

		Regulatory Committee 15th March 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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	13.02.2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	13.02.2012	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 Entertainment Licence (SEL) to Lisa Margaret RANSFORD, 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. No licences currently exist with this council issued under this legislation.
- 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 Lisa Margaret RANSFORD for a SEV licence for Shades Gentleman's Club, 6a High Street Leamington Spa. The application form is shown as **Appendix 1**.
- 3.7 A previous application for an SEV was made for the same premises by Shades Snooker Club Ltd. Mrs Ransford is part of that company. Schedule 3, s12(3)(b) of the Local Government (Miscellaneous Provisions) Act 1982 states that the authority may refuse to grant or renew a SEL if it would be operated by, or for the benefit of someone who has applied before. It is the opinion of officers, shared by both the legal officer and counsel that the purpose of this section is to exclude 'unsuitable' people from controlling the business on behalf of someone who had had a previous application rejected on their own suitability.
- 3.8 The previous application was rejected at a meeting of the Council's Regulatory Committee on the 14th June 2011 on the grounds of locality. There is no appeal

against this decision save for judicial review should the authority have acted illegally or unfairly.

3.9 Shades currently holds a premises licence issued under the licensing Act 2003 and before October 2011 they also were permitted to hold adult entertainment at the premises.

3.10 The conditions on the current premises licence issued under the Licensing Act 2003 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.

3.11 The hours currently operated under the Licensing Act 2003 at the premises are:

Monday to Thursday from 10:00 to 03:00

Friday and Saturday from 10:00 to 06:00

3.12 Should a Sexual Entertainment Licence be granted, the premises licence will still be retained. Conditions may 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.

3.13 There are objections to the granting of the application which are shown as **Appendices 3 to 77**. 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 78**

3.15 Maps of the area are show as **Appendix 79 and 80**

- 3.16 A copy of the council's policy on Sex establishments is attached as **Appendix 81**.
- 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.
- 3.18 The Committee's attention is also drawn to the previous decision of the Regulatory Committee in respect of the same premises dated the 14th June 2011, which is attached as **Appendix 2**. The Committee is not bound by its previous decision, although if it is minded to depart from it, it is suggested that its reasons for doing so are set out as part of the decision.

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.