

AGENDA



For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
FRIDAY, 27 APRIL 2012
at
10.00 AM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Vic Kerr, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 l.bonshor@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting.

3. MINUTES OF MEETING HELD ON 2ND AND 23RD MARCH 2012

(Enclosure)

4. LICENSING ACT 2003: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - PEAR TREE, BROAD STREET, STAMFORD

Report CSL006 by the Community Safety and Licensing Service Manager.

(Enclosure)

5. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE - TABOO GENTLEMEN'S CLUB, 99 WESTGATE, GRANTHAM

Report CSL007 by the Community Safety and Licensing Service Manager.

(Enclosure)

(THE APPENDICES TO THE REPORT(S) AT AGENDA ITEMS 4, AND 5 ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION, PLEASE CONTACT THE SERVICE MANAGER, COMMUNITY SAFETY AND LICENSING).

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

MINUTES

**ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 2 MARCH 2012**



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Breda Griffin
Councillor Reginald Howard

Councillor Vic Kerr
Councillor Graddon Rowlands
Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officer (Peter Harrison)
Legal & Democratic Service Manager (John Armstrong)
Democratic Officer (Lucy Bonshor)

35. APOLOGIES

Apologies were received from Councillor Russell.

36. DECLARATIONS OF INTEREST

None declared.

37. MINUTES OF MEETING HELD ON 3RD FEBRUARY 2012

The minutes of the meeting held on 3rd February were agreed as a correct record of the decisions taken.

38. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, GREAT GONERBY SOCIAL CLUB

Decision:

That the premise licence be approved subject to the withdrawal of the condition for live and recorded music outdoors and the addition of the following condition:

All doors and windows opening to the outside of the building must be kept closed at all times when live or recorded music is being played except to allow access or egress.

The Licensing Officer submitted report CSL002 which concerned the grant of a premises licence for the premises known as Great Gonerby Social Club, Grantham. The premises had held a Club Premises Certificate since 2005 but this had become inadequate as the club hired out rooms on a regular basis and a premise licence was seen as the way forward. No objections had been received from residents, however due to the location of the club the Environmental Protection Team had made representations about having live or recorded music outdoors. The applicant had been notified of the representation and they had agreed to a condition that no live or recorded music would be played outdoors and that all windows and doors will be kept closed when live or recorded music is played inside except for access and egress.

It was proposed, seconded and unanimously agreed to grant the licence subject to the inclusion of the condition that no live or recorded music will be played outside of the building and doors and windows will be kept shut at all times except to allow access and egress.

39. CLOSE OF MEETING

The meeting closed at 10.10am.

MINUTES

ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 23 MARCH 2012



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor Breda Griffin
Councillor Reginald Howard

Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officer (Peter Harrison)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

40. APOLOGIES

Apologies for absence were received from Councillors' Chivers, Vic Kerr, Rowlands and Russell for this meeting only.

41. DECLARATIONS OF INTEREST

None declared.

42. MINUTES OF MEETING HELD ON 2ND MARCH 2012

Deferred to next meeting.

43. LICENSING ACT 2003: APPLICATION FOR A GRANT OF A PREMISE LICENCE FOR COST CUTTERS, 13/15 SPRINGFIELD ROAD, GRANTHAM

Decision:

That the application for a premise licence for Cost Cutters, 23/15 Springfield Road, Grantham be approved as applied for with the change of hours as agreed with the applicant from 6:00am to 23:00pm and the removal of regulatory entertainment and late night refreshment. A

condition is to be attached to the licence about regular litter picking by the Cost Cutter staff outside the premises, the wording of a precise condition to be confirmed with the Licensing Officers.

The Solicitor to the Committee introduced those present and confirmed the names of those wishing to speak.

