

Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing Enforcement Sub-committee

1 November 2019

Application to Renew a Sexual Entertainment Venue Licence

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made to renew a sexual entertainment venue (SEV) licence under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, to assist them in determining the outcome of that application.

2. Recommendations (or OPTIONS)

- 2.1 Having considered the application and representation(s), Members may
- Renew the licence in accordance with the application
 - Renew the licence subject to additional and/or varied conditions
 - Reject the application

3. Summary

- 3.1. This report outlines an application the renewal of a licence for a sexual entertainment venue for Chasers, 15 Free Lane, Leicester LE1 JX and summarises the representation received. It also refers to the Leicester City Council Policy on Licensing of Sexual Entertainment Venues and provides other pertinent information specific to this application.

4. Location Plan

- 4.1 A location plan highlighting where the premises is situated is attached at Appendix A. This plan also shows what other buildings surround the premise.

5. Application

- 5.1 An application was received on 10 September 2019 from Chaser Grill Services Limited for the renewal of their Sexual Entertainment Venue Licence for Chasers, 15 Free Lane, Leicester LE1 1JX. A copy of the application is attached at Appendix B.

5.2 The application is for the provision of sexual entertainment during the following hours:

Day	Hours
Monday	21.00 to 04.00 the following morning
Tuesday	21.00 to 04.00 the following morning
Wednesday	21.00 to 04.00 the following morning
Thursday	21.00 to 04.00 the following morning
Friday	21.00 to 06.00 the following morning
Saturday	21.00 to 06.00 the following morning
Sunday	21.00 to 04.00 the following morning

5.3 Davinder Singh Grewal (Managing Director for Chaser Grill Services Limited) already holds a premises licence under the Licensing Act 2003 for the premises concerned. The application under consideration is separate to the regime imposed by the 2003 Act.

5.4 The applicant is required to serve a copy of their application on the Chief Officer of Police and to inform other interested parties by way of a notice on site and in the local paper. These requirements have been satisfied for this application.

5.5 The applicant is also required to submit additional information with the application, including formal criminal record checks for the applicant, managers and any other persons who may receive financial gain from the business. The disclosures that have been received in relation to this application are attached to the application.

6. Representations

6.1 A representation was received on 7 October 2019 from a local resident. The representation relates to the location of the premises in relation to other businesses, the character of the locality in which the business is situated and the layout of the premises. It also refers to a review of the Sexual Entertainment Venue Policy.

6.2 A copy of the representation is attached at Appendix B1.

6.3 The morality of SEVs is not a matter that Members may take account of when determining the application.

7. Suitability of applicants

7.1 The Council's Policy on Licensing Sexual Entertainment Venues refers to the suitability of applicants. The Council may refuse an application if it considers that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.

7.2 When determining whether the applicant is unsuitable, the City Council will give consideration to whether the applicant:

- is honest
- has any relevant convictions identified on their CRB disclosure
- has sufficient appropriate experience of running a sexual entertainment venue
- understands the conditions that will be attached to the licence

- that the operator is proposing a credible management structure and operating plan that will ensure compliance with all conditions and legal requirements
- can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation
- can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record
- does not operate as an agency for unsuitable controllers or beneficiaries.

7.3 In determining the above the City Council will base their judgement on information on the application form, written representations received, information provided at the hearing and on the results of any additional interviews with the applicant or enquiries of third parties that may take place.

8. Location of premises

8.1 The Council's Policy on Licensing Sexual Entertainment Venues deals with the locality of premises to be licensed as SEVs.

Locality

8.2 The policy sets a limit of five SEVs in the city centre and Braunstone Gate area. This is an existing business seeking to renew their licence which they have held since 15 October 2015. There are currently three licensed Sexual Entertainment Venues in Leicester City Centre (including the one subject to this application).

Character

8.3 The policy also sets out the character of areas that are considered appropriate to locate SEVs in. This is based on:

- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
- the use land and buildings are put to;
- the need to preserve the image of the city to encourage visitors, investment and regeneration;
- the response to the consultation it has carried out; and
- its experience and policy in licensing and in particular licensing of other sex establishments.

8.4 The City Council considers that the appropriate area in which sexual entertainment venues should be located are areas associated with the night time economy. Officers consider that Chasers is on the edge of an area associated with the night time economy.

8.5 The City Council does not consider the following locations as suitable locations for sexual entertainment venues:

- shopping centres and main shopping streets;
- areas which are predominately residential; and
- areas which are predominately made up of offices.

