

LICENSING SUB-COMMITTEE

27 AUGUST 2015

Application. Type:	Application for a new Sex Establishment Licence under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982	
Ward:	Friary and St Nicholas	Ward Councillors: Cllr Chesterfield Cllr Goodwin Cllr Reeves
Applicant:	STAR OYSTER LTD	
Premises:	The Quadrant, Onslow Street, Guildford. GU1 4SG	
Proposal:	A licence to allow: <ul style="list-style-type: none"> • The use of the premises as a Sexual Entertainment Venue 	

1. Site location and history

- 1.1 The premises is a proposed new building, to be constructed, on the site of the above address.
- 1.2 A site location map is attached at **Appendix 2**.

2. Application

- 2.1 The applicant states the application is for a Sexual Entertainment Venue. The application form, a copy of which is attached as **Appendix 1**, gives the following information in relation to the application. The sub-committee is asked to determine the application with reference to the Council's policy.
- 2.2 Licensable activities:
Provision of Sexual Entertainment.
- 2.3 Proposed hours:

The table below shows the licensable activities and requested hours: as shown in the application form

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Provision of Sexual Entertainment							
	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30
Times premises are open to public							
	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30	12:00 – 05:30

2.4 **Consultation period and advertisement of the application**

The application was accepted as valid on 15 May 2015, with the consultation period running from 16 May 2015 to 12 June 2015. The applicant advertised the application in a local paper, appearing in the Surrey Advertiser on the 22 May 2015

3. **Objections**

There were no objections received.

4. **Sexual Entertainment Venue Policy**

The sub-committee must consider the application in accordance with the Council's policy, including the suitability and appropriateness of the location.

The following sections of the Council's Sexual Entertainment Venue Policy are relevant:

Section 5.4: Discretionary ground for refusal

The sub-committee in considering their decision should refer to the list of discretionary grounds for refusal and in doing so, satisfying themselves that the proposed layout of the building, plans and the conditions are appropriate.

1. if the applicant is considered unsuitable;
2. if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right;
3. that the number of sex establishments or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate;

If the grant is inappropriate having regard to:

4. the character of the relevant locality;
5. the use of any premises in the vicinity;
6. the layout, character, or condition of the premises.

Section 5.5: Suitability of the applicant

The sub-committee must consider the suitability of the applicants, by considering the information contained within the submitted application forms and any declared previous history and by questioning the applicants. The applicants hold a number of premises licences issued under the Licensing Act 2003, which are currently not in use.

Section 5.7 - 5.11: Appropriate numbers and localities

Policy does not place a limit on the number of Sex Establishment licences issued by the authority, but requires the sub-committee to consider the location and its proximity to other types of premises. The proposed building will be situated within the town centre, which also houses family entertainment centres, retail outlets and places of worship.

Section 6.16 – 6.22: Hearings

All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee or officers with the appropriate delegation.

Section 6.23 – 6.25: Reasons for decision

No objections have been received but the sub-committee must consider the policy and in particular Section 5.5 and 5.11.

Section 6.26 – 6.30: Conditions

The council will normally impose standard conditions on all licences. However, if deemed necessary in any particular case, the council may change, alter or replace the standard conditions or any of them with conditions that are specific to the application before them.

5. Conditions

The Council has approved standard conditions, which will normally be attached to all licences granted, unless the Sub-Committee considers it appropriate to modify the conditions in any particular case.

Appendix 2: Standard conditions.

6. National Guidance

The sub-committee must consider national guidance and the following sections of the Guidance issued are relevant:

- Paragraphs 3.28 – 3.31 Refusal of a licence
- Paragraphs 3.32.- 3.38 Relevant locality
- Paragraphs 3.39 - 3.42 Conditions

7. Recommendation:

1. The Sub-Committee is asked to consider the application for the grant of a Sex Establishment licence on its merits.
2. The Sub-Committee must consider both the suitability of the applicant and the suitability of the location, taking into account the Council's policy and the national guidance.
3. Having regard to the application, policy and guidance, the Sub-Committee may.
 - Grant the licence subject to the Council's standard conditions modified as the Sub-Committee considers appropriate (this includes dispensing with them, adding to them or modifying the wording of them: or
 - Refuse the application.
4. The sub-committee must provide written reasons for the decision.

Originator:

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