- Mr Suresh on behalf of Cost Cutters the applicant
- Mr I James operations manager, Cost Cutters
- Councillor Adam Stokes ward representative
- Mr J Bishop resident
- Mr D Atkins resident
- Mrs C Leivers resident

The procedure which would be followed was explained and the parties indicated their understanding of the process

The Licensing Officer submitted report CSL004 which concerned a premises licence for the premises known as Cost Cutters, 13/15 Springfield Road, Grantham for the sale of alcohol, opening 24 hours a day and late night refreshment between 23.00 and 5.00am seven days a week. Following objections received the applicant had amended the application to reduce the opening hours. The application for recorded music had been made in error and therefore was no longer part of the application and the applicant also indicated that they no longer wished to apply for late night refreshment. Five representations from interested parties had been received together with a petition. The Committee members were reminded about the relevance of representations. The representations received covered all four licensing objectives.

The Licensing Officer then referred to the representation received from Mr Bishop and explained a paragraph within the letter stating that the premises was already classed as A1 use and planning permission was therefore not required. Also the Council did not have a cumulative impact policy.

Mr Bishop then asked for clarity concerning the hours asked for and the late night refreshment license together with the recorded music. Mr Suresh, on behalf of Cost Cutters responded by stating that there would be no cooking on the premises and they were therefore not going to apply for a late night refreshment licence. Mr Harrison indicated that the recorded music that would be played would be incidental music and therefore not part of the licence required.

Mr Suresh then presented his case stating that following the objections received from the residents in the area a reduction of hours had been requested as the neighbourhood was important. A question was asked by a resident about how familiar Mr Suresh was with the premises and its location to which Mr Suresh replied.

The interested parties then each presented their cases to the Committee. There representations covered the following points:

- Concern over public safety due to the location of the premises
- Concern over the opening hours due to the residential area
- Noise and nuisance from the location of the shop due to the close proximity to residential properties
- Lack of sleep of residents due to late opening times
- Lack of parking for patrons of the shop due to double yellow lines on the road
- Congregating of youths late at night
- Location of the alcohol within the shop would it be self serve or behind the counter what additional measures were in place
- Concern under the protection of children from harm licensing objective due to groups of youths and possible anti social behaviour
- Creation of litter outside the shop and premises located nearby

The operating manager then addressed some of the points raised giving examples of another Cost Cutter premises within the town and how working closely with the PCSO's and the police had helped address issues at this location.

The Licensing Officer said that a condition could be added to licence concerning litter picking if the Committee thought that this would be an issue at the location.

Further comments were then made concerning the location of alcohol within the premise, parking and the number of staff that would be in the premise. Mr Suresh confirmed that there would be two managers and three staff.

The Licensing Officer then gave his closing statement. He reminded the Committee that they should have regard to the representations made and take such steps as they consider necessary to promote the four licensing objectives.

Mr Suresh on behalf of Cost Cutters then gave a brief closing statement.

(10. 50 am the Licensing Officer, applicant and interested parties all left the meeting)

The Committee discussed the application before them having regard to all the representations that they had heard and whether or not the licensing objectives would be undermined or promoted. Members felt that some of the concerns raised were beyond the Committees control such as the opening hours and the control of parking; this was a matter best regulated by the police. However, they were minded to agree a condition be attached to license concerning litter picking outside the premises. It was proposed, seconded and unanimously agreed to approve the licence subject to the amended times, removal of the

late night refreshment licence, recorded music and the addition of a litter picking condition

(11. 05 am the Licensing Officer, applicant and all interested parties returned to the meeting)

The Committee had considered the representations of all the parties and the decision of the Committee was to approve the licence as applied for subject to the amended hours for Licensable activities being 0:600 until 23.00 and the removal of the parts of the application relating to regulated entertainment and late night refreshment. The Committee would place a condition on the licence that the staff at Cost Cutter would regularly pick litter outside the premises, the exact wording of the condition to be agreed by the Licensing Officers later.

