

Shades – 13 August 2012

The Committee considered the application, the written representations received, the oral submissions made at the hearing on 13 August 2012, the relevant legislation, and the Council's policy on the Licensing of Sexual Entertainment Venues.

Objections based wholly on either religious or moral grounds were disregarded as not being relevant. It is important to note that while people may have strong objections to sexual entertainment venues, Parliament has already debated the moral and religious basis for Sexual Entertainment Venues, and the resulting legislation provides that they are permitted to open and operate as long as they were correctly licensed. Only those grounds permitted by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") may be considered in rejecting the license. Objections framed partly on Schedule 3 grounds, and partly on moral or religious grounds were considered, but only to the extent that they can be characterised in terms of the grounds permitted by Schedule 3.

It was noted that no objections had been received from the Police or any other statutory bodies, and that the premises had been run without incident or complaint for four years prior to the requirement for a separate "SEV" Licence to supplement the licence issued under the Licensing Act 2003.

The Committee noted that they had heard various submissions from objectors on the grounds that the grant of the licence would have an adverse impact on the planned regeneration of the area. However, they took the view that whilst there had been a lot of conjecture and speculation on this point, they had heard no direct evidence that this would be the case. Further, it was noted that the premises had previously been permitted to hold sexual entertainment under the authority of their premises licence issued under the Licensing Act 2003 for some years, and that this had not appeared to have prevented planned regeneration or the submission of new planning applications being made during that time.

It was recognised that previous decisions in respect of the premises suggested that the locality could be characterised as residential and that the grant of a licence would therefore be inappropriate. However, the Committee found that on the evidence before it, the character of the locality should be characterised as being made up of mixed uses rather than as primarily residential. They considered that there was not sufficient evidence before them to suggest that any of these uses would be adversely affected by the grant of the licence.

Further, the Committee were of the view that the grant of the licence would not be inappropriate given the mixed character of the locality and the nature of the uses of the premises within it. In reaching its decision on this point, the Committee had particular regard to the factors set out in Paragraph 3.2 of the council's adopted policy for premises to be licensed as sex establishments.

The Committee were therefore of the opinion that the licence should be granted, subject to a condition limiting the display of signage at the premises to the display of a sign showing only the words "Shades Gentleman's Club" in a regular typeface and font; that the conditions pertaining to sexual entertainment be transferred from the current premises licence issued under the Licensing Act 2003; and subject to the mandatory conditions contained within the adopted policy. The condition was imposed because members were concerned that the current sign was of an adult nature and inappropriate for display on the external part of the premises, where it can be seen by passing members of the public. This condition was added as a strengthening of the mandatory conditions contained within the adopted policy regarding signage.