

**LICENSING PANEL**

(Non Licensing Act 2003 Functions)

**Agenda Item 3**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Application for renewal of a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982</b>		
<b>Premises:</b>	<b>Pussycat Club, 75 Grand Parade, Brighton</b>		
<b>Applicant:</b>	<b>Saltire Investments Ltd</b>		
<b>Date of Meeting:</b>	<b>19 December 2017</b>		
<b>Report of:</b>	<b>Executive Director, Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Queens Park</b>		

**NOT FOR PUBLICATION**

The public are likely to be excluded from the meeting during the consideration of this report as it contains exempt information as defined in Paragraphs 1 & 7 of Schedule 12a to the Local Government Act 1972 (as amended) and maintaining the exemption outweighs the public interest in disclosing the information.

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To determine an application for renewal of a Sexual Entertainment Venue (SEV) licence for the Pussycat Club under the Local Government (Miscellaneous Provisions) Act 1982

**2. RECOMMENDATIONS:**

- 2.1 That the Panel determine an application for renewal of a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act for the Pussycat Club, 75 Grand Parade, Brighton.

**3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION**

The application is for Renewal of a Sexual Entertainment licence by Saltire Investments Ltd.

- 3.1 That the Panel determine an application for renewal of a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the Pussycat Club.

**The following extracts from Brighton & Hove City Council Sex Establishment Policy 2010 are considered relevant to this application**

3.2 The Council has a duty to promote equality, consider crime and disorder and ensure fair and rational determination of applications. The policy will apply to all applications for sex establishment licences. There are 3 categories of sex establishments:

- Sex shops
- Sex cinemas
- Sexual entertainment venues

Sex establishments are defined and regulated by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') as amended by the Policing and Crime Act 2009. Brighton & Hove City Council adopted the amended provisions of Schedule 3 of the Act on the 15th July 2010. Sex Establishment Policy attached at Appendix A.

**General principles** – all sex establishments: Each application for a grant, renewal or transfer of a licence will be considered on its individual merits subject to the principles and approach set out in the policy. The policy will be kept under review.

3.3 Existing SEV licence attached at Appendix B.

3.4 Renewal application received 23.10.17 attached at Appendix C.

3.5 A licence will not normally be granted or renewed in the following circumstances:  
(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 or 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 grant or renewal of such a licence if he made the application himself.

The policy states the following regarding Renewals:

Licences will normally be renewed unless circumstances have changed. The following matters would be taken into account:-

- (a) levels of recorded crime and disorder linked to the licensed premises;
- (b) evidence of a demonstrable impact on neighbours' safety or amenity;
- (c) effectiveness of appropriate measures, such as conditions, to mitigate adverse impacts.

Hearing Procedures

- New applications will be determined by Licensing Panel (Non- Licensing Act 2003) (Licensing sub-committee). The usual hearing procedures for Licensing Panel 2003 Act will apply, accommodating provisions for objectors set out in paragraphs 9 of Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 concerning the objectors' names and addresses.
- Applicant and objectors will have an opportunity to be heard.
- A notice of hearing will be sent to all parties.
- Renewal applications will normally be granted unless circumstances have changed (see 3.6 above). The Head of Regulatory Services has delegated authority to determine renewal applications.

- Where there is any possibility that an application may be refused, the applicant must be given the opportunity to be heard by the Licensing Panel.
- Any reasons for refusal will be notified orally as soon as possible and in a written statement within 7 days.

#### **4. CONSULTATION**

- 4.1 A representation was received from Sussex Police on the grounds being that the named person who will be responsible for the management of the licenced premises, Mr Kenneth McGrath (Designated Premises Supervisor), has been convicted of an offence under Section 47 of the Sexual offences Act 2003.
- 4.1 On receipt of the police objection (Appendix D) the details were sent to the applicant.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 N/A

*Finance Officer Consulted*

*Date:*

##### Legal Implications:

- 5.2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 governs sex establishments. The panel must determine this application having regard to all relevant factors and the rules of natural justice.

*Lawyer Consulted: Rebecca Sidell*

*Date:*

##### Equalities Implications:

- 5.3 N/A

##### Sustainability Implications:

- 5.4 N/A

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Appendix A – Sex Establishment Policy and Conditions for Sex Establishments
2. Appendix B – Existing SEV licence
3. Appendix C – Renewal application

4. Appendix D – Police objection letter