

Report to Licensing Sub Committee 1

Tuesday 20th April 2021

Subject:	Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen’s Club, 303 High Street, West Bromwich
Director:	Interim Director – Adult Social Care – Katharine Willmette
Contact Officer:	Geeta Bangerh Licensing Officer licensingteam@sandwell.gov.uk

1. Recommendations

- 1.1 The Sub Committee is requested to consider the application made by WB2 Anchor Ltd for the renewal of a sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich B70 8ND.
- 1.2 If approved, the licence will run for a period of 12 months.


Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 5.



2 Reasons for Recommendations

- 2.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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4 THE CURRENT POSITION

- 4.1 The premises have traded as a licensed sex establishment at these premises since April 2012 and the licence has been renewed each year.
- 4.2 On grant of the initial application, the Committee decided to vary the standard condition 45 to allow advertising by the use of vehicles.
- 4.3 In November 2017, the premises were transferred to the current applicant.
- 4.4 If the licence is renewed, it will run for a period of 12 months commencing 1st April 2021 and will expire on 31st March 2022.
- 4.5 A copy of the current licence and conditions are attached for information as Appendix 2.
- 4.6 A map of the area showing the location of the licensed premises is attached for information as Appendix 3.



4.7 There is also a premises licence under the Licensing Act 2003 in force at these premises authorising the sale and supply of alcohol and regulated entertainment between the hours of 10 am until 5 am Monday – Sunday. Premises opening hours 10 am until 5.30 am Monday – Sunday.

5. CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The applicant is required to advertise the application in a paper circulating in the vicinity of the premises within 7 days of submitting the application and to also display a public notice outside the premises for 21 days. The application was received on 25th February 2021, and it has been confirmed that the advert appeared in the Express and Star on 1st March 2021 and Officers checked that the advert was also displayed outside the premises during the consultation period.

6. ALTERNATIVE OPTIONS

6.1 The grant, renewal and transfer of sex establishment licences are subject to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

6.2 An application for renewal may be refused on one or more of the following grounds:

6.2.1 The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason.

6.2.2 That if the licence were to be renewed, the business to which it relates would be managed by, or carried on for the benefit of a person other than the applicant who would be refused the renewal of the licence if he made the application himself.

6.2.3 That the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the Panel considers is appropriate for that locality.

6.2.4 That the renewal of the licence would be inappropriate, having regard to:

- The character of the relevant locality
- The use to which any premises in the vicinity are put



- The layout, character or condition of the premises in respect of which the application is made.

6.3 An applicant whose application for renewal is refused on any of the grounds specified in paragraphs 6.2 above does not have the right to appeal that decision. In such cases, the applicant could only challenge the Panel’s decision by way of judicial review.

6.4 An applicant must be given the opportunity of appearing before the body making the decision before an application is refused.

7. Implications

Resources:	There are no direct strategic resource implications associated with this application
Legal and Governance:	<p>1.2 In 1983, the Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments, including sex shops.</p> <p>1.3 Article 6 of the Human Rights Act 1988 states that, in determination of a person’s civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>1.4 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>1.5 Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</p>
Risk:	The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the



	<p>operating schedule submitted with the Licence application.</p> <p>The Police have not made a representation to this application</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	<p>It is the responsibility of the operators of this licence to ensure that all health and wellbeing implications are addressed, especially with regard to any performers at the premises.</p>
Social Value	<p>The premises are privately owned.</p>

8. Appendices

- Appendix 1 – Application
- Appendix 2 – Current Licence
- Appendix 3 – Map of Location

9. Background Papers

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

Interim Director – Adult Social Care – Katharine Willmette

