

Licensing Committee

11th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Players - Transfer of Sexual Entertainment Venue Licence to E Sexton

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	High Street

This report makes the following recommendations to the final decision-maker:

That the Licensing Committee permits the transfer of the Sex Entertainment Venue licence to the applicant on the same conditions as previously approved.

This report relates to the following corporate priorities:

- Great Place

Timetable – N/A

Meeting	Date
Policy and Resources Committee	
Council	
Other Committee	

Players - Transfer of Sexual Entertainment Venue Licence to E Sexton

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 To advise Members of an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the transfer of the existing sex establishment licence for premises known as Players, situated at 57 High Street, Maidstone, Kent, ME14 1SY.

2. INTRODUCTION AND BACKGROUND

2.1 Members are requested to consider an application to transfer a sex establishment licence. The premises presently operate under the terms of the licence as a sexual entertainment venue providing lap dancing.

2.2 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 (the Act) Section 2 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues (SEV). This brings lap dancing, pole dancing and other “relevant entertainment” into the same regime as licensed sex shops and sex cinemas, which has been in operation in the Maidstone area since 1982.

History of premises

2.4 Players situated at 57 High Street, Maidstone, Kent, ME14 1SY, holds a premises licence under the Licensing Act 2003 which was issued on 30 August 2007 and adult entertainment was covered by it. On 2 March 2011 the Council resolved to adopt the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009 and the new powers took effect locally on the 1 May 2011.

2.5 Players applied for a SEV on 28 October 2011 and Committee resolved at a meeting on 5 March 2012 to grant Players a SEV licence. The SEV licence has been in place at the premises since then and is renewed annually. A copy of the current SEV licence may be found at Appendix A.

The Application

2.5 Members are required to consider this application by Emma Sexton for the transfer of a sex establishment licence for Players, 57 High Street, Maidstone, Kent, ME14 1SY, from James Pemble to her.

2.6 A copy of the application may be found at appendix B to this report.

2.7 A map of the location of the premises can be found at appendix C.

2.8 A public notice advertising the application has been displayed at the premises for a period of 21 days and published in the local press.

Objections

2.9 In considering any application for the transfer of a licence the authority shall have regard to any observations submitted by the chief officer of police and any objections received.

2.10 Any objection must be provided in writing to the authority, stating in general terms the grounds of the objection, and this should be provided no later than 28 days after the date of the application, albeit there is the provision for the acceptance of objections outside the notice period if these bring significant relevant new information (*Miss Behavin' Ltd v Belfast City Council*).

2.11 The Act imposes no pre-qualifications on who may be an objector nor is there any constraint on the grounds upon which the objection is made.

2.12 No observations have been made by the Maidstone Police, the responsible authorities or objections by any other party in respect of this transfer application.

3. AVAILABLE OPTIONS

3.1. The following options are open to Members of the Committee:

Members may decide one of three options:

1. Approve the transfer of the licence
2. Approve the transfer of the licence with conditions
3. Refuse the transfer of the licence

3.2 Option 1 would permit the licence to be transferred to Emma Sexton and continue to be monitored in the same way as previously.

3.3 Option 2 would permit the licence with the same or revised conditions that are appropriate and proportionate to the application. However, it is normal practice to revise conditions at the renewal of a licence rather than at the time of transfer.

3.4 Option 3 the Committee may refuse the transfer but can only do so if one of the following reasons is met:

Refuse the application on the following mandatory grounds;

- if the applicant is under the age of 18.
 - if the applicant has a disqualification following the revocation of their licence
 - if the applicant is not-resident in the UK,
 - if the applicant is a company not incorporated in the UK,
 - or a previous refusal of the applicant at the same premises in the previous 12 months.
- Refuse the application on the following discretionary grounds:
 - if the applicant is unsuitable to hold the licence by reason of having been

- convicted of an offence or for any other reason,
- if the licence were to be 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 transfer of such a licence in their own right.

3.5 If members were considering refusal of the transfer of the licence they are required to give the licence holder and the applicant the opportunity of appearing before them and being heard.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The Licensing Committee is recommended to approve the transfer of the licence on the existing conditions. The Council has not received any objections to the transfer of the licence. There is no evidence to support refusal under either the mandatory or discretionary grounds, as outlined by the relevant legislation. The existing licence conditions have enabled the premises to operate without incident or cause for concern and therefore should continue.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No objections were received during the statutory consultation period.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Shared Audit Service]
Financial	The cost of transferring the licence will be met by the applicant.	Section 151 Officer
Staffing		
Legal	Noted within the report	Head of Legal Services
Equality Impact Needs Assessment		
Environmental/Sustainable Development		

Community Safety	Noted within the report	
Human Rights Act		
Procurement		
Asset Management		

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- 7.1 Appendix A – Copy of Existing Sex Establishment Licence
- 7.2 Appendix B – Copy of Application
- 7.3 Appendix C – Location map

8. BACKGROUND PAPERS

- 8.1 Maidstone Borough Council Licensing of Sex Establishments – Statement of Licensing Policy.
- 8.2 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.