

Licensing Sub Committee

Tuesday 13 November 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor Gordon, Vice-Chair.
Councillors Mrs Bowyer and John Smith (Fourth Member).

Also in attendance: Debbie Bradbury, Lawyer, Katey Johns, Democratic Support Officer, Pete Clemens, Senior Licensing Officer, Rhodri Morgan, Environmental Health Officer, Mr McIndoe, Licensing Officer (Devon and Cornwall Police), Ann Gillbanks, Senior Lawyer, Dave Hughes, Senior Environmental Health Officer (Licensing), Linda Perez, Licensing Officer, and Caroline Jones, Plymouth Children's Safeguarding Board Lead Officer.

The meeting started at 10 am and finished at 3.55 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

55. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Gordon is appointed Vice-Chair for this meeting.

56. DECLARATIONS OF INTEREST

There were no declarations of interest made by members in accordance with the code of conduct.

(In the absence of any interests being declared by Committee members, Councillor John Smith (Fourth Member) left the meeting).

57. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

58. ODD BAR, 34/36 DRAKE CIRCUS, PLYMOUTH - VARIATION OF PREMISES LICENCE

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard representations from Environmental Health and Devon & Cornwall Police as detailed below under the relevant licensing objective;
- (iii) heard representations from the applicant that:

- They already have safety precautions and noise containment in the outside area;
- There is a capacity of 30 people in the outside area and this will not change;
- All drinks must be in polycarbonate glasses;
- A door supervisor is permanently stationed in the area controlling capacity and noise levels;
- Music is turned off at 11pm;
- There is a high fence surrounding the garden to separate the area from passers-by;
- A smoking shelter covers half the area and aids in containing the sound;
- CCTV covers the entire area and the monitor is visible from the bar;
- Other premises in the area permit drinkers in their outside area until later at night and with higher capacities;
- They provided two photos of the outside area and a summary of the other licensed premises within the area and their allowances for outside drinking;

(iv) considered representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

A representative of Environmental Health said the premise is located in a cumulative impact area and there is potential for the application to impact negatively on the surrounding area.

There are a large number of licensed premises in North Hill and surrounding areas which predominantly focus on the student market. This attracts high volumes of people to the area until the early hours of the morning with the effect of increasing the general noise from people that are under the influence of alcohol, such as shouting and swearing and causing incidences of anti-social behaviour.

They said there is the potential for persons to be encouraged to stay outside the premises for longer and the limit of 30 persons is likely to be achieved for longer periods of time and the potential noise issues could increase.

They say it is highly unlikely the smoking shelter will mitigate any noise breakout from the premises and the applicant has not provided any details.

b) **Prevention of Crime and Disorder –**

A representative of Devon & Cornwall Police presented evidence to show an increase in crime levels within the cumulative impact area. The evidence showed that the majority of crime in this area including the increase occurs between 10pm and 6am and cannot be attributed to individual premises.

Statistics were provided by the Police of the recorded offences between

01.05.12 to 31.10.12 and 01.05.11 to 31.10.11.

They conclude that this research shows there has been an overall increase in violence in the Mutley/Greenbank area from 332 violent offences recorded for the 2011 period to 353 violent offences recorded for the 2012 period. There has been an increase in the amount of offences that the evening and night time economy (ENTE) violence accounts for the 2012 period.

There has been an increase in the amount of ENTE violent offences that can be attributed to violence with injury. The number of street offences has increased and North Hill, Mutley Plain and Tavistock Place have experienced the highest number of street offences throughout both periods.

They were concerned how the customers who wanted to use the outside area would be managed and how they would be managed when the capacity of the outside area has been reached to prevent crime and disorder.