The reasons for that decision were that the Committee were mindful that the residents' concerns about car parking issues outside the premises had not been supported by the Council's planning department, they were mindful that other enforcement regimes such as the police could monitor illegal parking outside of the premises and the Committee was not satisfied that the Licensing regime was the appropriate regime to control car parking. The Committee were also mindful that they could not control the opening hours of the premises but only the times when licensable activities took place. The Committee considered whether the sale of late night refreshment should be limited to a terminal hour which was earlier than the terminal opening hour of 23:00. The Committee concluded that there was no evidence of crime and disorder because the proposed retail outlet would be a newly licensed premise. Clear evidence would be needed to link the premise and the sale of alcohol to any crime and disorder in the future so to some extent the Committees hands were tied. The Committee could not impose further restrictions relating to any of the other representations as there was no evidence that the licensing objectives would be undermined. The Committee did ask the Solicitor to the Committee to remind those present that if there were problems in the future relating to Cost Cutter, the premises licence could be reviewed and would be brought back to the Committee for reconsideration. Finally the parties were reminded that the decision was appealable to the Magistrates Court within 21 days of written notification of the decision

44. CLOSE OF MEETING

The meeting closed at 11.07am.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: COMMUNITY SAFETY & LICENSING MANAGER

REPORT NO: CSL/006

DATE: 27 April 2012

TITLE:	Application for the variation of a premises licence - Pear Tree, Broad Street, Stamford	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter Engagement and Corporate Services Portfolio holder	
CONTACT OFFICER:	Pam Robinson p.robinson@southkesteven.gov.uk Tel: 01476 406138	
INITIAL IMPACT ASSESSMENT:	Carried out and referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011	

1. RECOMMENDATIONS

1.1 That the Licensing Committee consider this application (appendix 1) for variation of a premises licence at a premises known as, The Pear Tree, Broad Street, Stamford and the views of the representations made by the police, a responsible authority and interested parties, bearing in mind the four licensing objectives:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary

- 1.3 The committee may have regard to the representations and if it considers it appropriate for the promotion of the Licensing objectives;
- (a) Modify the conditions of the licence,
 - (b) Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions are added.

- 1.4 The licensing authority should give appropriate weight to;
- (a) The steps that are appropriate to promote the licensing objectives
 - (b) The representations (including supporting information) presented by the parties
 - (c) The guidance issued under section 182 of the licensing Act 2003
 - (d) South Kesteven district Council's Licensing policy

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a variation of the premise licence under Section 34 of the Licensing Act 2003
- 2.2 The decision required is to establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.
- 2.3 If it is felt appropriate to take action, the options listed in section 1.3 are open to the committee.

3. DETAILS OF REPORT

- 3.1 On 5 March 2012, the Licensing Section received an application to vary the hours and conditions on the current premises licence for The Pear Tree, Broad Street, Stamford.
- 3.2 The variation was requested to amend a condition on the licence that states:
- 'No drinking vessel of any description shall be removed from the licensed area, save for disposal by a member of staff or the licensee's own personal use'.
- 3.3 The reason for the request for the variation is because the applicant has been issued with a pavement licence by Lincolnshire County Council and therefore he requires the condition to be amended so that he is able to take advantage of this. The times for the pavement licence are:
- 1100 – 2000 hrs daily.
- 3.4 The applicant also used the opportunity when applying for the variation, to apply for an extension in hours for recorded music, dancing, late night refreshment, sale of alcohol and closing hours.

3.5 The current licensable hours and activities are:

Films: 1000 to 0000 Sunday to Thursday 0800 to 0100 Fridays 1000 to 0100 Saturday	Live music – indoors 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday
Recorded music – Indoors 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday	Dancing – Indoors 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday
Late night refreshment – Indoors 2300 to 0100 Sunday to Thursday 2300 to 0200 Friday & Saturday	Sale of alcohol 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 – 0200 Saturday New Year's Eve 1000 to 0230 the following day
Opening hours 1000 to 0130 Sunday to Thursday 0800 to 0230 Friday 1000 to 0230 Saturday	There shall be no admissions/re-admissions to the premises after 2300

3.6 The police made representations against what was applied for and a meeting was held between the applicant and the police on 8 March 2012 in order to see if they could come to some agreement.

3.7 Licensing received an email on 8 March 2012 from both the applicant and the police detailing the agreed changes to the application and these are attached at appendix 2.

