9. Emergency Evacuation Procedure

- 9.1 In the event that the Fire Alarm has been activated, or in any other emergency situation (such as a bomb scare), all employees, customers, delivery agents and tenants must leave the building by the nearest available exit and assemble at their designated assemble point, these are;

Club Location	Assembly Point
38-40 Union Street Plymouth	The Pavements at the front/rear exits.

10. Smoking

- 10.1 **Smoking is prohibited in all areas inside Premises.**
- 10.2 The receptacle for receiving cigarette stubs and other smoking debris is to be emptied daily.

11. Staff Supervision and Employment

- 11.1 The Manager will issue to all directly employed and part time staff Uniform dress that will identify each person as a member of the Club's staff and each will wear a badge stating their name. (The type of badge has been approved by the Council).
- 11.2 The Manager will advise all directly employed and part time staff that they are not to engage in any practices that may infringe the Club's License, whether in the premises or in the vicinity of the premises. They will not exchange personal information with the Customers.
- 11.3 The Manager will record in a Register the names of all directly employed and part time staff along with the name of his Deputy when he is absent.

12. General maintenance and Housekeeping

- 12.1 The Manager will ensure that all areas of the premises are regularly cleaned.
- 12.2 The Manager will ensure that the premises are maintained in good order internally and externally and ensure particularly that the entrances and exits to the premises are so maintained.
- 12.3 Particular attention is to be paid to the disposal of all waste materials, build up of club waste is to be avoided.

Signed _____ Paul Wilson Drinkwater

Licensee

4th September 2012



**38-40 Union Street
Plymouth
PL1 3EY**

ENTERTAINERS WELFARE PROCEDURES - POLICY STATEMENT

I recognise that I have a Duty of Care to ensure the safety and Welfare of the Self Employed Entertainers is provided and maintained during the Club's Operation.

Everyone at our Club share an objective to help keep the Entertainers safety by:

- Provision of a safe environment to perform.
- Provision of safe, secure and private changing facilities.
- Provision safe and private washroom facilities.
- Provision of late night/early morning taxis and safe exit from the club.
- That First Aid Facilities are made available.
- Ensuring that the entertainer's age is verified and recorded in the Club's Entertainers' Register.
- That a full explanation of the Entertainer's Contract.
- That the Club's Payment of Entertainer's Fees is fully explained.

I will endeavour to ensure that the Entertainers are protected from harm while they are employed in our Establishment, I will do this by:

1. Making sure our staff are carefully selected and age verified.
2. Providing appropriate training for staff in issues of managing Entertainers.
3. Ensure all staff are made aware of the club's duties to ensure the safety and welfare of the Entertainers.
4. To establish and maintain an ethos where Entertainers feel secure and are fully aware of the Club's Operating and Safety procedures.
5. Taking all reasonable steps to ensure the health, safety and welfare of the Entertainers whilst employed at the Club.
6. That Entertainers are not put into harm's way during their performances and that customers are monitored at all times during performances.
7. Taking all reasonable steps to prevent any customer from making physical contact with the Entertainers ensuring that there is no risk to the entertainer's health, safety and welfare.
8. Referring to statutory authorities all incidents reported to the Premises License Holder where customers have infringed the Club's Rules in respect of the Entertainers health, safety and welfare.
9. Implementing this policy in conjunction with the Club's Operating and Safety procedures.

Signed: *P W Drinkwater* Paul Wilson Drinkwater Proprietor October 2012

Licensing Act 2003
Premises Licence

PA0876

Local Authority



Environmental Services
 Department of Community Services
 Licensing Unit
 Civic Centre
 Plymouth. PL1 2AA
 Tel: 01752 307983 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDINANCE SURVEY MAP REFERENCE OR DESCRIPTION

Angels Gentlemans Club

38-40 Union Street, Plymouth, Devon, PL1 3EY.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- a performance of dance
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00
G. Performance of dance (Indoors)	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00
M. The sale by retail of alcohol for consumption ON the premises only	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday and Tuesday	21:00	23:00
Wednesday to Saturday	21:00	04:00
Sunday	21:00	23:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only



Licensing Act 2003
Premises Licence

PA0876

Local Authority



Environmental Services
Department of Community Services
Licensing Unit
Civic Centre
Plymouth, PL1 2AA
Tel: 01752 307983 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Paul Wilson Drinkwater