They were also concerned that patrons would move to the front and rear of the premises to smoke if the rear area is full and there would then be the potential for these patrons to come into conflict with passers-by.

c) **Protection of Children from Harm –**

None

d) **Public Safety –**

None

Members were satisfied that relevant representations had been made by both Devon & Cornwall Police and Environmental Health and that the onus was on the applicant to demonstrate that there would be no negative cumulative impact on the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Members did not believe the applicant had demonstrated there would be no negative cumulative impact on the prevention of crime and disorder and the prevention of public nuisance licensing objectives in respect of the following concerns:

Members did not believe the applicant had given adequate consideration to the changes that would occur on the premises should this application be granted. They failed to provide members with any details of how patrons would be controlled should the outside area be at full capacity and patrons were waiting for access. They heard that this would be controlled by the door supervisor on the outside area but no details of how they would manage this. This they believed had the potential to result in crime and disorder on the premise between patrons.

Members did consider that patrons would be likely to go to the front and rear of the premise to smoke should the rear garden be at full capacity. This would have the potential to add to crime and disorder in the area.

Members did believe that allowing drinks into the outside area until 2am would result in an increase in the noise levels in the rear area. They believed that patrons would stay in the area for longer and would be more likely to be in the area in a group. They considered the door supervisor in the area and the new shelter constructed by the applicant. However they did not feel that this would be adequate to control the inevitable increase in noise levels created by allowing drinks in the rear area after 11.30pm.

Agreed that having taken into account all of the above representations the application is refused.

59. **TEMPTATIONS T2, 6-8 UNION STREET, PLYMOUTH - GRANT OF SEXUAL ENTERTAINMENT VENUE LICENCE** (Pages 1 - 16)

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) considered representations from the applicant's Solicitor as submitted at Appendices A and B to this decision and expanded on as follows –
 - if the premises could not open at all on a Sunday earnings would reduce. The premises are in a locality which is wholly given over to entertainment, with premises either side and opposite, all of which are open on Sundays, serving food and alcohol. These premises will not stand out from anyone else around them during these trading times;
- (iii) considered representations from the police –
 - age verification – proposed that Challenge 25 should be adopted as the Police have found where other establishments have moved to Challenge 25 there have been a decrease in incidents although they acknowledged that there was no problem with this particular premise;
 - confirmed that the remaining representations regarding proposed conditions are contained in the written representation attached to the report;
 - confirmed that the Police generally had no problems with this establishment or this application;
- (iv) heard from the Plymouth Children's Safeguarding Board Lead Officer –
 - there is statutory guidance for the Council and part of that is raising awareness in the private sector. There have been a number of high profile cases across the country relating to child sexual exploitation and there is a need to raise the profile and be proactive by raising awareness;
 - there were no concerns about this application it was recommended that

training should form part of the conditions.

Agreed that having taken into account all of the above representations the application is GRANTED as follows:

- (1) for the trading hours of 9 pm to 5 am Monday to Sunday, excluding Christmas Day, New Year's Eve and New Year's Day when the premises shall be closed. After considering the applicant's solicitor's representation on Sunday hours, Members considered it reasonable to depart from the Council's policy in agreeing this condition;
- (2) as set out in Appendix C to this decision, subject to the following variations –
 - age verification – members have amended the conditions to require that the Challenge 25 condition proposed by the Police is imposed;
 - house rules – the Police conditions concerning payment for performance must be included so as to read “Payment for a performance will be by cash. If a credit/debit card is offered the customers is to be taken to the duty manager or other person designated by that manager to complete any transaction. The credit/debit card will always remain in the possession of its owner;
 - house rules – the condition regarding participation by any member of the audience shall read “relevant entertainment shall only be performed by the performers and no member of the audience shall be permitted to touch the performers and shall not undress the performers or themselves”;
 - house rules – members require a condition “that house rules and other relevant licensing conditions will be made available in languages to inform performers who are foreign nationals”;
 - house rules – members require a condition “that house rules are to be displayed in public/common areas of the premises”;
 - door supervision – members require a condition “that not less than two registered door supervisors shall be on duty at the premises when performers are performing except that when there are no more than 30 customers at the premises then there shall be at least one registered door supervisor and at least one manager on duty. The management shall have access to a Plymouth based security firm to increase the registered door supervisors to at least two in the event of customer numbers being above 30”;
 - child safeguarding – members require the condition recommended in connection with safeguarding children “that the license holder and managers/supervisors must undertake structured child sexual exploitation training in accordance with the Plymouth Safeguarding Children's Board's approved training programme when this becomes available”.

