

**To the Chair and Members of the
LICENSING COMMITTEE**

**APPLICATION FOR SEX ESTABLISHMENT LICENCE
BENTLEY'S, 44 HALL GATE, DONCASTER DN1 3NE**

EXECUTIVE SUMMARY

1. To request that members of the Committee determine the application for a Sex Establishment Licence in respect of premises at Bentley's, 44 Hall Gate, Doncaster.
2. The suggested procedure for considering the application is set out at Appendix A.

EXEMPT REPORT

3. There are no confidential issues.

RECOMMENDATIONS

4. That the Committee determine this application in accordance with the suggested procedure, having regard to the Policy adopted by the Authority and the evidence before it.

BACKGROUND

5. Bentley's is currently licensed under the provisions of the Licensing Act 2003 for sale of alcohol, late night refreshments and regulated entertainment, including adult entertainment, (ie pole dancing, lap dancing and nudity).
6. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' which allows licensing authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 (as amended by Section 27 of the Police and Crime Act 2009).

7. The new provisions were adopted by Doncaster Council and become effective on 15 January 2012, after which date a Sex Establishment Licence will be required to operate such premises. It is in accordance with these provisions that this application is made.
8. No representations have been received in respect of this application.
9. The grant or refusal of the Sex Establishment Licence does not impact on the Premises Licence granted under provisions of the Licensing Act 2003, other than as relates to the provision of 'sexual entertainment'.
10. A summary of the application is attached as Appendix B to this report.
11. A copy of the application is attached at Appendix C.
12. The Applicant has certified that a copy of the application was sent to the South Yorkshire Police.
13. A site plan of the premises and the surrounding area is attached as Appendix D.

OPTIONS CONSIDERED

14. The Sexual Entertainment Venue Licensing Policy requires the Licensing Authority to exercise its obligations on all new licence applications, and therefore no other option other than to hold a hearing can be considered.

REASONS FOR RECOMMENDED OPTION

15. The Sexual Entertainment Venue Licensing Policy requires the Licensing Authority to exercise its obligations on all new licence applications, and therefore no other option other than to hold a hearing can be considered.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

16.

| Priority Theme | Mayor's top 10 Priorities | Implications of this initiative |
|---|---|--|
| 1. Creating a strong, connected and inclusive economy | <ul style="list-style-type: none"> • Improve Doncaster's economy • Regenerate Doncaster's Town Centres • Give people choice in transport | |
| 2. Developing stronger communities | | |

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|---|---|---|
| 3. Increasing and improving housing | <ul style="list-style-type: none"> • Increase affordable housing and build Council houses | |
| 4. Protecting and improving all our children's lives | <ul style="list-style-type: none"> • Improve services for children and young people • Improve education and skills across the Borough | |
| 5. Improving health and support for independent lives | <ul style="list-style-type: none"> • Ensure people in need of adult social care receive a timely and appropriate service | |
| 6. Tackling crime and anti-social behaviour (ASB) | <ul style="list-style-type: none"> • Reduce crime and end all forms of ASB | To ensure proper safeguards for customers, participants and the community are in place. |
| 7. Creating a cleaner and better environment | <ul style="list-style-type: none"> • Protect the environment from inappropriate development, decay and architectural vandalism | |
| 8. Internal Transformation (Including the Council's Recovery Programme) | <ul style="list-style-type: none"> • Ensure local people get value for money from Council services | |

RISKS AND ASSUMPTIONS

17. There are no risks or assumptions.

LEGAL IMPLICATIONS

18. The Authority should ensure that it complies with its obligations under the Local Government (Miscellaneous Provisions) Act 1982 as amended and associated Regulations. In addition, the Authority should consult the Sexual Entertainment Venue Licensing Policy which sets out the grounds where a licence must not be granted and the grounds where a licence may be refused.

FINANCIAL IMPLICATIONS

19. Any costs involved with the application will be recovered from the applicant and there are no further financial considerations

CONSULTATION

20. The Applicant has sent copies of the application form to South Yorkshire Police as required under the Act. The application has been advertised in the local press and at the premises.

21. This report has significant implications in terms of the following:

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|-------------------------------|--|------------------------------|---|
| Procurement | | Crime & Disorder | X |
| Human Resources | | Human Rights & Equalities | |
| Buildings, Land and Occupiers | | Environment & Sustainability | |
| ICT | | Capital Programme | |

BACKGROUND PAPERS

22. A copy of the Premises Licence is attached at Appendix E.

REPORT AUTHOR & CONTRIBUTORS

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APPENDIX A

GUIDANCE NOTE ON THE PROCEDURE FOR LICENSING COMMITTEE MEETINGS FOR THE PURPOSE OF DETERMINING APPLICATIONS FOR A SEX ESTABLISHMENT LICENCE

This guidance note has been prepared to outline and help you to understand the procedure which will be followed at Doncaster Council's Licensing Committee meetings to make a decision on an application for a Sex Establishment Licence or where objections are received following an application to transfer, vary, or renew such licence.

The meeting will be conducted using the following procedure:-

1. The Chair will read an opening statement, which outlines the nature of the meeting.
2. The Chair will ask the Applicant, or his representative, to address the Committee on the application and the objections (if applicable).
3. The Applicant or his representative may then be asked questions by Members of the Committee or any objector (if applicable).
4. The Licensing Officer will address the Committee and the Applicant and ask/respond to any questions.
5. Where applicable, any objectors will be given an opportunity to address the Committee.
6. Where applicable, each objector may then be asked questions by Members of the Committee and the Applicant or his representative.
7. The Applicant will be asked to sum up and will have the last word.
8. The Applicant, any objectors and members of the press and public will leave the committee room.
9. The Committee will consider the matter and come to a decision and may seek the advice of the legal advisor. The function of the legal advisor shall be to advise the Committee on points of law and procedure only.
10. If during its deliberations, the Committee require any further information from any party in order to assist in its deliberations, the Chair shall reconvene the public hearing for the purpose of attempting to secure that further information.

11. Following the Committee's deliberations, the Applicant, any objectors and members of the press and public will be invited back into the committee room, whereupon the Chair of the Committee will announce the decision.

It is not possible to determine in advance the length of the meeting. However, the Chair will arrange for natural breaks to be taken at appropriate times during the proceedings

APPENDIX B

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| Name of Applicant: | Johnathan Frank Coles |
| Name of Premises: | Bentley's |
| Address: | 44 Hall Gate, Doncaster DN1 3NR |
| Summary of Application: The application is to licence the whole of the premises as a Sexual Entertainment Venue from 1500 hours to 0700 hours each day. <u>Activities</u> Lap dancing Full nudity Pole dancing Topless Stage strip tease Topless | |
| Request to exclude standard condition: A minimum one metre separation should be maintained between performers and customers during performances. | |