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Paul Wilson DRINKWATER

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PL12521

Issued by Plymouth

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

1. The first condition is that no supply of alcohol may be made under the premises licence: -
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or



Local Authority



Environmental Services

Department of Community Services

Licensing Unit

Civic Centre

Plymouth. PL1 2AA

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ANNEXES continued ...

discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

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

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

7. The responsible person shall ensure that-

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Steps that have been taken to promote the Four Licensing Objectives

1. All areas are monitored with CCTV
2. The entrance will be manned by door staff



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3. Persons under the age of 18 years will not be admitted
4. Proof of age requirements if age is a doubt:
Photographic Driving Licence
Student ID Card
Employers ID card
Military ID Pass

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Conditions agreed with Environmental Health

Public Safety

1. The maximum capacity of the venue (which includes members of the public, staff and performers) shall be limited to a maximum of 100 persons at any given time during trading hours.
2. The licence holder or nominated person shall take steps to ensure that they have a suitable system in place that accurately indicates the number of customers (including staff and contractors) on the premises at any time.
3. A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment.
(The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening doors and/or windows to ventilate the premises.)

The Prevention of Public Nuisance

4. The Licence Holder or nominated person will control the sound levels during regulated entertainment.
5. The Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take any action to ensure compliance with existing licensing conditions.
6. Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect the needs of local residents and to leave the premises and the area quietly.
7. All doors shall be maintained in good order and where appropriate acoustically sealed to minimize noise breakout.

Noise containment

8. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the facade of the nearest residential property.

Conditions volunteered by the applicant



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Noise:

1. Enhanced soundproofing to ensure that noise transmission from within the club to external areas will be below that permitted by Noise Legislation.

Security, Customer Control and Premises Management

CCTV Control

1. CCTV 16 Channel AVTECH AVC798ZBD with a 100 Gigabyte Hard Drive to ensure recording capacity over 28 continuous days.
2. The system will be fully available to the Police and any other authority with an authorised access to the system as appropriate.
3. Cameras sited at strategic points to ensure clear site of head and shoulder view of all customers entering the premises, leaving the premises, the private booths, the dance floor, the bar, the rear exit and seating areas accordingly.
4. The system will be managed strictly by the premises Manager only.
5. Names and addresses of all patrons will be recorded on entry in keeping with the principles of a member's only club. This is addition to full identity checks for all patrons.

Special conditions

1. A designated smoking area is to be provided which is monitored by CCTV and supervised by a nominated person.
2. No person under the age of 18 years shall be admitted to the premises. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
UK Photo driving licence
Passport
PAAS accredited cards
3. All staff employed at the premises shall be trained in the requirements of the Challenge 21 policies. The identification and recognition of drunks and the correct procedure to be followed when refusing service.
4. The Licence Holder or nominated person shall ensure that bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol.
Training shall be signed and documented and training records to be made available to a member of any responsible authority on request.
5. The Licence Holder shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to any responsible authority on request.
6. The training will be repeated at least every 4 months for all staff and will be recorded in



Licensing Act 2003

Premises Licence

PA0876

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ANNEXES continued ...

documentary form that will be available for inspection at the time of request by a member of any responsible authority. The records will be retained for at least 12 months.