- 8.6 Officers have visited the area and note that the premises is on a side street close to Halford Street and parallel with Charles Street.

Vicinity

Vicinity

- 8.7 Finally, the policy identifies types of sensitive premises that SEVs should not be located next to. This is based on:
- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
 - the use land and buildings are put to;
 - the response to the consultation it has carried out; and
 - its experience and policy in licensing and in particular licensing of other sex establishments.
- 8.8 The City Council considers that sexual entertainment venues should not be located in the vicinity of the following types of venue:
- places of worship;
 - schools and other educational establishments;
 - community facilities such as libraries and community centres
 - residential premises; and
 - buildings of cultural or historical significance, such as museums and the Town Hall.
- 8.9 Officers noted that Chasers is in the vicinity of City Hall. However, it is on a side street and is also considered to be far enough from the public entrance to not be a significant concern.

9. Layout of premises

- 9.1 Members should give consideration to the layout of the premises, and how this may impact on the way the business will be run if an SEV licence is granted. The plan submitted with the application should give Members some assistance in this regard, as should the site visit due to take place in advance of the formal hearing.
- 9.2 Some of the standard conditions (see section 10) concern the layout of the premises (namely conditions 8, 13, 14, 15 and 16).

10. Conditions

- 10.1 The City Council's policy states that standard conditions will apply to all licences for SEVs. The current standard conditions are set out in Appendix C.
- 10.2 The Licensing Committee may decide to impose additional conditions when it determines the application.
- 10.3 It is suggested that Members add a condition to confirm that any licence issued is for the premises in its existing layout and for the managers listed, and that any changes will need to be approved by the City Council.

11. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

11.1. Financial Implications

The renewal fee paid by the applicant is £3279.00.

11.2. Legal Implications

Schedule 3 of the LGMP Act 1982 as amended by S.27 of the Policing and Crime Act 2009 gives LA's the power to licence sex establishments. Paragraph 2 to Schedule 3 of the LGMP 1982, amended the definition of "sex establishment" to include a "sexual entertainment venue".

Paragraph 8 of Schedule 3 of the LGMPA 1982, gives local authorities the power to grant or renew SEV licences and draws no distinction between fresh applications and renewal applications. The statutory grounds for grant or renewal or refusal are set out in paragraph 12 of Schedule 3.

Paragraph 12(1)(a) provides that a licence must not be granted:

- (i) To a person under the age of 18;
- (ii) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (iii) To a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State, or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (iv) To a body corporate which is not incorporated in an EEA State; or
- (iv) To a person who has, 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

Paragraph 12(2)(a) provides that the authority may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in paragraph 12 (3):

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the license were to be granted, renewed or 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 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 for that 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.

A decision to refuse to grant/renew/transfer a licence must be relevant to one of the above grounds.

There is no right of appeal against a refusal to grant a licence for the reasons identified in paragraph's (c) and (d) above. Refusal on any other grounds can be appealed to the Magistrates Court within 21 days.

Paragraph 9 of Schedule 3 provides that any licence under this Schedule shall, unless previously cancelled ...or revoked..., remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.

Paragraph 10(20) states that where the appropriate authority refuse to grant, renew or transfer a licence, they shall give him a statement in writing of the reasons for their decision.

12. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Climate Change	No	

13. Background Papers – Local Government Act 1972

- 13.1 Licensing Committee report 'Procedure for the determination of applications for Sexual Entertainment Venue licences' – 6 October 2011
- 13.2 Mayor and Cabinet report 'Sexual Entertainment Venue policy – Setting the limit on the number of premises' – 4 July 2011
- 13.3 Licensing Committee report 'Conditions on Sexual Entertainment Venue Licences' 7 July 2011
- 13.4 Licensing Committee / Cabinet report 'Licensing of Sexual Entertainment Venues' – 10 February 2011 / 7 March 2011
- 13.5 Council report 'Licensing of sexual entertainment venues' – 25 November 2010

13.6 Cabinet report 'Licensing of sexual entertainment venues' – 21 June 2010

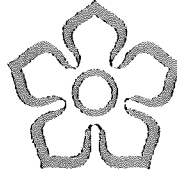
13.7 Licensing Committee report 'Licensing of sexual entertainment venues' - 23 February 2010

14. Consultations

14.1 The Licensing Authority is not obliged to consult any parties with regard to applications for SEV licences. However, the applicant is required to serve a copy of their application on the Chief Officer of Police and to inform other interested parties by way of a notice on site and in the local paper.