60. **ANGELS GENTLEMEN'S CLUB, 38-40 UNION STREET, PLYMOUTH -
GRANT OF SEXUAL ENTERTAINMENT VENUE LICENCE**

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard from the applicant's representative –
 - requesting that the condition of at least 2 licensed door supervisors be on duty at all times be amended to a ratio of 1 door supervisor to 30 customers;
 - that each performer had a contract of employment, a copy of which was tabled under part II for members' consideration;
 - it would be preferable for performers to be able to leave the performance area and immediately return to the dressing rooms rather than the officer's suggested condition that performers must redress fully after each performance;
- (iii) considered representations from the police –
 - age verification – proposed that Challenge 25 should be adopted as the Police have found where other establishments have moved to Challenge 25 there have been a decrease in incidents;
 - confirmed that the remaining representations regarding proposed conditions are contained in the written representation attached to the report;
 - confirmed that the Police generally had no problems with this application;
- (iv) heard from the Plymouth Children's Safeguarding Board Lead Officer –
 - there is statutory guidance for the Council and part of that is raising awareness in the private sector. There have been a number of high profile cases across the country relating to child sexual exploitation and there is a need to raise the profile and be proactive by raising awareness;
 - there were no concerns about this application it was recommended that training should form part of the conditions;
- (v) considered information within Members own knowledge as follows:
 - the premises are in a locality which is wholly given over to entertainment which are open on Sundays, serving food and alcohol. These premises will not stand out from anyone else around them during these trading times.

Agreed that having taken into account all of the above representations the application is GRANTED as follows:

- (1) for the trading hours of Mon and Tue 9 pm to 11 pm, Wed to Sat 9pm to 4 am and Sun 9pm to 11 pm. Given the premises location, members considered it reasonable to depart from the Council's policy in agreeing Sunday trading hours;
- (2) subject to the conditions as set out in Appendix D of the report, subject to the variations as set out by the Police in the report and also to the following additional condition –

- door supervision – members require a condition “that not less than two registered door supervisors shall be on duty at the premises when performers are performing except that when there are no more than 30 customers at the premises then there shall be at least one registered door supervisor and at least one manager on duty. The management shall have access to a Plymouth based security firm to increase the registered door supervisors to at least two in the event of customer numbers being above 30”.

61. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

62. **ANGELS GENTLEMEN'S CLUB, 38-40 UNION STREET, PLYMOUTH - GRANT OF SEXUAL ENTERTAINMENT VENUE LICENCE**

As additional evidence in support of their application, the Applicant's representative tabled for members' information an example of a performer's contract of employment which, amongst other things, clearly demonstrated what they could or could not do when performing.

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TEMPTATIONS, 6-8 UNION STREET, PLYMOUTHREPRESENTATIONS FOR HEARING – 13TH NOVEMBER 2012LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982A. HISTORY

1. The business has been in operation for approximately eight and a half years under the present ownership and control. Prior to that time it operated at Keyham Road for about two years.
2. The Manager, [REDACTED] has worked in the business for eight and a half years and has been a part of the management team for the majority of that time – and is currently the manager. She holds a Personal Licence and is the Designated Premises Supervisor under the Licensing Act 2003. Her deputy [REDACTED] has worked in the business formerly as a dancer and as bar staff and as deputy manager since May 2012 for over eight years. Both are, therefore, very familiar with the business and the rules and conditions under which it is run.

When possible all staff (excluding security personnel) are female and there are currently approximately ten to twelve staff employed with between twenty and twenty five contracted dancers.

