

Report to Licensing Committee 1

24 April 2023

Subject:	Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen’s Club, 303 High Street, West Bromwich, B70 8ND
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga Licensing Officer Email: licensing_team@sandwell.gov.uk

1 Recommendations


- 1.1 The Sub Committee is requested to consider the application (Appendix 1) made by WB2 Anchor Ltd of 114 Holly Lane, Smethwick, B67 7LA for the renewal of a sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich B70 8ND.

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 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s 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>
---	--

4 THE CURRENT POSITION

- 4.1 The premises has traded as a licensed sex establishment at this address for many years 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 1 April 2023 and will expire on 31 March 2024.
- 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, late night refreshment and regulated entertainment between the hours of 10.00am



until 5.00am Monday – Sunday. The premises opening hours are 10.00am until 5.30am Monday – Sunday.

4.8 Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 6.

4.9 If approved, the licence will run for a period of 12 months.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The applicant has complied with all the statutory requirements with regard to the application process.

5.2 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 10th March 2023, and it has been confirmed that the advert appeared in the Express and Star on 16th March 2023 and Officers checked that the advert was also displayed outside the premises during the consultation period.

5.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.

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. In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals. The application relates to a privately owned property.
Legal and Governance:	1.1 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only



	<p>determine the application having had an opportunity to consider all relevant facts.</p> <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>
<p>Risk:</p>	<p>The Police are a statutory consultee for sex establishment applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They consider the crime and disorder and risk assessment.</p> <p>The Police have been consulted on this application and have not identified any concerns regarding this application. Therefore, no representation has been received.</p> <p>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 online, in line with data protection protocols.</p>
<p>Equality:</p>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p>



	The operators of this premises are responsible for complying with all relevant legislation.
Health and Wellbeing:	This is not applicable to applications for premises licences submitted under the Local Government (Miscellaneous Provisions) Act 1982.
Social Value	This is not applicable to applications for premises licences submitted under the Local Government (Miscellaneous Provisions) Act 1982.

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)