Report Author

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Licensing Manager (Policy and Applications)
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deborah.bragg@leicester.gov.uk



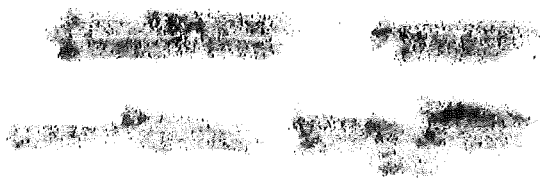
Leicester
City Council

**APPLICATION FOR GRANT / RENEWAL / VARIATION / TRANSFER
OF A LICENCE FOR A SEX ESTABLISHMENT.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART II SCHEDULE 3.**

All applicants are required to submit a 1:100 scale plan showing the premises or part of the premises to be licensed.
The fullest possible information must be given in answer to each question. Please use continuation sheets where necessary.

SECTION 1 - ABOUT THE FIRST APPLICANT	
Is the applicant:	a) An individual b) A partnership or other unincorporated body c) A body corporate (Delete those that do not apply)
Full name of FIRST applicant or body applying for the licence. If an individual or partnership please state any previous name(s) and date(s) changed	CHASERS GRILL SERVICES LTD
Date and place of birth	
Daytime telephone number(s)	[REDACTED]
Email address	[REDACTED]
Applicant's permanent address. If a company please give registered or principal address	15 FREE LANE LEICESTER LE1 1JX
Address to which any communication is to be sent	15 FREE LANE LEICESTER LE1 1JX



Has the applicant been resident in the UK throughout the period of 6 months preceding the date of this application? Please give details of addresses and dates.

YES

Does the applicant have any convictions / cautions?
If the answer is yes please give details below:

No

CONVICTIONS

Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence
NONE						

CAUTIONS

Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence
NONE						

What is the applicant's interest in the premises?

a) Freehold
 b) Leasehold
 i) Main lease
 ii) Sub-lease ✓

SECTION 2 – ABOUT ADDITIONAL PARTIES

Please complete a separate continuation sheet for each additional applicant, each Director and any other persons who will manage or otherwise be involved in running the establishment or who will have an interest / will benefit from the venue. Continuation sheets are available on Leicester City Council's website at www.leicester.gov.uk/licensing/sex-establishments

Number of continuation sheets accompanying this application:

1

Details of any other parties or companies who are likely to benefit financially from the business in any way

NONE

SECTION 3 – ABOUT THE PREMISES

Trading name

CHASERS

Description

LICENSED SEX ESTABLISHMENT

Address

15 FREE LANE
LEICESTER LE1 1JX

Telephone number at the premises

Give details about what forms of relevant entertainment will take place on the premises

POLE DANCING
LAP DANCING
PRIVATE DANCING
MUSIC - ALCOHOL

If only part of the building is to be licensed, give details:-

(a) Of the use (s) to which the remainder of the premises will be put:

(b) The names of those who are responsible for the management of the remainder of the premises:

} WHOLE PREMISES

Please state the proposed hours of operation for the premises

	Opening time	Closing time
Monday	21.00	04.00
Tuesday	21.00	04.00
Wednesday	21.00	04.00
Thursday	21.00	04.00
Friday	21.00	06.00
Saturday	21.00	06.00
Sunday	21.00	04.00

If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.	N/A.
Name, permanent address and date of birth of the person who will be in day to day management control of the premises	[REDACTED]
Name, permanent address and date of birth of any other person(s) who will be engaged in managing the premises	
Give date and name of newspaper in which public notice of this application is to be made.	LEICESTER MERCURY

SECTION 4 – ABOUT THE LICENCE	
<p>FIRST APPLICATION</p> <p>Choose this option if this is the first time the premises has been licensed or if the previous licence for the premises has lapsed.</p> <p>You MUST provide a 1:100 scale plan of the premises and a criminal record certificate for every applicant, director and other persons who will manage or otherwise be involved in running the establishment or who will have an interest / will benefit from the venue</p>	
<p>RENEWAL APPLICATION</p> <p>Choose this option if you already hold a licence for the premises that is due to expire</p>	✓
<p>VARIATION APPLICATION</p> <p>Choose this option if you are proposing to change the hours of operation, the premises layout, etc</p>	
<p>TRANSFER APPLICATION</p> <p>Choose this option to transfer the licence from one licence holder to another</p>	

[REDACTED]