3. The premises were granted their original Licence under the Licensing Act 1964 specifically as a lap-dancing venue and that has always been the principle business to which the bar and music facilities are ancillary. The premises were from the start fitted out as a lap-dancing venue with stage and private dance booths.
4. The premises are well managed and well run and have never been a source of trouble. The police have no problems with the operation and indeed called upon the management to assist them in relation to the clubs policy for dealing with credit/debit card payments by patrons – which are embodied in the conditions within the application.
5. The conditions and rules have been developed over a long period based on experience and the practicalities of running such a business. They embody the procedures in place which have contributed to the good reputation which the business has within the community and which have ensured it is well run and guarantees the safety and security of its customers and all those working there.
6. The owners of the business are part of a local family who have successfully operated establishments in catering, clubs and hotels and the entertainment industry within Plymouth for approximately fifty years and who enjoy an enviable reputation. They currently operate numerous businesses in the leisure, catering and hospitality sector providing work for hundreds of local people.
7. The owners operate via a separate Company a lap-dancing club in Bristol which has been granted a SEV Licence by Bristol Council with similar and

certainly no more restrictive conditions than those sought within this application. That is well run and causes no problems within its community.

8. The business currently operates normally from 9 p.m. to 3 or 4 a.m. on weekdays and for the same hours on Sundays before Bank Holiday Mondays and the Sunday before Christmas and on Sundays for special bookings for private functions. The average number of Sundays is about eight in any year. The premises closes on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day. It is submitted there is no good reason to justify any alteration in these hours or days within the Licensing Objectives or within any other criteria.

B. COUNCIL OFFICERS CONDITIONS/APPLICATION CONDITIONS AND RULES/POLICY

The Applicants have identified a number of areas where the conditions they seek may differ or derogate from the draft conditions and/or policy of the Council and where the applicants submit their tried and rested conditions should prevail in the grant to them of a SEV:-

1. General Paragraphs 1.1 to 1.3 inclusive.

The Applicants wish to be able to operate on Sundays and Good Friday. Sunday opening would, however, at present as a result of market forces, be limited to those Sundays preceding a Bank Holiday Monday, the Sunday before Christmas and where there is a booking of a private function – to which the public would not have access. The suggested restriction to there being no opening on Sundays and Good Friday or Easter Sunday is not justified under the Licensing Objectives. It is submitted that it is antiquated and discriminatory. The Licensing Act 2003 did away with the Victorian concept of Sundays and Good Friday being days when there should be little or no entertainment. The fact of the matter is that there are numerous establishments in the vicinity of the Applicant's premises which operate on Sundays and Good Friday without restriction. To seek to prefer a Christian Festival or Sabbath to that of other faiths (for example the Jewish Sabbath or Yom Kippur, Muslim Beliefs, e.g. Ramadan) or indeed the rights of Atheists could be regarded as discriminatory and contrary to those individuals rights or the rights of those following a particular faith within a human rights context. Given that these premises have without complaint or problem operated for about eight and a half years with certain Sunday openings, would suggest that to follow such a policy is not justified and restrictive conditions outside the Applicant's application could not be justified.

2. General – 1.6

The Applicants are quite happy for basic house rules to be displayed at reception, on the approach to the toilet area and on the approach to the dance booths, but to have them displayed at each table and each bar area and with all the detail suggested by this Condition is simply over regulation and there would be a danger of the whole premises taking on the character of some sort of public building where a plethora of notices becomes totally counter-productive. For example, a price list is all that is needed on tables.

It is the practice of the Applicants for customers to be advised when they enter the premises of the essential rules of the house – both in relation to payment and there being no contact. It seems totally counter productive to have a notice at each table and each bar pointing out that no person under the age of eighteen will be admitted to the premises. Such a notice is displayed at the entrance and that is where it needs to be. The Applicants already have basic rules in different languages for customers, and if one is not careful one could end up with most of the walls being filled with notices both in English and foreign languages – which is not the atmosphere which the Applicants have sought to establish over very many years.

3. 1.8

This proposed Condition is unacceptable because the Applicants display on a television screen – but not before 9 p.m. and not after close of business - professionally produced images and material promoting the business. This is tasteful and no one has ever complained about it over the years that it has been displayed.