7. A minimum of two SIA registered door supervisors are to be on the premises at times when the premises is open;

8. There is to be no adult entertainment (including exhibition dancing)

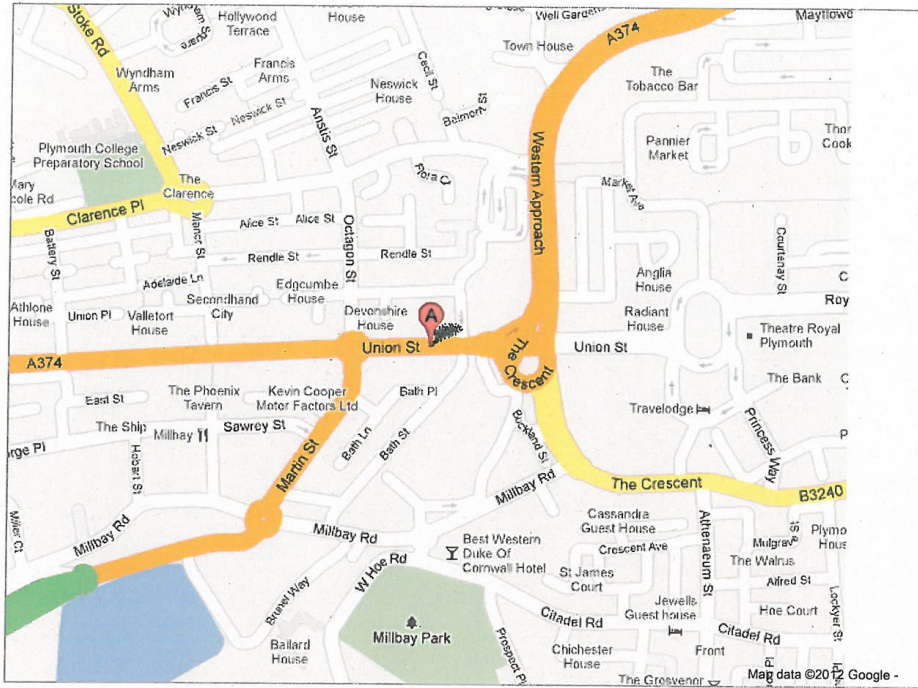
Assistant Head of Environmental Regulation Services







To see all the details that are visible on the screen, use the Print link next to the map.



Our ref: 54480/sev/Angels Your ref:

The licensing Officer
Plymouth City Council
Licensing Section
Civic Centre
Plymouth
PL1 2EW

Mr F T Prout
Licensing Department (West)
Launceston Police Station
Moorland Road
Launceston. PL15 7HY

25th September 2012

Telephone: 01566 771309

Dear Sir/Madam

Re: Application for a Sexual Entertainment Venue Licence – Angels Gentleman's Club, 38-40 Union Street, Plymouth. PL1 3EY

The Devon and Cornwall Constabulary have received the above application made under the provisions of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

The application has been scrutinised and the premises visited alongside a meeting with the applicants.

The business, its nature and working practices have been discussed.

The Police have considered the grant application and have observations to make regarding the grant of the licence.

The Police wish to make the following representations for consideration by the licensing committee with regards to the application and for conditions to be included on the licence for the prevention of crime and disorder, the protection of safety, health and public decency and the protection of children from harm.

The business is a new business and has recently obtained a premises licence for the retail sale of alcohol under the Licensing Act 2003. The completed application at question 15:3 appears to have missed this.

The sexual entertainment from the application at question 30:2 show's Lap dancing only. I have established that Pole dancing and stage dancing will also be performed on the general stage area.

Question 30:4 states 'Private booths will be operated'. There are three V.I.P. rooms

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and five private booths. These areas will be supervised by CCTV cameras monitored by management or door supervisors. These areas are not shown on the plan of the premises attached to the application.

The Police would seek the following to be added to ensure no person under the age of eighteen can be admitted.

Age Verification

A challenge 25 proof of age policy will be adopted and all staff will be trained in the procedures.

The training will take place on induction and at least twice per year. All training will be documented and available for inspection by a Police officer or duly authorised officer of the licensing authority on request.

Any person who looks or appears to be under the age of 25 years shall be asked to provide identification that they are over 18years. The following are the only forms of identification acceptable:

- UK photo driving licence
- Passport
- PASS accredited cards
- Armed services identification

Challenge 25 signage shall be positioned in the reception alerting customers to this policy.

A comprehensive Operating & Safety Procedures incorporating club rules for members & entertainers are included in the application.

The police would seek the following amendments: (alterations in italics)

Management Responsibilities

Item 2.1b. To ensure that the procedures for entry *and age verification* are strictly observed.

Item 2.1g. That entertainer's are clearly directed that they will remain a distance of 1 metre from the audience at all times *and there is a strict 'no touching policy' by either performers or customers.*

Membership Terms and Conditions

3.1e. That they are to have no physical contact with the entertainers, *other than an introductory handshake/kiss* and the Club operates a strict NO TOUCH POLICY at all times.

