

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING SUB-COMMITTEE**

**2 JUNE 2017**

**REPORT OF THE CORPORATE DIRECTOR - OPERATIONAL  
& PARTNERSHIP SERVICES**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE  
THE PRIVATE SHOP 72 BRIDGEND ROAD ABERKENFIG**

**1. Purpose of Report**

- 1.1 An application has been received from Darker Enterprises Limited for the renewal of the Sex Establishment Licence in respect of the above premises and is placed before the Sub-Committee for consideration as powers have not been delegated under the Scheme of Delegation to Officers.

**2. Connection to Corporate Improvement Plan/Other Corporate Priority**

- 2.1 None.

**3. Background**

- 3.1 The current licence is subject to the Council's standard conditions and to the special conditions attached at Appendix A. The hours of trading are from 0930 to 2000 hours Monday to Saturday and from 1000 to 1600 hours on Sunday.
- 3.2 There have been no recommendations from the statutory consultees to vary the current standard or special conditions in force and no representations or objections from the public have been received.

**4. Current Situation/Proposal**

- 4.1 The applicant has complied with the statutory requirements to advertise the application.

**4.2 Response to Public Notice:**

The Council has not received any objections within the prescribed timescale.

**4.3 Representations from Statutory Consultees:**

No representations have been received from the statutory consultees, Ward Member or Town and Community Council.

The South Wales Police have confirmed that the applicant and the manager have no relevant convictions.

4.4 An inspection has been carried out by the Council's Enforcement Officer and no breaches of the current licence were identified.

4.5 There is no Council policy relating to the grant of licences for this category of establishment.

4.6 Renewal Fee:

The renewal fee of £546.00 has been paid.

4.7 Guidance to Members: The Hearing

The Council is required to give an opportunity to the applicant to appear before them and be heard before it can refuse an application.

The Sub-Committee may wish to consider the application on the basis of the application itself, the information supplied by the applicant and objections and any representations received. It must, however, bear in mind that if, after consideration of this information, it is minded to refuse the application, it must give the applicant an opportunity to be heard before it concludes its deliberations.

Guidance for Members: Grounds for refusal of application

Under Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may refuse an application on one or more of the following grounds:-

- 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, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of the 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 of 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

The Sub-Committee is advised that if it is minded to grant an application, It can impose conditions, terms and restrictions in addition to the standard and special conditions currently in force.

#### 4.8 Rights of Appeal

An applicant may at any time, before the expiration of 21 days from the date of notification, appeal to the Magistrates' Court if the application is refused.

Similarly, the holder of the licence has 21 days from the date of notification to appeal to the Magistrates' Court if aggrieved by any term, condition or restriction on or subject to which the licence is held.

These rights of appeal do not apply to an applicant whose application for the grant or renewal of a licence is refused, or the licence is revoked, on any ground specified under paragraph 12 (1) of Schedule 3 of the Act unless the applicant seeks to show that the ground did not apply to him and also do not apply if the grant or renewal is refused due to either Ground C or D referred to in the above-mentioned Grounds for Refusal.

#### 5. **Effect upon Policy Framework & Procedure Rules**

5.1 None

#### 6. **Equality Impact Assessment**

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

#### 7. **Financial Implications**

7.1 None.

#### 8. **Decision Required**

8.1 The powers available to the Sub-Committee are as follows:

8.1.1 To renew the licence subject to the existing terms and conditions; or

8.1.2 To renew the licence subject to additional as amended terms and conditions; or

8.1.3 Before refusing to renew the licence, Under Schedule 3 Paragraph 10(19) of the Act a Sub-Committee must give the holder of the licence the opportunity of appearing before and being heard by the Sub-Committee.

**P. A. Jolley – Corporate Director – Operational & Partnership Services**  
**26 May 2017**

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**Background documents:**

Application Form