1.9

This as it stands is unacceptable and is why the Applicants have attempted to distinguish between a performance where there is total nudity and where there is not. The fact of the matter is that from the outset in the general dance/stage area, a performer who is not totally nude will on occasions if there is a party for example birthday or stag party arrange for the gentleman whose occasion it is to come up on the stage and be seated on a chair and as part of the act be the centrepoint of attention. It has always been felt that this constitutes a “fun” situation and the emphasis is on entertainment as opposed to sex. It is always well received and there have never been any complaints. Any Condition which stops this taking place – and enquiries reveal it takes place in all similar establishments, cannot really therefore be justified. It is emphasised that the individual concerned remains fully clothed throughout and the performer is never totally naked.

4. Premises

1.11

This has already been dealt with above in relation to the television display, which it is felt is both discreet and tasteful.

1.14

A restriction on advertising is unacceptable. Promotions are displayed on the television screen as part of the shop front and flyers are distributed, as they have been for years. A professional promotions team is engaged to deal with this work and again there have never been any complaints arising from the distribution of flyers. Personal solicitation does not take place, and it is conceded that this is not desirable, but any leafleting or advertising takes place

during the evenings and this seems to be the case with all similar establishments.

1.24

The nationality of performers is ascertained at the outset of their engagement. The management requires performers to be able to read and communicate in English, so that they can understand the house rules. It is felt it is more important that they should be able to understand them in English than there should be the potential for dozens of different translations. In fact, it is very rare for foreign nationals to be performers, and where they are, the experience of the Applicants is that they have been resident in this country for some time and are articulate within the English language.

1.32

It appears that this Condition is already referred to and in any event is within the Conditions proposed by the Applicants.

1.36

This is the sort of condition where the words could result in litigation. What exactly does “redress fully” mean. Does it mean that they should put back on the clothes that they had on when they started? Does it mean that they should adjourn to their dressing room and put on the clothes that they arrived at the premises in. Similarly what does “immediately” actually mean. Would it not be in order for them to gather up any clothing and go straight to their dressing room and put clothes on before re-entering the public area? So far as the Applicants are concerned, once performers have finished, they are required to leave either the booths or the public area and make their way to the changing rooms without delay, so that they do not remain in the public areas in any state of undress.

CCTV

1.39

It is felt the Applicants’ conditions with regard to CCTV should be acceptable. In any case, it must be made clear that the management must have access to the CCTV and it must also be made quite clear that the Police cannot request instant production of CCTV footage when the business is in operation as this would mean interrupting the recording to make a disc for the Police which would mean that the monitoring would have to cease for that period. The Applicants have explained this to the Police on a number of occasions – not because the Police want to view the footage within the premises for the purposes of ascertaining compliance with Conditions, but because they want access either to the external camera footage or internal cameras to identify individuals. The Applicants have always done their best to assist the Police as

the Police must accept but clearly reason must prevail and any Conditions should reflect that. The fact of the matter is that the CCTV within the premises is to a very high standard, professionally maintained, is downloadable to a DVD disc and the only instances of breakdown have been when a camera has failed, and this being one of 16 has normally been fixed within hours.

Door Supervision

1.46

The Applicants have already indicated that they would agree to two Licensed Door Supervisors – except that one door supervisor should be sufficient when there are less than thirty patrons on the premises. It is understood this is perfectly acceptable to the Police and it does mean that there is an efficient use of resources – which is in everybody’s interest in any properly run business.

Age verification

1.58 and 1.59

The premises have always applied very successfully a “Challenge 21” proof of age policy. The Applicants are not aware of any occasion when it has been alleged that someone under 18 has accessed the premises, which shows that their system works properly. They only employ experienced door personnel and security staff. Both the Manager and Assistant Manager are experienced and mature ladies. If there is an insistence that Challenge 25 is for some reason necessary, then it can be adopted. The Applicants do not accept PASS accredited identification, because they do not regard it as secure and free from forgery.

Staff Training

1.61 to 1.65

The Applicants maintain that this is not applicable to them. There is no evidence whatsoever of any child sexual exploitation at these premises. No one under eighteen is admitted. No performer under eighteen is engaged and the management is fully alert and experienced enough to ensure that anyone working as a performer is in no way being exploited. In fact, the average age of performers is twenty five to thirty; their age is checked before they are taken on, as is there right to work. The Police have raised this latter issue in their proposals and it is acceptable by the Applicants. The Applicants have always checked the right of anyone to work within their business and the management is fully trained and experienced in this. A training programme is therefore superfluous. It is regarded as unnecessary, because there is

- (a) Not the slightest chance of anyone coming within the definition of “child” working at the premises and
- (b) It is considered impossible that anybody could be exploited at the premises.

