

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 18th April 2024
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 objections from local residents.

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

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1. BACKGROUND

- 1.1 On the 23rd 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 1st January 1983.
- 1.2 On the 1st 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 1st 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 Licensing Service has not received any complaints about a breach of the sex establishment licence. However, the following general complaints have been received:

15/01/2002	Noise Entertainment/ Music
15/03/2002	Odour Unknown/ Other - Smell of rotting meat
05/06/2002	Health & Safety complaint -Toilets leaking, affecting other premises
18/03/2003	Miscellaneous Public Health - Toilets leaking, affecting other premises
22/05/2003	Miscellaneous Public Health - Toilets leaking, affecting other premises
16/02/2006	Health & Safety complaint – Leak from premises
10/07/2008	Smoke free legislation complaint - Smoking on premises
13/04/2011	Leak from premises
23/05/2011	Smoke free legislation complaint - Smoking on premises
04/10/2011	Noise - Music at night
10/12/2012	Noise- Music at night
26/07/2021	Noise – People at night

2. APPLICATION

- 2.1 On the 28 February 2024 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 and Appendix C**).
- 2.2 The previous licence expired on the 13th March 2024. However, where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate the Council.

Hours and Activities

- 2.3 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.

- 2.4 The application is to renew the current Sex Establishment Licence (Sev 001–**Appendix E**) to permit the regulated entertainment between the following hours:

Tuesday to Wednesday	20.00 – 02.00
Thursday to Saturday	20:00 – 03.00

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 objections to the renewal of the licence from a members 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 emails is attached showing the general concerns of the objectors but with their personal details removed. **(See Appendix D)**

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.

Appendix A – Trafford Sex Establishment Policy
Appendix B – Application Form
Appendix C – Premises Plan
Appendix D – Representations
Appendix E – Current Sex Establishment Licence