

APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE

ELEGANCE 1 GRANADA ROAD SOUTHSEA PORTSMOUTH

ANALYSIS OF LATE REPRESENTATIONS RECEIVED AFTER 28 DAY CONSULTATION

Total late objections		11
Total late support		1
Total Late Representations		12
Breakdown by Post Code Area		
Unknown		1
PO	Portsmouth	1
PO4	Portsmouth	6
PO5	Portsmouth	3
PO14	Fareham	1

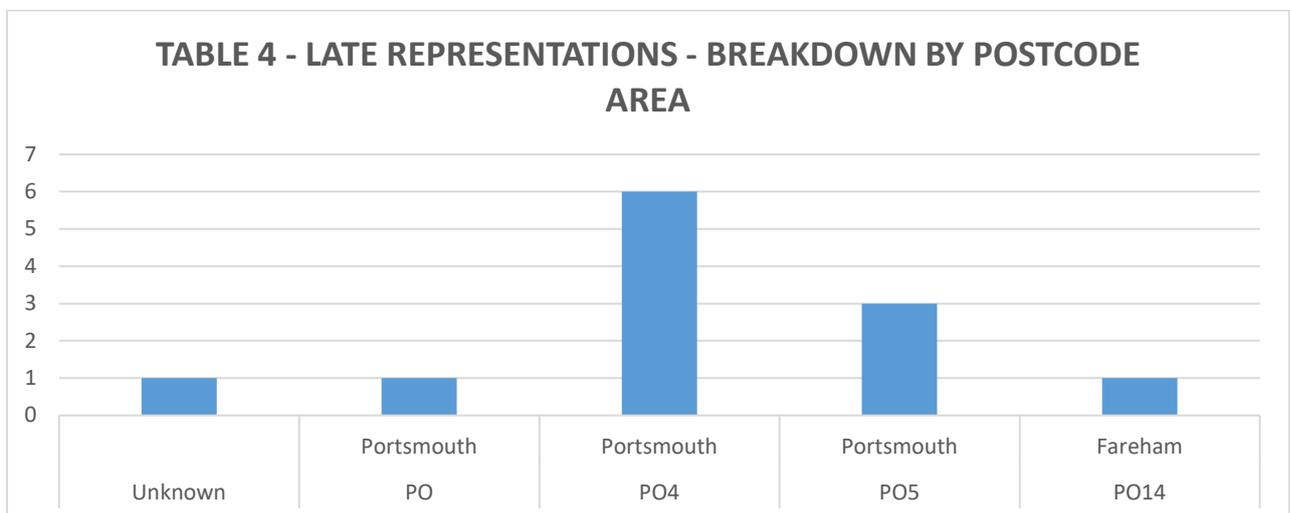


TABLE 5 - TOTAL LATE REPRESENTATIONS - TOTAL 12

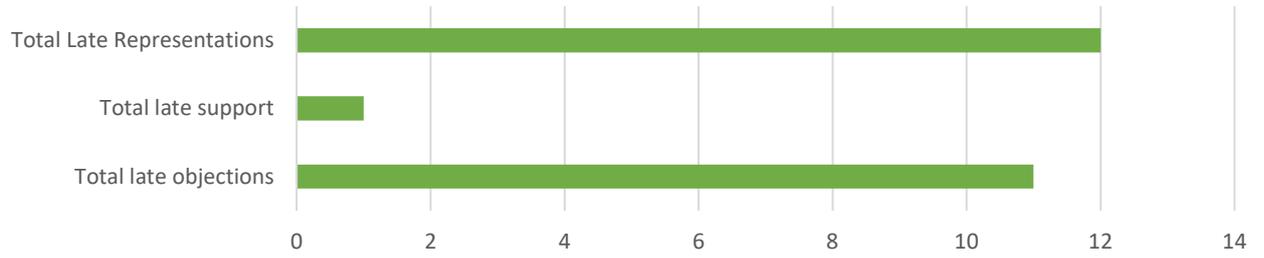
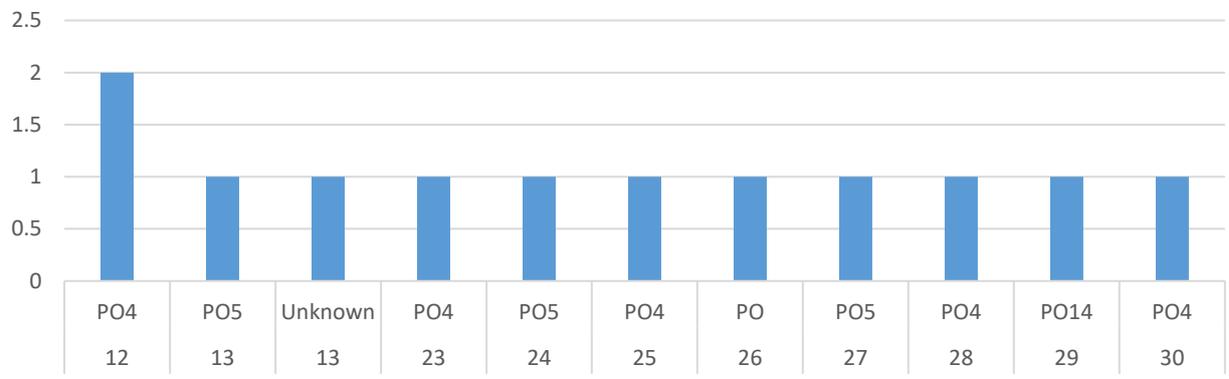


TABLE 6 - LATE REPRESENTATIONS - SUMMARY OF GENERAL TERMS OF OBJECTION BY COMMENT REFERENCE NUMBER AND POSTCODE



Comment Ref No 12

Please refuse this license on the discretionary grounds of locality:

Your policy states there is NO location where a strip club is appropriate (7.10). Licensing this strip club means you are automatically breaching your own policy – a policy which was widely consulted on by your tax paying electorate.

This club is clearly in a **totally inappropriate locality**. It is next to 2 schools and a church. The area is also rife with vulnerable adults and multi-occupancy dwellings. Women have told you at previous hearings that they are harassed outside it, which clearly effects their ability to use the area comfortably, if at all.

It's location is in clear breach of what is deemed suitable in your policy at 7.11d), 7.14 and 7.15. In fact your policy explicitly states that strip clubs will **normally be refused** if close to places of worship, children's centres or similar (7.15).

There have been two successful High Court cases against Sheffield City Council for failing to abide by equality law in its pro-strip industry stance. This included not acknowledging the impact of strip venues on equality in terms of the local area or on wider society. Portsmouth is equally liable to such, costly, legal challenge.