SECTION 5 – ADDITIONAL INFORMATION




<p>I/We enclose the relevant fee:</p> <ul style="list-style-type: none"> • New application - £6,559 • Renewal application - £3,279 ✓ • Variation - £1,608 • Transfer - £1,072 	
<p>I/We enclose a basic disclosure showing the criminal record of every applicant, every person to be involved in the management of the premises, and any person who will receive financial benefit from the business (i.e., all persons referred to in sections 1 & 2 of this application form).</p>	✓
<p>I/We enclose a plan of scale 1:100 showing all parts of the premises to be licensed, the extent of the premises and its location.</p>	✓
<p>I/We confirm that I/we have read Leicester City Council's 'Policy on Licensing Sexual Entertainment Venues' and that I/we am/are aware of the standard conditions of licensing.</p>	✓
<p>I/We confirm that a copy of this application will be been served on the Chief Officer of Police at Mansfield House Police Station, 74 Belgrave Gate, Leicester, LE1 6GG, within the next 7 days.</p>	✓
<p>I/We confirm that a notice publicising this application will be displayed on or near the premises in a place where it can conveniently be read by the public, and that the notice will be in place from the date of this application for a continuous period of 21 days. The notice shall be A4 or larger, a yellow colour and printed legibly in black ink of font size 16 pt or larger.</p>	✓
<p>I/We confirm that a notice of application will be published in a local newspaper circulating in the local area within 7 days of the date of this application, and that a copy of the newspaper in which the notice appears will be forwarded to the Licensing section.</p>	✓

SECTION 6 – DECLARATION BY APPLICANT(S)

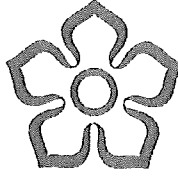
I understand that any person who, in connection with an application for the grant, renewal, variation or transfer of a licence, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

I declare that the information I have given in this form is true and complete in every respect.

Where the application is made on behalf of a limited company, the company secretary or director(s) should sign this form. In the case of a partnership each partner should sign, using continuation sheets if necessary.

FIRST APPLICANT	SECOND APPLICANT
Signed: 	Signed:
Name: 	Name:
Capacity: 	Capacity:
Date: 10 - 09 - 2019.	Date:

1000



Leicester
City Council

**APPLICATION FOR GRANT / RENEWAL / VARIATION / TRANSFER
OF A LICENCE FOR A SEX ESTABLISHMENT.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART II SCHEDULE 3.**

Please complete a separate sheet for each additional applicant, each Director and any other persons who will manage or otherwise be involved in running the establishment or who will have an interest / will benefit from the venue

ADDITIONAL APPLICANTS / DIRECTORS / PERSONS WITH AN INTEREST IN THE PREMISES (Please delete as appropriate)						
Full name and any previous name(s) and date(s) changed		[REDACTED]				
Date and place of birth		[REDACTED]				
Daytime telephone number(s)		[REDACTED]				
Email address		[REDACTED]				
Permanent address. If a company please give registered or principal address		15 FREE LANE LEICESTER LE1 1JX				
Has this person been resident in the UK throughout the period of 6 months preceding the date of this application? Please give details of addresses and dates		YES [REDACTED]				
Does this person have any convictions / cautions? If the answer is yes please give details below:		NO				
CONVICTIONS						
Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation.