A Condition of this sort will add to the cost for the business and will impose even more regulatory and burdensome duties on the management. It is emphasised that the policy is designed to “provide the framework” and page 1 of the report is referred to where it states “the licensing system MUST MINIMISE THE BURDEN ON BUSINESS”. The Applicants can see no basis under the Licensing Objectives for such a requirement in relation to their premises. If in fact it transpired that some evidence appeared which indicated that there might be some exploitation of performers or indeed customers within the premises which needed to be addressed under this sort of provision, then it could be added at a future date. At the moment the risk simply does not exist because of the way in which the Applicants operate and have operated in a very responsible manner.

It is submitted, therefore, that where necessary the policy on all these matters should have regard to the reality and the history of the operation of the business and that the Licence applied for should be granted with the Rules and Conditions as proposed by the Applicants.

So far as the Police observations are concerned, there is no problem with the Conditions being amended to incorporate their suggestion – with the exception of 1(iv) and 3 and (x). It is accepted that the performers should not simulate sex acts and this does not happen, and it may well be that the words “or remain in a state of nudity after their performance” is preferable to the Council’s proposals that a performer should “redress immediately”.

So far as the suggestion that the words “in any performance involving total nudity is concerned”, this was added so as to allow for the very limited amount of audience participation where the performer is not fully nude and where within a group of patrons, there is one who is called on stage so as to be “highlighted” in front of the rest of his party – such entertainment never having caused any problems at all.

13th November 2012.

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System for checking age and the right to work within the UK

- All performers are to bring in their identification. They are to provide their driving licence or passport and their national insurance number on the first night they arrive to work. A photo copy of this is taken for the clubs records.

ⓑ

CODE OF PRACTICE

Monitoring and Enforcing

- All performers are to bring in photographic identification such as driving licence/passport and a copy of which is kept on record.
- Temptations T2 has a strict no touching policy. Any performer who is found to be touching is fined £50. A log is kept of these offences. If they are found to commit a second touching offence then they are instantly dismissed.
- During opening hours a member of security will monitor every dance at all times along with the duty manager.
- There are to be no sex acts performed within the club. The duty manager and member of security will ensure no acts are performed not only between customers but also between performers performing.
- No personal details such as addresses or phone numbers are to be given or taken by any performer.
- No performer is to meet any customer outside of the club.
- Performers must remain ladies at all times. Performers must behave as such, we expect you not to over indulge in alcohol and a fine is given if you are found to be too intoxicated and the performer is asked to leave.
- Temptations T2 have the same S.I.A security on duty at all times. This ensures they are familiar with each of our performers. As the security are monitoring the CCTV cameras along with the manager at all times, any rules that are subsequently broken are dealt with immediately and any action can be enforced instantly. It is then the responsibility of the performer to deal with the outcome taken from any enforced action.



Rules for Customers

- Temptations T2 has a strict no touching policy. If you are found to be handling any member of staff you will be escorted from the premises.
- No recording equipment including mobile phones. If you are found to be using any form of photographic equipment then any footage is deleted and you will be escorted from the premises.
- Strictly no admittance to anyone under the age of 18
- Dress code is smart casuals only
- Chewing gum is banned from Temptations T2. If you are found to be chewing gum, you will be asked to remove it.



Welfare of Performers

- All performers have their own changing room, toilet and shower area which is locked. An electronic key is required to gain access to these areas and for security, only staff can gain access to these areas using the electronic key.
- All performers are aware not to give any of their personal details such as phone numbers to any customer, subsequently they are also forbidden to take any such details from any customer also.
- All areas of the club are covered and monitored by CCTV. During club opening hours there is a member of security monitoring them at all times. During non working hours they will continue to record 24 hours a day.
- All performers must be escorted to cars/taxis at the end of their shift by a member of security.

