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**Licensing Sub-Committee 4 – 7<sup>th</sup> February 2012**

**Report of the Director of Corporate Resources**

**Application for Sexual Entertainment Venue Licence**

**Purpose of Report**

1. To consider the application received from Young & Pearce Solicitors on behalf of Mr Roger Bishton of Stourbridge Academy for the grant of a sexual entertainment venue licence in respect of the premises, First Floor Stourbridge Academy, 27-29 Hagley Road, Stourbridge.

**Background**

2. At a meeting of the Council on the 19<sup>th</sup> July 2010, it was resolved with effect from the 1<sup>st</sup> September 2010 that the Council adopt the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. As a consequence of the coming into force of Section 27 of the Police and Crime Act 2009 on the 8<sup>th</sup> April 2010, giving Local Authorities in England and Wales the power to regulate sexual entertainment venues as sex establishments.

The Council also decided that:

- There shall be no more than one Sexual Entertainment Venue in Stourbridge Town Centre and one Sexual Entertainment Venue in Dudley Town Centre.
  - Any new application for a Sexual Establishments Licence (Sexual Entertainment Venue) be determined by a Licensing Sub-Committee and that the Licensing Sub-Committee consider amongst other issues the issue of proximity of Sexual Entertainment Venues to schools, nurseries, youth clubs and religious establishments when determining an application.
3. The effect of this amended legislation is to introduce a new category of Sex Establishment called Sexual Entertainment Venue ie:
    - Lap Dancing
    - Pole Dancing
    - Table Dancing
    - Strip Shows
    - Peep Shows
    - Live Sex Shows

Any premises offering these entertainments will require to be licensed as a Sex Establishment (Sexual Entertainment Venue) under the 1982 Act.

4. However, should the club wish to sell alcohol and or have regulated entertainment they will need to retain the Premises Licence under the Licensing Act 2003.
5. Prior to the adoption of the legislation outlined in paragraph 2 of this report, Heaven situated at 158 Lower High Street, Stourbridge operated under a premises licence as a gentleman's club offering adult entertainment. However, no application for the grant of a sexual entertainment venue licence prior to the 3<sup>rd</sup> appointed day on the 31<sup>st</sup> August 2011, was received and as a consequence there is no sexual entertainment venue licence in Stourbridge.
6. On the 4<sup>th</sup> November 2011, Young & Pearce Solicitors made application on behalf of Mr Roger Bishton of the Stourbridge Academy for the grant of a Sexual Entertainments venue licence in respect of the premises known as First Floor Stourbridge Academy, 27-29 Hagley Road, Stourbridge. A copy of that application and a plan of the premises has been forwarded to the Committee Members and interested parties.
7. That application was circulated to the Director of the Urban Environment (Food & Occupational Safety) and (Planning), West Midlands Police, West Midlands Fire Service. None of the agencies raised objections.
8. Historically the premises situated at 27-29 Hagley Road, Stourbridge was issued with two separate premises licences, one for the area on the second floor and one for the ground floor/first floor as follows:-

Ground floor/First floor	-	Stourbridge Academy (Nightclub)
Second floor	-	Picture Bowl Ten Pin Bowling Complex

The Stourbridge Academy (Ground and first floor of the premises) currently holds a premises licence for the following:-

Sale of Alcohol/Regulated Entertainment (Films/Live Music/Recorded Music/Performance of Dance/Entertainment of a similar description to Live Music, Recorded Music, Dance/Making Music/Dancing/Entertainment of a similar description to Dancing, Making Music.

Where the premises are used for pre-booked functions only	10.00 – 02.00
Monday to Sunday (Ground floor only)	10.00 – 03.00
Monday to Sunday (First floor only)	10.00 – 04.00

#### Late Night Refreshment

Where the premises are used for pre-booked functions only	23.00 – 02.00
Monday to Sunday (Ground floor only)	23.00 – 03.00
Monday to Sundays (First floor only)	23.00 – 04.00

An additional hour to the standard and non-standard timings when British Summertime commences.

From the standard start time on 31<sup>st</sup> December to the standard finish time on 1<sup>st</sup> January.

### (Second Floor)

Playing of Recorded Music	Mondays to Wednesday	11.00 - 01.30
Playing of Recorded Music	Thursdays to Saturdays	11.00 - 02.00
Playing of Recorded Music	Sundays	11.00 - 00.00
Sale of Alcohol	Monday to Saturdays	11.00 - 23.00
Sale of Alcohol	Sundays & Good Friday	12.00 - 22.30
Sale of Alcohol	Christmas Day	12.00 - 15.00
Sale of Alcohol	Christmas Day	19.00 - 22.30
Sale of Alcohol	New Years Eve Extension under the regulatory Reform (Special Occasion Licensing) Order 2002	
Indoor Sporting Event	Mondays to Wednesdays	11.00 - 01.30
Indoor Sporting Event	Thursdays to Saturdays	11.00 - 02.00
Indoor Sporting Event	Sundays	11.00 - 00.00

9. The current premises licence holder for both premises is The Stourbridge Academy.
10. On the 12<sup>th</sup> January 2012, an email was received from Anthony Collins Solicitors confirming that they had been instructed by Stourbridge Academy Limited to act on their behalf.
11. This application falls within the Council's recent responsibly for sexual entertainment venues which has a direct link to the Council's key corporate priority that safety matters.

### Finance

12. There are no financial implications.

### Law

13. The Local Government (Miscellaneous Provisions) Act 1982, Part II, Schedule 3 governs the licensing of Sexual Entertainment Venues. The Council adopted the amended schedule 3 to this Act on the 19<sup>th</sup> July 2010 to come into effect on the 1<sup>st</sup> September 2010. This allows the Council to regulate lap dancing and other sexual entertainments.
14. A licence under this schedule shall not be granted:-
  - (a) to a person under the age of 18; or
  - (b) to a person whose licence under this Act has been revoked and is disqualified from holding a licence for a period of 12 months following the revocation of licence.


- (c) to a person, other than a body corporate, who is not resident in (an EEA state) or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in (an EEA state) or
  - (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
15. In pursuance of paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982, Part II, the Council may refuse applications for the grant/renewal/transfer of a licence from new and existing operators on the following grounds:-
- (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 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 or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Authority consider is appropriate to the locality.
  - (d) That 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.
16. Should the Committee refuse this application there is an appeal to the Magistrates Court within 21 days.
17. There is no appeal where the application has been refused on the grounds outlined in paragraph 16 of this report.

### **Equality Impact**

18. This report takes into account the Council's policy on equal opportunities.
19. There has been no consultation or involvement of children and young people in developing these proposals.

## **Recommendation**

20. That the Committee consider the application for Sexual Entertainment venue licence.



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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**