


**REPORT TO
LICENSING COMMITTEE
11 May 2018**

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| Subject: | Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen’s Club, 303 High Street, West Bromwich |
| Director: | Director – Prevention and Protection – Stuart Lackenby |
| Contribution towards Vision 2030: |  |
| Contact Officer(s): | Fiona Gee Licensing Officer Fiona_gee@sandwell.gov.uk |

DECISION RECOMMENDATIONS

That Licensing Sub-Committee 2:

1. Consider the grant of an application made by WB2 Anchor Ltd for the renewal of a sexual establishment licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich, licence number SEV/31/3/2018

1 PURPOSE OF THE REPORT

- 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.

2 IMPLICATIONS FOR SANDWELL’S VISION

Our communities are built on mutual respect, and taking care of each other supported by all the agencies that ensure we feel safe and

protected in our homes and local neighbourhoods. The Licensing Authority will work with police and partner organisations to prevent crime and anti-social behaviour and be aware of modern slavery implications with this type of premises.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The application has been submitted by WB2 Anchor Ltd, whose registered office is 114 Holly Lane, Smethwick.
- 3.2 The applicant has complied with all the statutory requirements with regard to the application process.
- 3.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.
- 3.4 A copy of the application is attached as Appendix 1.
- 3.5 The Policing and Crime Act 2009 created a new category of “sex establishment” called a “sexual entertainment venue” in Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (LGMP Act). This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime of the LGMP Act, currently used to regulate establishments such as sex shops and sex cinemas rather than under the Licensing Act 2003.
- 3.6 A sexual entertainment venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”. The meaning of “relevant entertainment” is defined as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in a private booth).
- 3.7 The powers to regulate sexual entertainment venues are not mandatory and only apply where the amendment to the LGMP Act 1982 have been specifically adopted. Where adopted, the legislation is designed to give local people a greater say over the regulation of sexual entertainment venues in licensed premises in their area by allowing for objections on wider grounds than is currently allowed under the Licensing Act 2003.
- 3.8 The Council, at its meeting on 11th January 2011 adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 relating to the licensing of sexual entertainment venues.
- 3.9 The Council, at its meeting on 11 June 2014 approved that the Licensing Committee would exercise the Council’s functions relating to the licensing of sex establishments in accordance with the LGMP Act 1982, Section 2 and Schedule 3.
- 3.10 On 20th June 2014, the Licensing Committee delegated responsibility to the established Licensing Sub-Committees for exercising the Council’s functions for the licensing of sex establishments.

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 2018 and will expire on 31st March 2019.
- 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 2 am Sunday to Thursday and 10 am until 4 am on Fridays and Saturdays.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

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 27th March 2018, and it has been confirmed that the advert appeared in the Express and Star on 29th March 2018 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 STRATEGIC RESOURCE IMPLICATIONS

There are no direct strategic resource implications associated with this application.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 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.

8.2 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.

8.3 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.

8.4 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.

9 EQUALITY IMPACT ASSESSMENT

9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

9.2 The operators of this premises are responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

11 CRIME AND DISORDER AND RISK ASSESSMENT

The Police have been consulted on this application and have not identified concerns regarding this application.

12 SUSTAINABILITY OF PROPOSALS

In respect of the application, we do not for see any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

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.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

The premises are privately owned.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing.

16 BACKGROUND PAPERS

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

17 APPENDICES:

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

Stuart Lackenby
Director – Prevention and Protection