



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Licensing Committee

13<sup>th</sup> August 2021

**ENV 784**



# Local Government (Miscellaneous Provisions) Act 1982

Committee to determine an application to renew a Sexual Entertainment Venue Licence at Taboo Gentleman's Club, 99A Westgate, Grantham. NG31 6LE.

**Report Author Chris Clarke Licensing Officer**



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**Corporate Priority:**

**Healthy and Strong  
Communities**

**Decision type:**

**Regulatory**

**Wards:**

**Grantham St Wulfram's**

**Reviewed by:**

Heather Green, Licensing Team Leader

3 August 2021

### Recommendation (s) to the decision maker (s)

That the Committee decide whether to approve the renewal 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).

When determining the application, the Committee shall have regard to: -

- The authority's sex establishment procedures.
- The Humans Rights Act
- SKDC's regulations prescribing standard conditions
- Schedule 3 of the LGMPA

# 1 The Background to the Report

- 1.1 In accordance with the Authority's procedures, all applications relating to sexual entertainment venues, with the exception of uncontested transfer applications, will be heard by the Licensing Committee.
- 1.2 The applicant has applied to renew the existing Sexual Entertainment Venue Licence for Taboo Gentleman's Club, 99a Westgate, Grantham. **(Appendix 2 refers)**
- 1.3 The Policing and Crime Act 2009 amends Schedule 3 of the LGMPA to permit the Licensing Authority to license sex establishments.
- 1.4 A sex establishment means any premises, vessel or stall where relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer.
- 1.5 The applicant has run a sexual entertainment venue from 2012 up to the renewal application being submitted on 29<sup>th</sup> June 2021.
- 1.6 There have been three objections received from two members of the public. These objections refer to:
- The locality of the establishment and the refurbishment of the Market Square in recent years
  - Welfare concerns of those attending the establishment
  - Concern for the welfare of the dancers/performers
  - Possible links to crime, in all forms.

## **(Appendix 3 refers)**

- 1.7 There have been no objections from the police – the only responsible authority required to be served with a copy of the application under Schedule 3, paragraph 10 (14) of the LGMPA.
- 1.8 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 LGMPA 1982 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
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.”

## **2 Options available to the Committee**

2.1 To renew the application as applied for.

2.2 To renew the application with modifications and/or additional conditions.

2.3 Refuse the renewal.

- If, having considered the renewal application the committee decides to refuse it, it must provide the applicant with the reasons for the decision in writing.

## **3 Financial Implications**

3.1 In the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may incur additional legal costs.

Financial Implications reviewed by: **Richard Wyles, Director of Finance**

## **4 Legal and Governance Implications**

4.1 The grant, renewal and transfer of licences for sex establishments are governed by the LGMPA 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.

Legal Implications reviewed by: **Mandy Braithwaite, Legal Executive**

## **5 Equality and Safeguarding Implications**

5.1 None

## **6 Risk and Mitigation**

6.1 N/A

## **7 Community Safety Implications**

7.1 None

## **8 Appendices**

1 The Authority's regulations prescribing standard conditions

2 The application form

3 The representations

## **9. Background Papers**

9.1 SKDC – SEX ESTABLISHMENTS PROCEDURES

[www.southkesteven.gov.uk/index.aspx?articleid=8548](http://www.southkesteven.gov.uk/index.aspx?articleid=8548)

9.2 Human Rights Act 1998

[www.legislation.gov.uk/ukpga/1998/42/pdfs/ukpga\\_19980042\\_en.pdf](http://www.legislation.gov.uk/ukpga/1998/42/pdfs/ukpga_19980042_en.pdf)

9.3 Schedule 3 of the LGMPA 1982

[www.legislation.gov.uk/ukpga/1982/30/pdfs/ukpga\\_19820030\\_en.pdf](http://www.legislation.gov.uk/ukpga/1982/30/pdfs/ukpga_19820030_en.pdf)