3.8 The variations applied for and agreed by both parties are:

Recorded music – indoors 1000 to 0100 Sunday to Thursday 0800 to 0245 Friday 1000 to 0245 Saturday	Dancing – Indoors 1000 to 0100 Sunday to Thursday 0800 to 0245 Friday 1000 to 0245 Saturday
Late night refreshment – Indoors 1000 to 0100 Sunday to Thursday 0800 to 0245 Fridays 1000 to 0245 Saturdays	Alcohol – indoors 1000 to 0100 Sunday to Thursday 0800 to 0245 Fridays 1000 to 0245 Saturdays
Opening hours 1000 to 0100 Sunday to Thursday 0800 to 0315 Friday 1000 to 0315 Saturday There shall be no admission/re-admission to the premises after 0145	Variation to condition regarding drinking vessels to read: Drinking vessels to be allowed inside the barriered area at the front of the premises as per the terms of the Café Licence between 1100 and 2000 hrs daily. Access to this area is from inside the premises only.

- 3.9 On 30 March 2012 two representations were received from interested parties. They both relate to public nuisance in that they allege they are already being disturbed by noise from the premises. Appendix three refers.
- 3.10 One of the interested parties also requests that, where the applicant has stated that all doors and windows will remain shut during performances of live music, this is extended to include recorded music and the like.
- 3.11 Environmental Protection has received no complaints regarding noise or disturbance from these premises by nearby residents.

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

N/A

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no specific financial comments to make in respect of this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representations (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Council's own statement of licensing policy.

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

1. Application.
2. Emails from police and applicant.
3. Representations from interested parties.
4. Map of area.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Mark Jones, Community Safety & Licensing Manager

REPORT NO: CSL007

DATE: 27 April 2012

TITLE:	Application for a Sexual Entertainment Venue Licence Taboo Gentlemen's Club, 99 Westgate, Grantham	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter, Engagement and Corporate Services Portfolio holder.	
CONTACT OFFICER:	Pam Robinson, Senior Licensing Officer p.robinson@southkesteven.gov.uk Tel: 01476 406138	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required: N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	SKDC – SEX ESTABLISHMENTS PROCEDURES (Appendix 1)	

1. RECOMMENDATIONS

- 1.1 That the Committee decide whether to approve the application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009)
- 1.2 When determining the application the Committee shall have regard to:
 - i The authority's sex establishment procedures.
 - ii The Human Rights Act.
 - iii SKDC's regulations prescribing standard conditions. **Appendix 2**
 - iv Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - v Representations from interested parties.

1.3 The options open to the Committee are:

- To grant the application as applied for.
- To grant the application with modifications and/or additional conditions.
- Refuse the application. If, having considered the application the committee decides to refuse it, it must provide the applicant with the reasons for the decision in writing.

2. PURPOSE OF THE REPORT

2.1 To assist the Committee in determining the outcome of the application for a sexual entertainment venue licence for Taboo Gentlemen's Club, 99 Westgate, Grantham

3. DETAILS OF REPORT

Background

3.1 The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to permit the Licensing Authority to license "sexual entertainment venues" (SEVs), where "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer.

3.2 Sexual entertainment had been classed as regulated entertainment for the purposes of the Licensing Act 2003 since its introduction in November 2005. In instances where sexual entertainment will take place on more than 11 occasions in any year, it is now included in the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

3.3 The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to Sexual Entertainment Venues at the meeting held on 3 March 2011.

3.4 Any existing operators who, immediately before 8 April 2011, held a premises licence or club premises certificate under which it was lawful to provide relevant entertainment under the Licensing Act, and who lawfully used the premises as an SEV under that licence, (or were undertaking preparatory work to use the venue in that way), are allowed to continue to provide relevant entertainment until 8 April 2012 or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later. This applicant is an existing operator.

3.5 Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds. These are:

Mandatory grounds

The Council must refuse an application if:-

- the applicant is under 18 years of age; or

- the applicant is for the time being disqualified from holding a licence under Schedule 3 Paragraph 17 (3) of the Act following revocation of a previous licence; or
- the person applying is not resident in the United Kingdom, or was not so resident during period of six months immediately preceding the date when the application was made; or
- where a body corporate is the applicant - it is not incorporated in the United Kingdom; or
- the applicant has been refused the grant or renewal of a licence for the same premises within a period of 12 months immediately preceding the date when the application was made, unless the refusal has been reversed on appeal.