3. Regular audits should be conducted to verify the accuracy of the records.

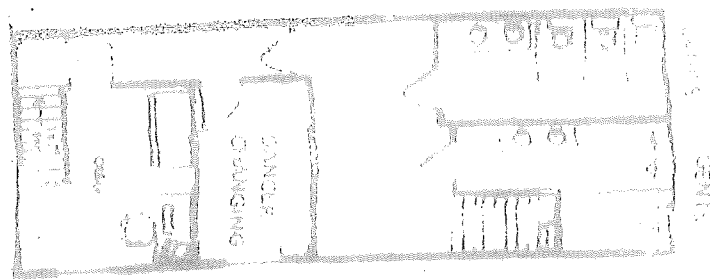
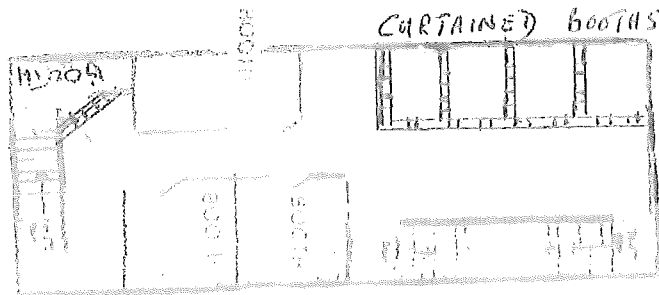
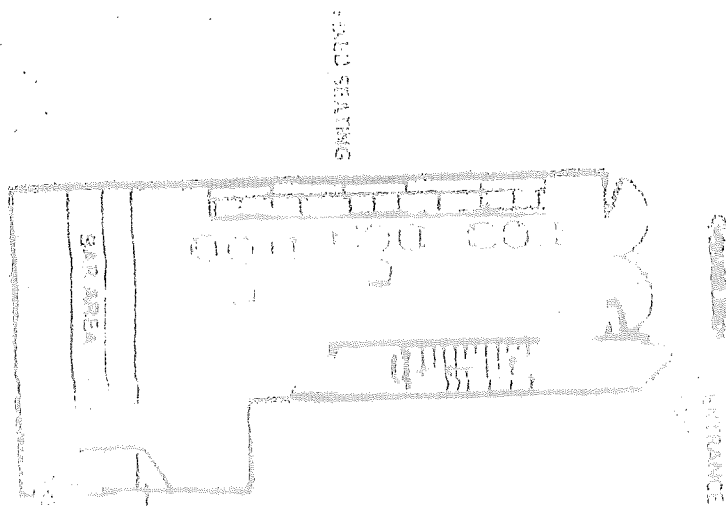
4. The second part of the document outlines the procedures for handling discrepancies.

5. It is recommended that all staff members receive training on the correct recording procedures.

CAUTIONS						
Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence
What is the applicant's interest in the premises? PROPRIETOR			a) Freehold b) Leasehold i) Main lease ii) Sub-lease ✓ c) Other (please give details)			

NOTE

Any personal data that you provide will be processed in accordance with current data protection laws. It will be used by Leicester City Council and our partners to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. Read more about how we use personal data in our Privacy Notice on our website www.leicester.gov.uk



OCTOBER 2018
PROPOSAL

PORTABLE TOILETS, APPLIANCES
AND FIRE SAFETY EQUIPMENT
AS DETAILED IN THE FULL
RISK ASSESSMENT

1:100 (1:50)

STAIRS
- 451 LAM.
LITERS

Appendix B1

To the Licensing Team

7 October 2019

Objection to Chasers application for a Sexual Entertainment Licence

Dear Sir/Madam,

I wish to lodge an objection to the SEV licence application for Chasers.

Grounds for refusal under the policy

A Paragraph 4.3 c refers to the number of sex establishments in a locality. In my view, the current limit of 5 is too many, and the current number of 3 operating is also too many for the City of Leicester.

The Policy agreed in 2011 is old, and long overdue for review, as Councillor Clair accepted in Council meeting in March 2018. Eight years is far too long a period without review. Para 5.4 states that the policy will be reviewed 'from time to time', which in my opinion should be more frequently than this.

Councillor Clair promised a full consultation and review of the policy then, including meeting with the Women's Equality Party, but little has happened.

It is therefore premature to renew this licence, when there is due to be a public consultation in the current financial year on the policy, including how many establishments it is appropriate to licence. Instead there should be a temporary extension only.

B Paragraph 4.3 d refers to the character of a locality. **I object to the location** of this club because it is next to a shop and a long established restaurant, The Good Earth in Free Lane. It is also just off Halford Street and Charles Street with a number of shops, cafes and estate agent offices, and a newsagent general store on the corner. The policy states Para 5.7 that such establishments should not be sited in predominantly shopping or predominantly office areas. How then can this location be justified, just round the corner from City Hall, a building of cultural and historical significance? Is Charles Street not an office area?

C Paragraph 4.3 d also refers to the layout of the premises as a grounds for refusal. I see from the floor plan that there are a number of private cubicles or booths inside the premises. How can the Licensing Committee ensure that these are not used for sexual touching by male customers of the women employed?

Recently evidence of abuses and breach of licensing rules has been shown in Sheffield's Spearmint Rhino Club and elsewhere.

The Leicester City Council has a Public Sector Equality Duty under the Equality Act 2010, to consider the effects of their policies on those groups with protected characteristics, including women, who are disadvantaged. Please provide evidence if this consideration has been given to licensing of SEVs.

How does current policy on the licensing of premises for the sexual entertainment of men by women, comply with the provisions of the Equality Act?

I urge Members of the Licensing Sub-Committee to reject this application, pending forthcoming review of the Policy.

I look forward to attending the hearing.

Yours faithfully,

Helen Everett
and Denis Walsh