

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

2 JULY 2019

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND 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 objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

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 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 Schedule 3 of Paragraph 12 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 and transfer of such a licence if he made the application himself.
- C. that the number of sex establishments in the relevant locality at the time of the application is made 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.

4.7 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 to appeal to the Magistrates' Court if aggrieved by any term, condition or restriction placed upon the licence.

These rights of appeal do not apply if refusal is due to the status of the applicant under section 12(1) of the Act and also do not apply if refusal is due to either Ground C or D referred to in the above-mentioned Grounds for Refusal.

5. Effect upon policy framework and 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. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Prevention/Integration/Collaboration: The Council is a regulatory body with responsibility for pre-licensing guidelines and checks, together with compliance and enforcement. This includes internal and external collaboration and inspection reports prior to determination. Each case is determined on its merits.

8. Financial implications

8.1 None

9. Recommendation

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

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

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

or

9.1.3 To refuse 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 and being heard before refusing to renew a licence.

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Head of Legal and Regulatory Services

Dated 26 June 2019

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Background documents: Application Form