Discretionary grounds

The Council may refuse an application for the grant or renewal of a licence if:-

- the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- the business 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;
- the number of sex establishments or sex establishments of a particular type in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality;
- “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
(ii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.”

Present

- 3.1.1 The applicant has run a lap dancing club under the permissions of the Licensing Act 2003 from January 2010 and up until 30 March 2012, no complaints about these premises had been received by this authority from responsible authorities, members of the public or nearby businesses.
- 3.2.2 On 12 March 2012 we received the application for Taboo Gentlemen’s Club to hold a Sexual Entertainment Venue Licence. **Appendix 3**. This will run in conjunction with the Premises licence issued under the Licensing Act 2003.
- 3.3.3 The basic approach in the Policing and Crime Act 2009 is that if premises are licensed or licensable for sexual entertainment, then neither the entertainment nor incidental music or facilities are licensable under the Licensing Act 2003. This was achieved through the insertion of a new provision under Sch. 1 para 11a of the Licensing Act 2003.
- 3.4.4 The current days and times for sale of alcohol and late night refreshment on the existing premises licence are:

Sale of alcohol

1100 – 2300 Monday and Tuesday
1100 – 0200 Wednesdays
1100 – 0300 Thursday, Friday and Saturday
1200 – 0030 Sunday

Late Night Refreshment

2300 – 0200 Wednesday
2300 – 0300 Thursday, Friday and Saturday
2300 – 0030 Sunday

3.5.5 The applicant has applied to for a licence to hold sexual entertainment:

Monday – Sunday, 2100 – 0600.

3.6.6 If the days and times are agreed by the committee, the applicant will not be able sell alcohol or late night refreshment outside the existing hours on the premises licence unless they apply to vary the premises licence.

3.7.7 On 30 March 2012 we received a complaint via email from a person who wishes to remain anonymous alleging solicitation, drug use, drinking after time, counterfeit alcohol and full contact dancing is taking place at the premises. This complaint was followed up by a further complaint by the same person on 4 April 2012 alleging the person running the premises has sexual liaisons with one of the dancers in the stock room during opening hours. This person has not objected to the issue of the licence but felt it necessary to complain. Both complaints were forwarded to the police for them to investigate.

3.8.8 Two representations were received on 3 April 2012 from members of the public. Briefly they relate to the character of the area being unsuitable, hours requested being unreasonable, noise and disturbance from the premises, location of the establishment and the alleged behaviour of the staff. **Appendix 4** details the full representations.

3.9.9 On 5 April 2012, the police submitted representations regarding the extension of the hours sought, drug use at the premises and, as yet, unsubstantiated complaints of illegal sexual activities and services taking place. The police fundamentally object to the application being granted but if the committee are minded to grant the licence they ask that they delay this decision until the problems surrounding CCTV and drug use are resolved. **Appendix 5** details the full representation.

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

5.1 The cost of a sex establishment licence at the time of application was £1,380.00 this has since increased to £1,420.00 from 1 April 2012. The cost of renewal is the same as application but this is under review.

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8. CRIME AND DISORDER IMPLICATIONS

Risk of Crime and Disorder occurring

9. COMMENTS OF FINANCIAL SERVICES

If a licence is granted the appropriate licence fee as outlined in the report will need to be levied upon the establishment. There are no other financial implications associated with this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The grant, renewal and transfer of licences for sex establishments are governed by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009. The Committee should consider any representations from the Chief Officer of Police or any other person who objects to the application and has submitted a representation in writing. The proper grounds for considering the application are found within the body of the report. The decision to grant or refuse the licence must be reasonable and proportionate and made in accordance with the attached sex establishment procedures. Any refusal must be supported by evidence that the statutory grounds for refusal are met and full reasons must be given to the applicant.

11. COMMENTS OF OTHER RELEVANT SERVICES

None received.

12. APPENDICES:

Appendix 1 – SKDC sex establishments procedures

Appendix 2 – SKDC regulations

Appendix 3 – Application form

Appendix 4 – Residents representations

Appendix 5 – Police representation