

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 25 June 2020  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE –  
TOTTIES, THE CAUSEWAY, ALTRINCHAM, WA14 1DF**

### Summary

To advise the Sub-Committee of an application for the renewal of a Sex Establishment Licence that has attracted an objection from a local resident.

### Recommendation(s)

The Sub-Committee is invited to consider the application and the written and verbal representations from all parties and either:

- Renew the Sex Establishment Licence for Totties, Altrincham; or
- Refuse to renew the Sex Establishment Licence for Totties, Altrincham

### Contact person for access to background papers and further information:

Name: Jade Pickup  
Extension: 4047

Appendices:

- A) Licensing Sex Establishment Policy
- B) 1 - Renewal Application  
2 - Premises Plan  
3 - White Notice
- C) Representation from other persons

## 1. BACKGROUND

- 1.1 On the 23<sup>rd</sup> November 1982, Trafford Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which conveyed powers on the Council to regulate sex shops and sex cinemas in its area. The provisions came into effect on the 1<sup>st</sup> January 1983.
- 1.2 On the 1<sup>st</sup> December 2010 the Council adopted Section 27 of the Policing and Crime Act 2009 which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow local authorities to also license sexual entertainment venues, where 'relevant entertainment' is provided. 'Relevant entertainment' means "any live performance or any live display of nudity" i.e. striptease, lap dancing.
- 1.3 These new provisions came into effect on the 1<sup>st</sup> March 2011.
- 1.4 At the same time the Council adopted a policy covering how it would deal with applications for sex shops, sex cinemas and sexual entertainment venues (Sex Establishments) including the criteria it would take into account when considering location (**see Appendix A**).
- 1.5 The Council also agreed prescribed conditions which would be applied to all sex establishment premises.
- 1.6 These controls give local communities a greater say in deciding whether, for example, a lap dancing premises is appropriate for a particular locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people may have legitimate concerns about where such premises are located.
- 1.7 In adopting the provisions the Council did not take a moral stand on such premises but recognised that Parliament had made it lawful to operate a sex establishment; and that such businesses are a legitimate part of the retail and leisure industries.
- 1.8 The Council's role as a licensing authority is to administer the licensing regime in accordance with the law and the adoption of the legislation and the formulation of a Sex Establishment Licensing Policy ensured greater control over such establishments.
- 1.9 The Policy provides guidance to Members and Officers when considering applications; and informs potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing function.

### Premises History

- 1.10 Totties, Altrincham held a Public Entertainment Licence, with a waiver to allow lap dancing, between 2002 and 2005. This licence was converted to a Premises Licence (PL001) under the Licensing Act 2003 in November 2005. The conditions relating to

the original Public Entertainment Licence were transferred to the new Premises Licence at that time.

- 1.11 In August 2011 the Premises Licence was varied to remove many of the original conditions; to add new conditions and to extend the opening hour until 3.00 am Monday to Sunday.
- 1.12 In October 2011 the premises were granted a Sex Establishment Licence in accordance with section 27 of the Policing and Crime Act 2009 which required lap dancing venues to hold such a licence.
- 1.13 Since a licence was first issued in 2002, Trafford Council has not received any complaints about the operation of the premises.

## **2. APPLICATION**

- 2.1 On the 28 February 2020 the Licensing Authority received an application from Parisian Bistro Limited for the renewal of the Sex Establishment Licence held for premises known as Totties, the Causeway, Altrincham, WA14 1DF **(See Appendix B).**

### Hours and Activities

- 2.2 The premises currently benefit from a Premises Licence issued under the Licensing Act 2003 which permits the sale of alcohol and entertainment between 12:00 and 03:00 – Monday to Sunday.
- 2.3 The application is to renew the Sex Establishment Licence to be granted for the same hours as above; and to continue to permit the use of the premises as a sexual entertainment venue.

## **3. REPRESENTATIONS**

- 3.1 The Licensing Section consulted Ward Councillors, the Police, the Fire Authority, Planning Authority, Environmental Pollution, Children and Young Peoples Services.
- 3.2 The Council has received an objection to the renewal of the licence from a member of the public.
- 3.3 The Act provides that the Council should not without the consent of the person making the objection reveal his/her name or address to the applicant. However, it is acceptable for the Council to indicate to an applicant the general provenance of an objection. Therefore, a copy of the objection email is attached showing the general concerns of the objector but with their name and address removed. **(See Appendix C)**

#### **4. DETERMINATION OF THE APPLICATION**

- 4.1 The Act provides for five mandatory grounds and four discretionary grounds for refusal of a sex establishment licence.
- 4.2 Section 3 of the Council's Sex Establishment Licensing Policy (Appendix A) sets out the mandatory grounds for refusal and the principles to be applied in respect of the discretionary grounds i.e. suitability of the applicant; the number of sex establishments allowed in any relevant locality; the character of the relevant locality; and the layout, character and condition of the premises.
- 4.3 The Sub-Committee should consider the application with reference to the Policy.
- 4.4 The Sub-Committee should also consider the Human Rights Act 1998; the Provision of Services Regulations 2009; the Crime and Disorder Act 1998; and the Equality Act 2010 when making its decision.
- 4.5 The Sub-Committee may not make its decision based on moral grounds.

#### **5. OPTIONS**

- 5.1 The Sub-Committee are invited to consider the application and the written and verbal representations from all parties and either:
  - 5.1.1 Renew the Sex Establishment Licence for Totties, Altrincham; or
  - 5.1.2 Refuse to renew the Sex Establishment Licence for Totties, Altrincham.