3.1g. (Remove sentence completely and insert) *A price list for performances will be displayed at suitable locations within the premises so that customers are aware of the charges. Payment for a performance will be made to the duty manager or other person designated by that manager. If by way of credit/debit card this will always remain in the possession of its owner.*

4. Entertainers' Self Employment Contracts

Add

4.13 *The contractor must not simulate sex acts or remain in a state of nudity after completion of their performance.*

(This should also be included in the Entertainment Contract at 6.13)

5. Security

5.2 (Remove sentence completely and insert) *There will be a minimum of two dedicated door supervisors at all times the premises are open for trading.*

6. CCTV Operations and Control

6.2 The Manager *or other person designated by that Manager* will ensure that the CCTV is constantly monitored.

6.5 That all recorded material will be available to the Police and other Authorities *to be viewed and downloaded to a recognizable format.*

6.8 (Remove sentence completely and insert) *CCTV cameras will cover all entertainment taking place in VIP rooms and private booths.*

Yours sincerely

Mr F T Prout
Licensing Officer

**Draft Schedule of Conditions
Angels Gentleman's Club,**

A **'sexual entertainment venue'** is defined as:

'any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser or the entertainer'

Relevant entertainment is defined as:

'any live performance or any live display of nudity which is of 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 includes an audience of one person.

A **performer** is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment

General

- I.1 The licence or clear copy shall be prominently displayed at all times to be readily and easily seen by all persons using the premises.
- I.2 Relevant entertainment may only take place between the hours of 21.00 and 04.00 on Wednesdays to Saturdays inclusive and between the hours of 21.00 and 23.00 on Mondays and Tuesdays.
- I.3 Relevant entertainment will not take place on Sundays and Good Friday (6am to midnight), Christmas Day or Easter Sunday.
- I.4 Relevant entertainment may only take place in designated areas approved by the Council as specified in the licensing conditions.
- I.5 The license holder shall provide a copy of the House Rules to the Council for approval.
- I.6 A clear copy of the house rules shall be clearly displayed at the reception and on each table and each bar area which shall include:
 - i) No person under the age of 18 years shall be admitted to the premises.
 - ii) There shall be no contact between a performer and customer other than an introductory handshake/kiss or when a tip is placed in their garter/armband or hand when payment is made for a performance.
 - iii) No member of the audience shall throw money or otherwise give gratuities to the performers except as permitted in ii) above.
 - iv) There shall be no participation by any member of the audience.
 - v) Customers are not permitted to photograph, record, film or electronically transmit any performance. Any person suspected of doing so will be required to leave the premises.
 - vi) No customer shall accept from or give to any performer or member of staff any telephone number, business card or note.
 - vii) Customers shall remain seated whilst receiving/watching a performance of approved adult entertainment specific to table/lap dancing.
 - viii) A notice stating 'any person breaching these rules will be required to leave the premises'.
 - ix) Payment for a performance or other transaction will be by cash. If a credit/debit is offered by the customer it shall be taken to the duty manager

or other designated person to complete that transaction. The credit/debit card will always remain in the possession of its owner.

x) A price list showing all customer fees and charges shall be displayed in reception on tables and in all other relevant locations within the premises.

- I.7 Literature is to be made available in other languages to inform foreign nationals of the absolute prohibition against physical contact between the performers and customers.
- I.8 No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that relevant entertainment takes place on the premises.
- I.9 Relevant entertainment shall only be performed by the performers/entertainers and the audience shall not be permitted to participate.
- I.10 No persons other than the performers engaged in the approved adult entertainment shall be in the designated area in a state of undress.

Premises

- I.11 The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Council.
- I.14 There will be no external advertising or leafleting or personal solicitation of the premises or any adult entertainment. They will cause no publication and display of obscene and indecent matter to be displayed or distributed in advertising performances being held at the premises.
- I.16 Whilst relevant entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:
'NO PERSON UNDER 18 WILL BE ADMITTED'
- I.17 Adequate toilets, washing and changing facilities for use solely by the performers shall be provided.

Performers

- I.18 Performers shall be aged not less than 18 years of age.
- I.19 A copy of the premises licence conditions and the house rules shall be given to all performers and displayed at all times in or near the performers changing room/s.
- I.20 Performers will be required to read all the conditions of this licence and confirm by written record that they have understood and agreed the contents. A copy of this record will be available for inspection by enforcement agencies.
- I.21 There shall be no form of physical contact between customers and the performers during approved relevant entertainment other than when the performer introduces him/her at the start of the performance and again at the conclusion of the performance, or when money is placed in their garter, armband or hand.
- I.22 Lap dancing/table dancing entertainment may only be provided solely by performers to seated customers.