(E)

TEMPTATIONS T2

SCHEDULE OF CONDITIONS

1. House Rules

- (i) All customers are to be advised on entry to the premises that there is an absolute prohibition against any physical contact between performers and customers and notices to this effect shall be displayed at the reception and within the premises.
- (ii) Literature is to be available in other languages to inform foreign nationals of the absolute prohibition against any physical contact between the performers and customers.
- (iii) Contact between a performer and customer by way of an introductory handshake/kiss or when a tip is placed in their garter/armband or hand when payment is made for a performance shall be allowed and will not be deemed to contravene (i) above.
- (iv) There shall be no participation by any member of the audience in any performance involving total nudity.
- (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 any lap dancing performance.
- (viii) No persons other than the performers engaged in the approved adult entertainment shall be in the designated areas of the premises used for such entertainment in a state of undress.
- (ix) A list of prices shall be displayed at suitable locations within the premises so that customers are made aware of the cost of performances.

2. Premises

- (i) No person under the age of 18 years (including employees) will be permitted on to the premises. An acceptable form of proof of age will be required from any

person appearing to be under 21 years of age prior to their admission on to the premises.

- (ii) Prominent notices shall be displayed at the premises prohibiting anyone under the age of 18 from entering the premises.

3. Performers

- (i) Performers shall be aged not less than 18 years of age.
- (ii) The Premises Licence Holder is to ensure that prior to engagement all performers and staff working at the premises provide documents to include facial photographic identification of proof that they are not less than 18 years of age. Copies of such documents shall be kept up to date and retained at the premises and be made available for inspection by enforcement agencies at all times.
- (iii) A register of performers will be maintained on the premises which will identify the responsible manager and the performers with their days and hours of duty. The register shall contain the performers real name, stage name, date of birth and current address.
- (iv) Dressing room(s) must be available for performers and will not be accessible to customers.
- (v) No performer shall accept, exchange or give telephone numbers or contact details to customers.
- (vi) No performer shall be allowed to work if they appear to be intoxicated whether by alcohol or through the use of prescribed medication or illegal substances.
- (vii) Performers will stop immediately and move away from any customer who is offensive or attempt to touch them and shall report any such incident and any other inappropriate behaviour or breach of house rules to the manager on duty.
- (viii) All performers are to be seen by a nominated person at the commencement of their shift and are to sign to confirm they have been verbally reminded of the absolute prohibition against any physical contact between performers and customers (otherwise than as permitted by 1(iii) above).
- (ix) A record of any breaches of the condition against the prohibitions against any physical contact between performers and customers together with the action taken shall be maintained at the premises and made available to the appropriate enforcement agencies on request.

4. CCTV

- (i) The premises shall be equipped with CCTV installed so as to cover all areas where approved adult entertainment will take place and will continually record during these performances. Recordings will be retained for at least 14 days and be made available only to a Police Officer or duly authorised officer of the Licensing Authority on request.
- (ii) CCTV must be continuously monitored by a designated member of staff whilst adult entertainment is in progress to ensure compliance with licensing conditions and the Company's operating policy.
- (iii) Other than recordings made in accordance with Condition 4(i) above, no photographic, filming, recording or electronic transmission of performance shall take place without the prior express written consent of the Licensing Authority.

5. Door Supervision

Not less than two registered Door Supervisors shall be on duty at the premises when performers are performing.

6. General

- (i) Whilst the Licensee is a body corporate any change of Director or Company Secretary or other person responsible for the management of the Company shall be notified in writing to the Licensing Authority within 21 days of such change and such written details thereof as the Licensing Authority may reasonably require in relation to any new Director, Secretary or Manager are to be furnished within 21 days of the receipt of a request in writing from the Licensing Authority.
- (ii) The Licensee shall ensure that some responsible person being a Director or a Manager nominated by it whose details have been supplied to the Licensing Authority in the Form of Annex A accompanying the application for the grant of the Licence shall be in charge of and upon the premises during the time they are open to the public.
- (iii) The Licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises.
- (iv) The Licensee shall maintain good order in the premises.

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