

LICENSING (SEXUAL ENTERTAINMENT VENUES) SUB-COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON TUESDAY 29TH MAY, 2012**

PRESENT: Councillor Kerrigan (in the Chair)
Councillors Bradshaw and Rimmer

1. ELECTION OF CHAR

RESOLVED:

That Councillor Kerrigan be elected Chair for this meeting of the Sub-Committee.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it/they would involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public.

**4. APPLICATION FOR THE GRANT OF A SEX ESTABLISHMENT
(SEXUAL ENTERTAINMENT VENUE) LICENCE - BLACK
ORCHID GENTLEMEN'S CLUB, 8 CORONATION WALK,
SOUTHPORT**

The Committee considered the report of the Director of Built Environment on an application under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Sex Establishment (Sexual Entertainment Venue) Licence in respect of the above premises, as follows:

Terms Applied for:

Days of Operation	Hours of Operation	Area to be Licensed
Wednesday to Saturday	14.00 to 0.4.00	Whole of Licensed Area
Bank Holiday Sundays	14.00 to 04.00	

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An objection to the application had been received from Merseyside Police and this necessitated a hearing for which the Sub-Committee had been convened.

The Committee heard representations from:

- Mr. Nick Archer, Solicitor – on behalf of the applicant, in support of the application; and
- Police Constable Steve Woods, Police Licensing Officer, on behalf of Merseyside Police, objecting to the application.

Mr. Archer called upon LG and SJA as witnesses.

All parties agreed the issues that were in contention and the procedure that was to be followed. There were no preliminary issues raised, and at the end of their representations, everyone confirmed that they were satisfied that they had said all they wished to say.

The Sub-Committee retired from the meeting whilst they reached their decision on the application. The Sub-Committee returned to give their decision with the press and public still excluded.

RESOLVED:

That the application for the grant of a Sex Establishment (Sexual Entertainment Venue) Licence in respect of the Black Orchid Gentlemen's Club, 8 Coronation Walk, Southport, be granted as requested, subject to the Council's Sexual Entertainment Venue Standard Conditions.

The hours of operation are in accordance with the application made.

Reasons:

The Sub-Committee heard from Mr Archer on behalf of the applicant and SA, together with representations from PC Woods on behalf of Merseyside Police.

The legislation being schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 is clear. At Paragraph 10 (18), in considering any application for the grant, renewal or transfer of a licence, the appropriate authority shall have regard to any observations submitted to them by the Chief Officer of Police and any objections of which notice has been sent to them under Sub Paragraph (15). No objections were received, but observations / concerns were raised by Merseyside Police.

The Sub-Committee had due regard to those concerns and have also taken into account the representations made by Mr Archer, the applicant and SA.

In making their decision, the Sub-Committee are mindful of the limit of the power they have to refuse the grant of a Licence.

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It is clear from Paragraph 12 (3) that grounds for refusal are limited. The legislation conveys a discretionary power where the applicant himself is unsuitable by reason of having a conviction or for any other reason. However, as regard this application, the Sub-Committee have been referred to Sub Paragraph (3) (b) which states that an authority may refuse an application on the grounds that if the Licence were to be granted, 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 had made the application himself.

The Sub-Committee do not consider that SA, to whom the Police concerns relate, would be refused a Licence, as SA does not fall within the mandatory provisions of refusal listed under Paragraph 12 (1).