

 <b>Regulatory Committee</b> <b>14 October 2013</b>		<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Renewal of a Sex Establishment Licence for Shades Gentleman's Club, 6a High Street, Leamington Spa	
<b>For further information about this report please contact</b>	Jayne Bailey, Licensing Officer, Health and Community Protection. Tel 01926 456113 jayne.bailey@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	26/09/13	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	26/09/13	Councillor Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		
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 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 these were 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 licence "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 include definitions to limit, so far as possible, any ambiguities.
- 3.3 SEVs brought the licensing of 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.
- 3.4 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 4<sup>th</sup> October 2010. After the 4<sup>th</sup> October 2011 (the third appointed day) premises that do not hold a Sexual Entertainment Licence will not be able to provide adult entertainment, save for 11 times per year, with no more than one event per month.
- 3.6 A renewal application has been received 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:
- From 23:00 to 03:00 on Tuesday to Thursday  
From 23:00 to 04:00 on Friday and Saturday  
Sunday and Monday no hours requested
- 3.7 Shades has held a premises licence issued under the Licensing Act 2003 for over five years. The premises licence permits, the sale of alcohol and regulated entertainment.

- 3.8 There are conditions on the current premises licence relating to adult entertainment. These were placed on the licence when the application was first made as such entertainment was permitted at the time 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 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 of opening currently operated under the premises licence issued under the Licensing Act 2003 are:

*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*

- 3.10 Conditions should not be conflicting between the two types of licences.
- 3.11 Shades Snooker Club Ltd previously 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<sup>th</sup> June 2011.
- 3.12 An application was also received from Lisa Margaret 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<sup>th</sup> March 2012.
- 3.13 A further application was received on 22<sup>nd</sup> June 2012 and granted by the Regulatory Committee on the 13<sup>th</sup> August 2012.
- 3.14 The current Sex Establishment Licence is attached as **Appendix 2**

- 3.14 Warwickshire Police have said that they have no objection to the application. Their confirmation of this is shown as **Appendix 3**
- 3.15 One positive representation has been received and is attached as **Appendix 4**
- 3.16 There are 316 representations against the current application shown as **Appendix 5**, 3 of which were accepted a day late, 4 were unsigned and one contained a name and address which was illegible. Approximately 30 of these representations received state that they are businesses.
- 3.17 Several objections were received the week following the end date for representations, which was the 5<sup>th</sup> September. The Committee have discretion whether or not to accept these objections and this decision will be taken at the start of the meeting. **Appendix 6**
- 3.18 The people making representations have been invited to the meeting by letter. A template of the letter is shown as **Appendix 7**
- 3.19 A map of the area is show as **Appendix 8**
- 3.20 A copy of the council's policy on Sex establishments is attached as **Appendix 9**
- 3.21 In making their deliberations, 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.
- 3.22 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. **POLICY FRAMEWORK**

4.1 NONE

#### 5. **BUDGETARY FRAMEWORK**

5.1

#### 6. **ALTERNATIVE OPTION(S) CONSIDERED**

6.1 None

#### 7. **BACKGROUND**

7.1 None