

**NOTICE OF DECISION
LICENSING PANEL – 17th JUNE 2015
LICENSING ACT 2003: APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE
LICENCE
LA CONFIDENTIAL - 1 HIGH STREET EALING W5 5YJ**

Decision

Having carefully considered the papers before it, the Sub-Committee's decision was to grant the application.

Reasons for the Decision

1. Under paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, there were no mandatory grounds for refusing the application.
2. Granting the application would not result in the number of sex establishments exceeding Ealing Council's Sex Establishment Policy provision for up to two sexual entertainment venues (SEVs) in Ealing Town Centre.
3. As the premises had been operating as a sex establishment for over twenty years without serious incidents of crime and disorder of which the Panel was aware, and as there had been no objections to the presence of the premises by businesses in Ealing Town Centre, in particular, The Broadway Centre, the Panel was of the view that granting the licence would not be inappropriate having regard to –
 - (i) The character of the locality as a Town Centre;
 - (ii) The retail use of other premises in the vicinity; and
 - (iii) The layout, character and condition of the premises.

Right of Appeal

The applicant is advised that where the appropriate authority refuses an application for the grant, renewal or transfer of a sex establishment licence on the grounds that the application is inappropriate having regard to the character of the relevant locality, the use of other premises in the vicinity, or the layout, character, condition or location of the premises there is **no** right of appeal in law to a local magistrates' court.

In this situation the only course available to an applicant or other interested party wishing to challenge the decision to refuse an application is by way of judicial review. In brief such a procedure can be invoked where a member of the public believes that a public decision maker has acted outside of their powers, has behaved improperly or irrationally or has failed to follow due and proper process.