- I.23 No performer shall accept or give telephone numbers from/to customers or exchange personal details with customers.
- I.24 The house rules and other relevant licensing conditions will be made available in the languages to inform performers who are foreign nationals.
- I.25 No performer shall be allowed to work if they appear to be intoxicated whether by alcohol or through the use of medication or illegal substances.
- I.26 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the duty manager.
- I.30 Performers shall have direct access to a dressing room without passing through or in close proximity to the audience at all times during the performance, which shall be located so as to be separate and apart from the public facilities. No person other than performers and authorised staff shall be permitted in the changing room/s.
- I.31 Dressing room(s) must be provided and shall not be accessible to members of the audience prior to, during or after the provision of the relevant entertainment.
- I.32 During the performance of relevant entertainment the premises will operate a 'no touch policy'.
- I.33 Performers will not simulate any sex acts.
- I.34 Performers will not be permitted to work if they are in breach of the staff house rules or conditions of licence.
- I.35 Nudity will only be permitted in the areas approved for relevant entertainment.
- I.36 Performers must redress fully immediately after each performance.

CCTV

- I.39 The premises shall be equipped with CCTV installed so as to cover all areas where approved relevant entertainment and full nudity will take place and will continually record during these performances. The cameras(s) will be positioned to show all contact from the performer to the customer. Recordings shall be made available only to a police officer or duly authorised officer of the Council at the time of the request.
- I.40 CCTV must be continuously monitored by a designated member of staff whilst relevant entertainment is in progress to ensure compliance with licensing conditions and company operating policy.
- I.41 The CCTV images recorded will comply with the Information Commissioners Office (ICO) guidance document CCTV (Code of Practice) regarding the installation of CCTV and images will be retained for 28 days.
- I.42 The CCTV will be capable of being downloaded into a recognizable viewable format.
- I.43 The Police Licensing Department will be informed when the CCTV system is not working correctly within 24 hours.
- I.44 Other than recordings made in accordance with condition I.39 above, no other photographic, filming, recording or electronic transmission of performances shall take place without the prior, express written consent of the Council.

Door Supervision

- I.46 At least 2 licensed door supervisor(s) will be on duty at all times relevant entertainment is available.

- I.47 A register will be maintained of the door supervisors to include the date, time and licence number of working which will be available on the premises for inspection by a police officer or duly authorised officer of the Council at the time of request.

Management

- I.50 A register of performers delivering relevant entertainment will be maintained on the premises, which will identify the responsible manager at that time and the performers recording their date, hours of work, real name, stage name, date of birth and current address. The responsible manager will retain copies of all relevant documents that confirm the performer age and right to work (i.e. birth certificate, passport, PASS accredited identification, UP photo driving licence)
- I.53 The licensee shall inform the Council, in writing within 14 days, of any change of director, company secretary or other person responsible for the management of the premises.
- I.56 The licensee shall retain control over all parts of the premises and shall not let, license or part with possession of any part of the premises.
- I.57 The licensee shall maintain good order in the premises.

Age Verification

- I.58 A challenge 25 proof of age policy will be adopted and all staff will be trained in the procedures.
- I.59 Any person who looks or appears to be under the age of 25 years shall be asked to provide identification that they are over 18 years. The following are the only forms of identification acceptable:
- UK photo driving licence
 - Passport
 - PASS accredited identification
 - Armed services identification

Challenge 25 signage shall be positioned in reception/entrance alerting customers to this policy.

- I.60A The licence holder or manager(s)/supervisor(s) must ensure that all staff are given proof of age induction prior to the commencement of employment (this will also apply to existing staff who have not undergone induction training).
- I.60B All training will be documented and available for inspection by a police officer or duly authorised officer of the licensing authority.

Staff Training

- I.61 The licence holder and manager(s)/supervisor(s) must undertake structured child sexual exploitation awareness raising training within 3 months of the awarding of a licence. The training must be undertaken in accordance with the Plymouth Safeguarding Children Board's approved training programme (with refresher training every 3 years).
- I.62 The licence holder must submit evidence of the child sexual exploitation awareness training that has been undertaken for new staff, appointed since the issue of the last licence. This evidence must be submitted as part of any renewal application.

- I.63 The licence holder or manager(s)/supervisor(s) must ensure that all staff are given sexual exploitation awareness induction prior to the commencement of employment (this will also apply to existing staff who have not undergone induction training).
- I.64 On request, the Plymouth Safeguarding Children Board will provide a syllabus of the subject areas to be covered by any child sexual exploitation awareness training course.
- I.65 All costs associated with the provision of any training course will be the responsibility of the licence holder.