

		Regulatory Committee 14th June 2011	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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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	10/05/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	10/05/2011	Councillor Kirton
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**

- 2.1 Members are asked to consider this report and to decide whether to grant a Sex Establishment Licence to Shades Snooker Club Ltd., 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 are the provisions for dealing with the licensing of sex establishments. At that time were sex shops and sex cinemas only. No licences currently exist with this council issued under this legislation.
- 3.2 Section 27 of the Policing and Crime Act 2009 amends 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 brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act. This Licensing Authority has one such establishment at present, licensed under the Licensing Act 2003. There are no grandfather rights available within the legislation for existing operators to automatically obtain an SEV licence.
- 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 to re-adopt Section 2 and Section 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. After the 4th October 2011 (the third appointed day) premises that do not hold a Sexual Entertainment Licence will not be able to provided adult entrainment, save for 11 times per year with no more than one event per month.
- 3.6 An application has been received from Shades Snooker Club Ltd for a SEV licence for Shades Gentleman's Club, 6a High Street Leamington Spa. (Appendix 1A)
- 3.7 Shades has held a premises licence issued under the licensing Act 2003 for over three years. The premises licence permits adult entertainment, the sale of alcohol and regulated entertainment. The application, in effect, requests permission for them to continue to operate in the same way that they have been doing for more than three years. During this time, no complaints about the activities being carried on at the premises licence have been received by the police, WDC or the press
- 3.8 The conditions on the current premises licence relating to adult entertainment are:

Full operation of CCTV system and employment of registered door staff.

All door supervisors to be SIA registered and badged.

Door supervisors to be on duty on every occasion where erotic dancing/adult entertainment is to take place and to start no later than 30 minutes before the entertainment starts until close.

At least one door supervisor to be on duty within the vicinity of the activity taking place within the premises, which is in addition to the required door supervisors controlling entrance/exit.

Panic buttons to be installed within each private booth and near stage area for the protection of performers.

CCTV to include cameras within each private booth and the communal area of unisex toilets.

No person under 18 years to be allowed in the premises.

Proof of age scheme in use at the premises. No person under 18 year to be allowed in the premises.

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.

3.9 The hours currently operated at the premises are:

10:00 to 03:30 Monday to Thursday
10:00 to 04:30 Friday and Saturday
10:00 to 01:30 Sunday

The above extended from New Years Eve until the end of permitted hours on New Year's Day

- 3.10 Should a Sexual Entertainment Licence be granted, the premises licence will still be retained. Conditions should not be duplicated between the two types of licences, nor should they be conflicting. Conditions relating to adult entertainment would be removed from the premises licence and added to the sexual entertainment licence.
- 3.11 There are representations against the application shown as Appendices 1 to 27. When considering the representations, moral or religious grounds may not be taken into account. The police have made no representations.
- 3.12 The people making representations have been invited to the meeting by letter. A template of the letter is shown as Appendix 28
- 3.13 A map of the area is shown as Appendix 29
- 3.14 A copy of the council's policy on Sex establishments is attached as Appendix 30.
- 3.15 In making their deliberations, the Committee will take into account the application, the relevant parts of any representation, the council's policy on sex

establishments and Article 10 and Article 1, Protocol 1 of the European Convention on Human Rights.

- 3.16 The applicant has the right to appeal the Regulatory Committee's decision to the Magistrates Court within 21 days of the decision being given.

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.