



REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING AND SAFETY COMMITTEE

4 APRIL 2023

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT VENUE LICENCE

1.0 Summary of Report

- 1.1 The Purpose of this report is for members to determine whether to revoke the licence issued to Capital Leisure for 17 Newport Street, Walsall, WS1 1RE, in light of the letter received from West Midlands Police (WMP).

2.0 Recommendations

- 2.1 Members of the committee are asked whether to:
- revoke the Sexual Entertainment Venue (SEV) licence - under s17 Schedule 3, Local Government (Miscellaneous Provisions) Act 1982
 - allow the licence to continue

3.0 Background information

- 3.1 On the 15 September 2011, an application to licence 17 Newport Street, Walsall, WS1 1RZ as a Sexual establishment was received by the Licensing Authority. A copy of the application is attached as **Appendix 1**.
- 3.2 The application was made by Sukhbir Singh Samra. The premises were first granted a licence on the 6 April 2012. A copy of the first licence is attached as **Appendix 2**.
- 3.3 On the 4 April 2013 an application was received for the grant of a new licence to Capital Leisure, but the Director or other persons responsible for the establishment remained as Sukhbir Singh Samra. A copy of the application is attached as **Appendix 3**.

- 3.4 The premises have benefitted from a licence since April 2012. The licence was renewed in April each year. On each and every application there was a written declaration that the Director or other persons responsible for the establishment was Sukhbir Singh Samra. The current licence expires on the 5 April 2023.
- 3.5 The Licensing Authority were contacted by Sukhbir Singh Samra in October 2022 requesting advice on the change of name of the venue.
- 3.6 The Licensing Authority sought legal advice on how to proceed with the request and what our policy states.
- 3.7 An email trail attached as **Appendix 4** provides information on the advice given by the council's legal services.
- 3.8 On the 10 November 2022, the Licensing Authority were in receipt of an email from Capital Leisure requesting that the name of the premises to be changed from Club X to Savannah's. A copy of the email is attached as **Appendix 5**.
- 3.9 On 30 November 2022 the Licensing Authority was copied into an email sent to WMP. This email notified WMP that Vision Leisure Ltd had been granted a Lease of the premises. The email explained why no application for a transfer of the premises licence was being made. In the absence of any variation or transfer of the SEV licence the licence holder and Director or other persons responsible for the management of the establishment remained unchanged. A copy of the email is attached as **Appendix 6**.
- 3.10 An amended licence was granted on 10 November 2022 following the change of the name of the venue. As the new name was not controversial, and as there was no good reason to refuse the change, a grant of an amended licence was made. The Licensing Authority did not issue the licence until 6 December 2022. A copy of the amended licence is attached as **Appendix 7**.
- 3.11 On the 20 March 2023, an email and a letter were received from WMP requesting the council to consider revoking the SEV licence relating to 17 Newport Street, Walsall, WS1 1RZ. A copy of the letter and documents submitted by WMP are attached as **Appendix 8**.
- 3.12 A table setting out the dates on which applications were received or licences were granted. The table also sets out who was the Director or other person responsible for the management of the establishment on the date of the application for, or grant of, each licence. The table is attached as **Appendix 9**.

4.0 Resource Considerations

4.1 **Financial:** Any decision taken by the Licensing & safety Committee may be appealed to the Magistrate's court. The Licensing Authority would have to bear the costs of defending such an appeal.

4.2 **Legal:** The grounds for refusal of licences are:

Paragraph 12 of Schedule 3:

Refusal of licences

12(1) A licence under this Schedule shall not be granted—

(a) to a person under the age of 18; or

(b) to a person who is for the time being disqualified under paragraph 17(3) below; or

(c) to a person, other than a body corporate, who is not resident in or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in or

(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.

(2) Subject to paragraph 27 below, the appropriate authority may refuse —

(a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;

(b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.

(3) The grounds mentioned in sub-paragraph (2) above are —

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

Paragraph 17 of Schedule 3:

Revocation of Licences

17(1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence

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(a) on any ground specified in sub-paragraph (1) of paragraph 12 above; or

(b) on either of the grounds specified in sub-paragraph (3)(a) and (b) of that paragraph.

(2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

(3) Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

5.0 **Staffing issues:**

5.1 None arising from this report.

6.0 **Citizen Impact**

6.1 None

7.0 **Community Safety**

7.1 Matters relating to community safety have been raised by WMP.

8.0 **Environmental Impact**

8.1 Nothing arising from this report.

9.0 **Performance and Risk Management Issues**

9.1 Nothing arising from this report.

10.0 **Equality Implications**

10.1 Nothing arising from this report.

11.0 **Consultation**

11.1 None

12.0 **Associated Papers**

12.1 Appendix 1 – Application received 15.09.2011
Appendix 2 – First Licence 04.2012
Appendix 3 – Application 04.04.2013 for renewal to Capital Leisure
Appendix 4 – Legal Advice on Change of Name to Venue 17.10.22

- Appendix 5 – Notification to Change name of venue 10.11.2022
- Appendix 6 – Email from Cllr Samra to J.Mellor of WMP, cc'd to Council officers - 30.11.2022
- Appendix 7 – Licence issued following change of name 06.12.2022
- Appendix 8 – West Midlands Police Letter requesting council to consider revocation with additional documents 17.03.22.
- Appendix 9 – Table setting out history log for SEV licences

13.0 Contact Officer

- 13.1 Muhammed Sayful Alom – sayful.alom@walsall.gov.uk