

Decision of Licensing Sub Committee. Hearing 23 January 2020

Application for the renewal of a Sexual Entertainment Venue Licence by F Forte Developments Ltd at Lux, 2a-2b Pevensey Road, Eastbourne, BN21 3HJ.

The hearing concerned an application for the renewal of a Sexual Entertainment Venue Licence by F Forte Developments Ltd at Lux, 2a-2b Pevensey Road, Eastbourne, BN21 3HJ. The applicant applied for a renewal of licence for the performance of exotic dance on the same terms and hours as previously granted.

In discharging its functions the Sub Committee considered the relevant legislation, the relevant Home Office guidance, the Council's Sex Establishment and Encounter Policy, and the rules of natural justice. The Sub Committee also considered the contents of the Specialist Adviser's Report including at Appendix 6 the Equality and Fairness Analysis.

The Sub Committee in making its decision gave due regard to its Public Sector Equality Duty in particularly to suggested negative impact on the protected characteristics of sex and religion, belief and culture.

Consideration was given to the written representations received from the representative of the Eastbourne and District Soroptimists. They contended that having such a venue would not help them achieve their goals of equity, equality and creating safe and healthy environments. Further, that having the venue would not promote Eastbourne as a desirable place to live, work and visit and to allow the application would be to focus on financial gain rather than the well-being of local residents. In addition, their representation suggested that the approval of the application would be contrary to the Council's own Equality and Fairness Policy.

The Sub Committee considered the application and the oral representations made by the applicant's representative Mr Rankin at the hearing. Those were that whilst it was accepted that such establishments are "not everyone's cup of tea" that such venues are lawful. He contended that the applicant had in relation to the Embassy Club had turned that area around. The representation included that generally such venues were well run and caused no public order issues. In relation to the Council's Public Sector Equality Duty, under section 149 Equality Act 2010, he reminded the Sub Committee that whilst they should pay due regard to the relevant equalities issues the weight they gave to those issues was a matter for them. He pointed out that in such venues the dancers did the work willingly and they were valued by the applicant. He clarified that there would be both male and female dancers at the venue, but not at the same time. Further, he pointed out the extensive and rigorous licence conditions, as contained within the Report (pages 78/79/80), which were there to protect the dancers. In particular, he referred to part (b) on page 90 of the Report (part of the Equality and Fairness Analysis), and stated that should there be any evidence of the failure of the applicant to follow those conditions designed to keep women safe within the venue there may be reasonable grounds to refuse to renew the licence in the future but that at this time with the venue not operating there was no substantial reason to refuse the application.

In its deliberations the Sub Committee considered what decision would be appropriate and proportionate from the options outlined in paragraph 5 of the Report.

Decision

The Sub Committee resolved to grant the renewal of licence as requested.

Reasons for decision

The Sub Committee fully appreciated and to a degree shared the concerns raised by the objector. However, the Sub Committee considered at this time, with the premises not having yet opened, that there were no valid reasons to refuse the renewal application.