

LICENSING PANEL

COMMITTEE ROOM 1, EALING TOWN HALL, EALING BROADWAY,
LONDON W5 5DB

Tuesday 16th May 2017 at 10.30am

PRESENT: Councillors Shital Manro (Chair), Anthony Kelly and Roz Reece

Also Present :

Ealing Borough Council

Alison Luff	Legal Advisor, Ealing Council
Rita Pankhania	Licensing Officer, Ealing Council
Ray Simpson	Democratic Services Officer, Ealing Council

Licencee/Applicant

Mr Gabriele Segatori	LA Confidential
Debby Patmore`	LA Confidential
Ekleva Rama	LA Confidential
Robert Sutherland	Legal Rep - LA Confidential
Joshua Simons	Legal Rep - LA Confidential

Objectors

One objector – name not given, but present and spoke at the meeting.

APPLICATION FOR A SEX ESTABLISHMENT LICENCE IN RESPECT OF LA CONFIDENTIAL, 1 HIGH STREET, EALING, W5 5DB

The hearing for this application took place on Tuesday 16th May 2017 the Panel considered representations from interested parties opposed to the application. Written representations opposing the application had also been received and these were reproduced in the Licensing Officer's report. The Panel heard a presentation on behalf of the Applicant by Robert Sutherland acting on behalf of Club Karma Trading Ltd and one objector opposing the application who was also present at the hearing.

Mr Sutherland stressed that in a Borough the size of Ealing with £342,000 people and 13,000 businesses that only two objections had been received and one had recently been withdrawn. He asked the Panel to note that this was a well run premises which had been operating for many years without any problems. Most people did not even know where the premises were and that it was pretty much invisible to the human eye. The objector asked the Panel to look at the impact that granting the application would have on the character of the area given that the premises were very close to schools, libraries and the shopping centre and that Ealing was changing into more of a residential area.

In addition to the evidence presented both on paper and orally the Panel had regard to the Council's Sex Establishments policy (February 2011), Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and the Home Office guidance on the licensing of sexual entertainment venues for England and Wales.

Decision

After careful consideration the Panel's decision was to **grant the application**.

Reasons for the Decision

1. None of the mandatory reasons for refusing the application as set out in paragraph 12(1) of Schedule 3 to the 1982 Act were applicable
2. The discretionary reasons for refusal set out at paragraph 12(3)a) and 12(3)(b) were also not applicable since this ground was not cited by the objector and no evidence was provided in this regard
3. The Council's policy states that a maximum of 2 sexual entertainment venues could be allowed in Ealing Town Centre, so the discretionary ground at 12(3)(c) was not made out as this is the only qualifying venue in the area
4. Of the remaining three discretionary grounds set out at 12(3)(d) the objector emphasised two: (d)(i) "...[that the grant or renewal of the licence would be inappropriate having regard] to the character of the relevant locality", and (d)(ii) "...[that the grant or renewal of the licence would be inappropriate having regard] to the use which any premises in the vicinity are put"
5. The Panel noted the objector's written and verbal submissions in support of the ground (d)(i) about the changing nature of the area and the increase in residential units. However the Panel held that whilst there is new residential development most was not in the immediate vicinity of the premises, and that the area remained predominantly commercial.
6. With regard to ground d(ii), the Panel held that there was no evidence of any new sensitive uses, nor changes to any existing sensitive uses (which have been taken into account at each licence renewal), in the vicinity of the premises that would have a bearing on the suitability of the location of the premises.

The Panel for the above reasons held that the continued use of the premises as a Sexual Entertainment Venue **would not be inappropriate and that the licence should be granted**.

The meeting ended at 11.45a.m.