

		Regulatory Committee 18th April 2012	Agenda Item No.
Title		Application for a Sex Establishment Licence.	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
Wards of the District directly affected		None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	06.03.2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	06.03.2012	Councillor Coker
Consultation Undertaken		
None		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 An application has been received for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982

2. RECOMMENDATION

Members are asked to consider this report and to decide whether to grant a Sex Establishment Licence (SEL) to Natalie BEEJADHUR, operating from Amara, 7 Court Street, Leamington Spa, and, if so, whether it should be granted with conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 In July 1983, the Council adopted Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which contain the provisions for dealing with the licensing of sex establishments. At that time this dealt with sex shops and sex cinemas only.
- 3.2 Section 27 of the Policing and Crime Act 2009 amended Schedule 3 Local Government (Miscellaneous Provisions) 1982 to permit the Licensing Authority to license "sexual entertainment venues" (SEVs), where "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer.
- 3.2 'Sexual entertainment venues', are clearly defined within the amendment to the Act, and includes definitions to limit, so far as possible, any ambiguities.
- 3.3 This brought the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act.
- 3.4 Section 27 of the Policing and Crime Act 2009 came into force on 6th April 2010. Following this date the Regulatory Committee recommended to full council that it should re-adopt Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- 3.5 Full council accepted the Committee's recommendation and, after the necessary advertising was complete, adoption took place on the 4th October 2010. As a consequence, after the **4th October 2011** (the third appointed day) premises that do not hold a Sexual Entertainment Licence are not permitted to provide adult entrainment, save for 11 times per year (with no more than one event per month).
- 3.6 An application has been received from Natalie BEEJAHUR for an SEV licence for Amara, 7 Court Street, Leamington Spa. The application form is shown as **Appendix 1**.
- 3.7 The hours that have been applied for when Sexual Entertainment may take place are:
- | | |
|---------------------|----------------|
| Sunday to Thursday | 19:30 to 03:00 |
| Friday and Saturday | 19:30 to 04:00 |
- 3.9 Amara currently holds a premises licence issued under the licensing Act 2003. This licence will remain with the premises whether the SEV licence is granted or not. The premises licence permits the following:

Sale of Alcohol for Consumption On the Premises

Monday to Thursday from 18:00 to 03:00
Friday & Saturday from 18:00 to 04:00
Sunday from 12:00 to 03:00
Bank Holidays and New Years Eve from 18:00 to 04:00

Live Music; Recorded Music; Performance of dance; Other Activities of a similar description to that of live music, recorded music or performance of dance; Provision of facilities for dancing; Provision of facilities for making music; The provision of entertainment facilities of a similar description to that of making music and dancing; Plays; Films (All Indoors)

Monday to Thursday from 18:00 to 03:00
Friday & Saturday from 18:00 to 04:00
Sunday from 12:00 to 03:00
Bank Holidays and New Years Eve from 18:00 to 04:00

Late night refreshment (Indoors)

Sunday to Thursday from 23:00 to 03:00
Friday & Saturday from 23:00 to 04:00
Bank Holidays and New Years Eve from 23:00 to 04:00

The opening hours of the premises

Monday to Thursday from 18:00 to 03:00
Friday & Saturday from 18:00 to 04:00
Sunday from 12:00 to 03:00
Bank Holidays and New Years Eve from 18:00 to 04:00.

- 3.10 An operating schedule is currently in force at the premises as follows. The parts which are relevant to any sex entertainment have been highlighted.

General

Working with the local authority and Police, we will take any necessary steps to promote the licensing objectives. Inductions and any relevant development programmes will be attended, to ensure staff have the correct skills, knowledge and confidence in their roles and responsibilities

All door supervisors to be SIA registered and badged.

Door supervisors to be on duty every Friday & Saturday from 21:00 hours till close, and on duty on every occasion where erotic dancing/adult entertainment is to take place no later than 30 minutes before the entertainment starts.

At least one door supervisor to be on duty on every occasion where erotic dancing/adult entertainment is taking place, which is an addition to the required door supervisors controlling the entrance/exit.

DPS must make a professional risk assessment at any other time not covered by the conditions when premises are open as to whether to employ door supervisors

CCTV complying with the British Standard BS7958 to be installed and operated with live time recording to cover all areas of the licensed premises excluding toilets. With all recordings to be preserved for 31 days commencing from the time of such recordings.

If booths are used, all will be fitted with panic buttons for the protection of performers

Membership of Pubwatch and Retail Radio, conforming with both policies.

Crime and Disorder

We will co-operate with the Police and Licensing authority to prevent the risk of any crime and disorder, including membership of locally Police approved Warwick District Pub Watch and to conform to its requirements and licence procedure. DPS to employ professional and responsible SIA registered door supervisors each Friday and Saturday night and DPS to make ongoing professional and responsible risk assessments as to whether to employ SIA registered door supervisors during any time of the week. CCTV to conform to British Standards and UK digital Police CCTV requirements, with live time recording, and to be installed in positions as agreed with the Community Safety/Architectural officers.

Public Safety

Effective management of the premises and working with the correct authorities to assure all possible measures and procedures are implemented. We will support the licensing objectives and promoting the responsible sale of alcohol. Marketing and sales will be undertaken in a responsible manner, with management of responsible promotions and discouraging over consumption of alcohol. Working in conjunction with a local hire firm, vehicles will be available to transport customers to and from the venue: deterring drink driving

The Prevention of Public Nuisance

Noise should not cause any unreasonable disturbance to the wider public. Air-conditioning units will be installed to prevent unnecessary opening of windows. No open vessels to leave the premises at any time. All outside areas to be clear by 23:00 hours. Responsible management at all times. Zero tolerance to drunken or anti-social behaviour. Regular visits to all parts of the premises. Management and staff voluntarily follow best practice, e.g. control of noise from pubs and clubs. Staff trained to ensure quiet departure of patrons. Out of hours deliveries to be monitored. All windows and doors kept closed after 23:00 except for access and egress when regulated entertainment is provided. Noise levels arising from regulated entertainment shall not be intrusive when measured one metre away from the facade of noise sensitive premises and shall not be audible within adjoining or other residential premises within the area.

The Protection of Children from Harm

The use of experienced door staff and strong verification policies, to prevent the risk of alcohol consumption by under 18's. No persons under the age of 18 to be inside the premises after 19:00 and no persons under the age of 18 to be inside the premises at all when adult entertainment is taking place. Provision of sufficient staff to protect children from harm, with training on appropriate behaviour. No material to be displayed externally and visible to the general public of an adult nature. No adult entertainment to be visible from outside the premises. Challenge 21 policy to be adopted and enforced.

- 3.12 Should a Sexual Entertainment Licence be granted, the premises licence will still be retained. However, conditions may not be duplicated between the two types of licences, nor should they be conflicting. Should the SEV licence be granted, any conditions relating to adult entertainment would be removed from the premises licence and added to the sexual entertainment licence.
- 3.13 There are objections to the granting of the application which are shown as **Appendices 2 to 55**. When considering the representations, moral or religious grounds may not be taken into account.
- 3.14 The objectors have been invited to the meeting by letter. A template of the letter is shown as **Appendix 56**
- 3.15 Maps of the area are show as **Appendix 57 and 58**
- 3.16 A copy of the council's policy on Sex establishments is attached as **Appendix 59**.
- 3.17 In making their deliberations, the Committee should have regard to the application, the relevant parts of any objection, the council's policy on sex establishments, the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 and Article 10 and Article 1, Protocol 1 of the European Convention on Human Rights.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

- 6.1 None

7. **BACKGROUND**

- 7.1 None.