

Licensing Sub-Committee 2 - 14th January, 2014

Report of the Director of Corporate Resources

Application for review of Sexual Entertainment Venue Licence Conditions

Purpose of Report

1. To review the conditions of licence in respect of the sexual entertainment venue licence issued to Mr Daljinder Singh Dhillon.

Background

2. At a meeting of the Council on the 19th July 2010, it was resolved with effect from the 1st 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 8th 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. On the 18th February 2011, Silks Solicitors made application on behalf of Mr Daljinder Singh Dhillon for the grant of a Sexual Entertainments venue licence in respect of the premises known as Bandit Queen Gentlemen's Club, 93 King Street, Dudley, West Midlands, DY2 8NY. A copy of that application and a plan of the premises was forwarded to the Committee Members and interested parties.
6. 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.
7. That application was considered by the Licensing Sub-Committee on the 7th June 2011. The Committee resolved that the application be approved.
8. The current Sexual Entertainment Venue licence is issued for the following days and times:-

Monday to Sunday inc.
11.00 a.m. until 7.00 a.m. the following morning
9. A copy of the conditions of licence are attached to this report as Appendix 1. The current licence bears the expiry date of the 31st August, 2014.
10. On the 29th August, 2103, Quality Solicitors, Silks, made application on behalf of their client Mr. Dhillon for the removal of the condition of licence which currently prevents the advertisement of the licensed premises. A copy of that letter of application is attached to this report as Appendix 2.
11. On the 4th November, 2013, Quality Solicitors Silks forwarded a copy of a draft advertisement which has been professionally designed on their client's behalf, a copy of that advertisement is attached to this report as Appendix 3.
12. This application falls within the Council's recent responsibility for Sexual Entertainment Venues which has a direct link to the Council's key corporate priority that safety matters.

Finance

13. There are no financial implications.

Law

14. 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 19th July 2010 to come into effect on the 1st September 2010. This allows the Council to regulate lap dancing and other sexual entertainments.
15. Under the Act there is a transitional period lasting for a period of 12 months. The transitional period will commence on the day the resolution is passed and be known as the first appointed day. Six months following the first appointed day will be known as the second appointed day and the day on which the transitional period ends will be known as the first appointed day.
16. If a premises is already trading under the Licensing Act 2003, they may trade until the third appointed day or the determination of any application they have submitted before that time.
17. 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.
18. 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.

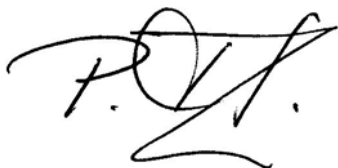
- (d) That the grant or renewal of the licence would be inappropriate having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 19. Should the Committee refuse this application there is an appeal to the Magistrates Court within 21 days.
- 20. There is no appeal where the application has been refused on the grounds outlined in paragraph 18 of this report.

Equality Impact

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

Recommendation

- 23. That the Committee review the conditions of licence in respect of the sexual entertainment venue licence issued in respect of the Bandit Queen.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers