

DECISION-MAKER:	LICENSING (GENERAL) SUB-COMMITTEE		
SUBJECT:	APPLICATION FOR VARIATION OF A SEXUAL ENTERTAINMENT VENUE (SEV) LICENCE – PLAYHOUSE, BASEMENT, 35 LONDON ROAD, SOUTHAMPTON, SO15 2AD		
DATE OF DECISION:	WEDNESDAY 24th July 2024, 1400 HOURS		
REPORT OF:	SERVICE DIRECTOR – RESIDENT SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY		
N/A		
BRIEF SUMMARY		
The Licensing (General) Sub-Committee is requested to determine the application for the variation of a Sexual Entertainment Venue (SEV) Licence from London Road Leisure Limited in respect of Playhouse, Basement, 35 London Road, Southampton, SO15 2AD.		
RECOMMENDATIONS:		
1.	(i)	For the Sub-Committee to consider and determine the application for a variation of the Sexual Entertainment Venue licence in respect of Playhouse, Basement, 35 London Road, Southampton, SO15 2AD.
REASONS FOR REPORT RECOMMENDATIONS		
2.	The determination of applications for variation of sexual entertainment venue licences is not delegated to Officers, therefore it is for the Sub-Committee to consider and determine this application.	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED		
3.	None	
DETAIL (Including consultation carried out)		
4.	The Council originally adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in so far as they related to sex shops and sex cinemas in 1983 and readopted them with effect from 3 rd July 1995.	
5.	The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 with effect from 6 th April 2010, by introducing a new category of sex establishment called Sexual Entertainment Venues (SEVs) enabling local licensing authorities to adopt provisions for the regulation of lap dancing clubs and similar venues under Schedule 3 of the 1982 Act. Previously the power was limited to sex shops and sex cinemas.	

	On 11th July 2012, Council resolved to adopt the provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 which relate to the licensing of SEVs.
6.	<p>London Road Leisure Limited has held a sexual entertainment venue (SEV) licence in Southampton since 15th July 2021 following a transfer application issued with delegated powers, with the licence to be renewed annually.</p> <p>Other premises operated within the Company Group are Playhouse Cardiff, For Your Eyes Only Cardiff, Silks Cardiff and Fantasy Lounge Cardiff.</p> <p>The licence was previously held by Southampton Clubs Limited, although they did not trade as an SEV while holding the licence.</p>
7.	<p>On 10th June 2024 an application was made by London Road Leisure Limited to vary the SEV licence in respect of Playhouse, Basement, 35 London Road, Southampton, SO15 2AD. The application received no valid representations; however, the variation requires the Sub-Committee to consider and determine this application.</p> <p>A copy of the application is attached as Appendix 1.</p>
8.	<p>In summary, the application is for one proposed change consisting of the appearance of the frontage of the premises. This relates to the exterior signage at the front of the premises to no longer advertise the karaoke element of the business. An image of this advertising is attached as Appendix 2. The current licence expires on 27th August 2024. A copy of the current licence is attached as Appendix 3.</p>
9.	<p>A notice was displayed at the premises throughout the consultation period. A notice was also published in a local newspaper. A copy of the application was served on Hampshire Constabulary Force Licensing Team.</p>
10.	<p>Hampshire Constabulary Force Licensing Team have not responded to this application. The licence holder works closely with both Licensing and Police Licensing. The licence holder has demonstrated compliance with all relevant Licensing requirements.</p>
11.	<p>Playhouse currently benefits from a premises licence issued under the Licensing Act 2003. This licence authorises regulated entertainment and the supply by retail of alcohol from 10:00 to 04:30 hours seven days a week and the provision of late-night refreshment from 23:00 until 04:30 hours seven days a week. A copy of the current licence is attached as Appendix 4.</p>
12.	<p>Paragraph 18 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the holder of a sexual entertainment venue (SEV) licence may at any time apply for any variation of the terms, conditions or restrictions on or subject to which the licence is held.</p>
13.	<p>The Authority may:</p> <ul style="list-style-type: none"> • Grant the application; or • Make such variations as they think fit; or • Refuse the application.
14.	<p>Any person objecting to an application for a variation of a SEV licence is required to give notice of their objection in writing to the local authority, no later than 28 days after the date of the application.</p> <p>No public objections were received in relation to this application within the 28-day consultation period.</p>
15.	<p>The Act does not provide objectors with an explicit provision to be heard in person by the Sub-Committee. However, those persons from whom valid</p>

	objections are received will be advised of the date and time of the meeting and will also be advised that they may only address the meeting at the invitation of the Sub-Committee.
16.	An applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused may appeal within twenty-one days of the giving of written notice of the grounds of the refusal, to the Magistrates' Court.
17.	Guidance issued by the Home Office is attached as Appendix 5 .
18.	A note of the procedure that the Sub-Committee has adopted for consideration of applications of this kind is attached as Appendix 6 .
19.	A copy of the Sex Establishment Licensing Policy is attached as Appendix 7 .
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
20.	There are no financial implications.
<u>Property/Other</u>	
21.	Not applicable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
22.	<p>Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.</p> <p>A licence must not be granted:</p> <p>(a) to a person under the age of 18;</p> <p>(b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;</p> <p>(c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or</p> <p>(d) to a body corporate which is not incorporated in an EEA State; or</p> <p>(e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.</p>
23,	<p>If the Sub-Committee determines to grant a variation application, it has power to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual premises concerned or standard conditions applicable to all sex establishments, or particular types of sex establishments.</p> <p>Examples of the matters that standard conditions may address can include, but are not restricted to:</p> <ul style="list-style-type: none"> • The hours of opening and closing • Displays and advertisements on or in sex establishments • The visibility of the interior of a sex establishment to passers-by • Any change of use from one kind of sex establishment to another.

	If such standard conditions are introduced by the local authority, they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
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Other Legal Implications:

24.	CRIME AND DISORDER ACT 1998 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
25.	HUMAN RIGHTS ACT 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
26.	EQUALITY ACT 2010 Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
27.	RISK MANAGEMENT IMPLICATIONS The risk is assessed as low. There are no finance or service delivery implications. Failure to implement the appropriate conditions could impact on reputational damage.

POLICY FRAMEWORK IMPLICATIONS

1.	The decision to determine the application in the manner set out in this report is not contrary to the council's policy framework.
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KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:	N/A
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SUPPORTING DOCUMENTATION

Appendices

1.	Application for the variation of SEV licence made in respect of Playhouse, Basement, 35 London Road, Southampton	
2.	Image of the frontage of the premises	
3.	A copy of the current Sexual Entertainment Venue licence.	
4.	A copy Licensing Act 2003 Premises Licence for Playhouse	
5.	Home Office Guidance	
6.	Sub-Committee Procedure Notes	
7.	Sex Establishment Licensing Policy	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out?		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	