

LICENSING COMMITTEE	AGENDA ITEM No. 4
20 SEPTEMBER 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Housing, Neighbourhoods and Planning
Contact Officer(s): Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel : 454437 Tel : 453561

SEXUAL ENTERTAINMENT VENUE LICENCE APPLICATION

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following an application from Angels 2004 Ltd for a sexual entertainment venue licence for Angels, Earham House, Brook Street, Peterborough, PE1 1FQ.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to request that members determine the application based on the information contained upon the application and in this report.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.4 “To consider and determine all applications in relation to the functions in Schedule 2.2.4 where, (a) they are not delegated to Officers”.

3. BACKGROUND

- 3.1 The Council passed a resolution in 1983 to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to its area and has laid down criteria for consideration before such a licence would be issued for a premises.
- 3.2 On 16 June 1983 the Environmental Health Services Committee determined that applications would be considered by the Licensing Panel and that the following criteria be considered in the determination of an application for a licence for a sex establishment:-
- (a) Sex Establishments should not occupy frontages in Upper Bridge Street, Cathedral Square, Church Street, Long Causeway, Westgate from its junction with Lincoln Road eastwards and Queensgate (including the Westgate Arcade), being streets within the centre of the city.
- (b) Sex establishments should not be in the vicinity of schools, youth clubs, libraries, playgroups or similar places regularly visited by children.
- (c) That in considering applications for sex establishment licences, due regard should be given to the character of the relevant location.
- (d) Sex Establishments should not be in residential areas, including local shopping areas.

- 3.3 From April 2010 a change in the law was introduced by the Policing and Crime Act 2009. This change gave local communities a stronger say over the establishment and location of lap dancing clubs and similar establishments in their area. It also gives Local Authorities more power to reject applications for lap dancing clubs or impose conditions on the licenses. It brought the licensing of lap dancing clubs in line with other sex establishments such as sex shops and sex cinemas. This change in legislation is aimed at recognising that local people do have legitimate concerns about where lap dancing clubs are located.
- 3.4 Lap dancing premises were previously regulated under the Licensing Act 2003 (“the 2003 Act”) and required a Premises Licence under Section 1 of the 2003 Act. There were no special provisions made within the 2003 Act for lap dancing clubs and so applications are submitted in the same way as a pub or restaurant. If an application were submitted to the Licensing Authority for a Premises Licence the only mandatory conditions that applied related to the sale of alcohol.
- 3.5 The Council formally adopted the amended provisions on 08 February 2011.

4. DETAILS OF THE APPLICATION

- 4.1 An application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982, was received on 18th June 2012 from Angels 2004 Limited in respect of Angels, Earlham House, Brook Street, Peterborough, PE1 1FQ. Angels have held a premises licence issued under the Licensing Act 2003 since August 2005. The premises has had the authority under the premises licence for ‘table side’ dancing since the grant of the premises licence. There were specific conditions placed on the premises licence to ensure adherence to the licensing objectives. These are also offered up by the applicant as conditions to be placed on the sexual entertainment venue licence, if granted. These conditions can be found on the application form attached at **Appendix A on page 9**.
- 4.2 The persons responsible for the management of the establishment are given as Balbinder Singh, Christopher Webb, Rinaldo Fasulo and David Keetley. The application requests trading 24 hours a day between Monday to Sunday.
- 4.3 An advertisement was placed in the Peterborough Evening Telegraph on 21st June 2012 by the applicant containing details of the application, and that representations should be made to the Council within 21 days. A similar notice was displayed on the premise for a period of 21 days.

5. CONSULTATION

- 5.1 Cambridgeshire Constabulary were consulted with and made no representations against the granting of the renewal licence.

6. IMPLICATIONS

- 6.1 The procedures specified in paragraph 10(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 have been followed in relation to the making of the application.
- 6.2 The Council can only refuse the application on the grounds specified in paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Those which may apply to this application are:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred 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 grant, renewal or transfer of such a licence if he made the application himself;

- (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

NB Nil may be the appropriate number for the purposes of sub-paragraph (c) above. "The relevant locality" means – in relation to the premises, the locality where they are situated.

- 6.3 Where an authority refuses to grant a licence they shall, if required by the applicant, give a statement in writing of the reasons for their decision within 7 days of the request.
- 6.4 The applicant has paid a fee of £2,080 to make the application. The fee is not refundable upon refusal but is payable upon annual renewal.

7. BACKGROUND DOCUMENTS

- 7.1 Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Local Government (Miscellaneous Provisions) Act 1982
The Licensing Act 2003
Policing and Crime Act 2009

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