



REPORT TO LICENSING SUB-COMMITTEE 3

14 November 2017

Subject:	Transfer of Sexual Entertainment Venue Licence Angels Gentlemen's Club, 303 High Street, West Bromwich B70 8ND
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	 
Contact Officer(s):	Makhan Singh Gosal – Licensing Officer 0121 569 6743

DECISION RECOMMENDATIONS

That Licensing Sub-Committee 3:

1. is requested to determine the application made by WB2 Anchor Ltd for the transfer of the sexual entertainment venue licence in respect of Angels Gentlemen's Club, 303 High Street, West Bromwich, B70 8ND to WB2 Anchor Ltd, 114 Holly Lane, Smethwick, B67 7LA.
2. If approved the licence will continue to run until 31 March 2018.

1 **PURPOSE OF THE REPORT**

- 1.1 The Committee is invited to consider an application for the transfer of the sexual entertainment venue licence in respect of Angels Gentlemen's Club, 303 High Street, West Bromwich, B70 8ND.
- 1.2 The application is made by WB2 Anchor Ltd whose registered address is Holly Lane, Smethwick, B67 7LA.
- 1.3 The licence was first granted with effect from 1 April 2012 and has been renewed each year.

- 1.4 On grant of the initial application the Committee decided to vary standard condition 45 to allow advertising by the use of vehicles.
- 1.5 The premises subject of this application is also licensed under the Licensing Act 2003 for the sale and supply of alcohol and other forms of regulated entertainment.
- 1.6 No objections have been received within the statutory time period.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Investing in people and jobs. Licensed premises provide a proportion of employment in the Borough and, as such, they provide an important part of the Borough's economy.
- 2.2 One of the key objectives of licensing legislation is to provide a safer neighbourhood for licensed premises to operate within and to ensure a safe environment for people attending or working within licensed premises.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Policing and Crime Act 2009 ("the 2009 Act") created a new category of "sex establishment" called a "sexual entertainment venue" in Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 ("the 1982 Act"). This brings the licensing of lap dancing, pole dancing clubs and other similar venues under the regime set out in the 1982 Act (currently used to regulate establishments such as sex shops and sex cinemas) rather than under the Licensing Act 2003 ("the LA2003").
- 3.2 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 an 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).
- 3.3 The powers to regulate sexual entertainment venues are not mandatory and only apply where the amendment to the 1982 Act has 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 allowed currently under the LA2003.

- 3.4 The Council, at its meeting on 11 January 2011 therefore adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') relating to the licensing of sexual entertainment venues.
- 3.5 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 Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3.
- 3.6 On 20 June 2014 the Licensing Committee delegated responsibility to the established Licensing Sub-Committees (referred to as Panels) for exercising the Council's functions for the licensing of sex establishments.

4 THE CURRENT POSITION

- 4.1 Current licence is held by Anchor (WB) Ltd, Somerset House, 6070 Birmingham Business Park, Birmingham, B37 7BF. The licence is in force from 1st April 2017 to the 31st March 2018.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 This does not apply in respect of a transfer.

6 ALTERNATIVE OPTIONS

- 6.1 The licensing Committee does have the option of refusing the transfer.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no direct strategic resource implications associated with this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 In January 1983, the Council resolved to adopt the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments, which included sex shops and sex cinemas.

8.2

Section 27 of the Policing and Crime Act 2009 introduced amendments to Schedule 3 which made available new powers relating to the control of sexual entertainment venues.

- 8.3 The Council resolved to adopt the amended provisions referred to in paragraph 8.2 above in relation to sexual entertainment venues with effect from 1 April 2011.

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 the establishment are responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 In accordance with The Local Government (Miscellaneous Provisions) Act 1982.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 In respects of this transfer application we have liaised with the Police. There has been no Police objection.

12 SUSTAINABILITY OF PROPOSALS

12.1 In respect of this transfer application, we do not foresee any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 This is not applicable in respect of this Premises Transfer.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 This application is in relation to private property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Committee is requested to determine the application made by WB2 Anchor Ltd for the transfer of the sexual entertainment venue licence in respect of Angels Gentlemen's Club, 303 High Street, West Bromwich, B70 8ND to WB2 Anchor Ltd, 114 Holly Lane, Smethwick, B67 7LA.

15.2 If approved, the licence will continue to run until 31 March 2018.

16 BACKGROUND PAPERS

16.1 Current Licence held by Anchor (WB) Ltd

17 **APPENDICES:**

Standard Conditions for Sexual Entertainment Venues effective from 1st October 2011.



Stuart Lackenby
Director – Prevention and Protection