

 Licensing and Regulatory Committee		Agenda Item No. 3
6 October 2015		
Title	Renewal of a Sex Establishment Licence for Shades Gentleman's Club, 6a High Street, Leamington Spa	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	22.9.2015	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	22.9.2015	Moira-Anne Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
N/A		

1. **SUMMARY**

- 1.1 An application has been received for the renewal of 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 the renewal of a Sex Establishment Licence to Shades Snooker Club Ltd, and, if so, whether it should be granted with the same conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010. This amended Schedule 3 of the Local Government (Miscellaneous Provisions) 1982 Act to permit the Licensing Authority to licence sexual entertainment venues (SEVs). 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).
- 3.2 SEVs include lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act. There were no grandfather rights available within the legislation for existing operators to automatically obtain an SEV licence.
- 3.3 Full Council accepted the Committee's recommendation and, after the necessary advertising was complete, adoption took place on 4 October 2010. After the 4 October 2011 (the third appointed day) any premises that did not hold a Sexual Entertainment Licence would not be able to provide adult entertainment, save for 11 times per year, with no more than one event per month.
- 3.4 A renewal application was received on 11 August 2015 from Shades Snooker Club Ltd for a SEV licence for Shades Gentleman's Club, 6a High Street Leamington Spa. The application is shown as Appendix 1. The hours applied for are shown below.

From 23:00 to 03:00 on Tuesday to Thursday
From 23:00 to 04:00 on Friday and Saturday

- 3.5 Shades Snooker Club Limited has held a premises licence with Warwick District Council issued under the Licensing Act 2003 for over seven years. The premises licence permits the sale of alcohol and regulated entertainment for the following:

Sale of Alcohol for Consumption On the Premises

*Sunday from 10:00 to 01:00
Monday to Thursday from 10:00 to 03:00
Friday and Saturday from 10:00 to 06:00*

Sale of Alcohol for Consumption Off the Premises

Monday to Sunday from 10:00 to 23:00

Plays; Films; Indoor Sporting Events; Live music; Recorded Music, performance of dance and other activities of a similar description. (All indoors)

*Sunday from 10:00 to 01:00
Monday to Thursday from 10:00 to 03:00
Friday and Saturday from 10:00 to 06:00*

All of the above save for off sales extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00 and on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00

The opening hours of the premises

*Sunday from 10:00 to 01:30
Monday to Thursday from 10:00 to 03:30
Friday and Saturday from 10:00 to 06:30*

Extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:30 and on New Year's Eve hours extended to the end of permitted hours on New Year's Day.

No entry permitted:

*After 12:30 on Sundays
After 02:30 Monday to Thursday
After 04:30 on Friday and Saturday*

- 3.6 There are conditions on the current premises licence relating to adult entertainment. These were placed on the licence when the premises licence application was made. At this time entertainment was permitted without a separate licence. The conditions 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 years 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.
- 3.7 Any conditions placed on the premises licence and the SEV licence should not be conflicting.
- 3.8 Shades Snooker Club Ltd applied for a Sexual Entertainment Venue Licence in November 2010. This application was rejected at a meeting of the council's Regulatory Committee on the 14 June 2011.
- 3.9 An application was also received from Lisa Ransford for a Sexual Entertainment Venue Licence for Shades Gentleman's Club, 6a High Street Leamington Spa in December 2011. This application was rejected at a meeting of the council's Regulatory Committee on the 15 March 2012. Following this an application was received on 22 June 2012 and granted by the Regulatory Committee on the 13 August 2012.
- 3.10 An application for the renewal of the SEV licence was received on 8 August 2013, 14 October 2013 and 8 August 2014 with the Regulatory Committee granting the renewal at subsequent hearings.
- 3.11 The current Sex Establishment Licence along with the conditions attached to this licence is attached as Appendix 2.
- 3.12 The Licensing Department has received no complaints in relation to Shades Gentleman's Club and Street Marshalls employed by Warwick District Council receive few contacts in relation to the premises. Warwickshire Police have not objected to the renewal of the licence.
- 3.13 Warwick District Council Licensing Department has received 35 representations in relation to the renewal application for Shades Gentleman's Club, 6a High Street, Leamington Spa. All of these representations were objections to the renewal being granted.
- 3.14 The objectors have been categorised into local residents (those living within a 15 minute walk of the premises), non-local residents, Councils and Councillors.
- 3.15 33 representations have been received on a standard form, not devised by Warwick District Council, where the objectors were asked to tick the reasons they wished to object to the renewal application.
- 3.16 Of the 33 objections received on the standard form, 10 objections have been accepted from local residents attached as Appendix 3 and 23 have been accepted from non-local residents attached as Appendix 4.
- 3.17 All local resident objectors objected due to the proximity of the premises to a place of worship. Two local residents also objected to the proximity of sheltered housing and accommodation of vulnerable people, the proximity to shopping centres, the proximity of community facilities, that there is on-going regeneration of the area and one local resident also objected due on-going evidence of complaints about noise.

- 3.18 All objections received from non-local residents objected due to the proximity of the premises to a place of worship. Seven local residents also objected to the proximity of the premises to sheltered housing and accommodation of vulnerable people, six objected due to the proximity to shopping centres and the on-going regeneration of the area, five due to the proximity to community facilities and four due to the on-going evidence of complaints about noise.
- 3.17 One objection was received from a Councillor attached as Appendix 5 and one from Leamington Town Council attached as Appendix 6.
- 3.18 Warwick District Council received one late objection in relation to the application. This has not been included in the report, however the objection will be made available at the hearing for the Committee to decide if this should be taken into consideration.
- 3.19 Warwick District Council also received 69 signatures in a petition format. The petition objects to the proximity of the premises to a place of worship. The representations are not included in the report but will be made available at the hearing.
- 3.20 All representation have been redacted with the exception of the representation received from Leamington Town Council who asked that their details be made available to the applicant and the public.
- 3.21 Any person who has made a representation has been invited to attend the Licensing & Regulatory Hearing. A copy of this letter is attached as Appendix 7.
- 3.22 A map of the area is shown as Appendix 8 and a plan of the internal area of the premises will be made available at the hearing.
- 3.23 A copy of the Council's policy on sex establishments is attached as Appendix 9.
- 3.24 In making their decision, the Committee will take into account the application, consider representations that are relevant to the grounds for grant or refusal of licences as prescribed by law, the council's policy on sex establishments and any potential impact on human rights. Representations that are based solely on religious or moral grounds cannot be considered by the Committee.
- 3.25 Where a renewal is refused, the licence remains in force pending appeal. However there is no right of appeal if the grounds for refusing a renewal application are those set out in para 12 (3) (c) or (d) schedule 3 of the Miscellaneous Provisions Act 1982.

4. **BUDGETARY FRAMEWORK**

- 4.1 Costs could potentially be incurred by the Licensing Authority if its decision is subject to legal challenge or appeal.

5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

6. **BACKGROUND**

- 6.1 None