Your policy states that **'the presumption to refuse does not apply to existing clubs'**. This simply reiterates SEV case law that 'regard' must be given to the fact that a license is already held but no more. However the council appears to be wrongfully interpreting this to mean **'existing clubs cannot be refused' on the basis of locality**. Such an interpretation is **unlawful and a breach of SEV legislation**. This has been confirmed by Judges and other legal experts:

"Parliament has drawn no distinction between grant and renewal of an SEV licence .. To make a distinction would fetter the discretion of the local authority in cases of renewal, which Parliament has not done"

R v Birmingham City Council ex parte Sheptonhurst Ltd [1990] 1 All ER 1026 p12

Councils have sweeping powers to refuse to relicense on the grounds of locality. This is regardless of any change in locality or any other material changes whatsoever. This has been widely confirmed by case law, judges and other experts:

'licensing authorities are entitled to 'have a fresh look' and may refuse to relicense 'even where there has been no material change in circumstances' Kolvin, QC et al
When representing local residents at the relicensing hearing of a Chester club Philip Kolvin, QC, confirmed: 'this year's committee is entitled to come to a different conclusion from last years' and 'merely the fact that a number of people are concerned justifies refusal'. The license was successfully refused on the grounds of inappropriate locality.

[Philip Kolvin, QC, is the legal authority on SEV licensing – he wrote the legislation.]

".. the statute imposes no constraint upon a Local Authority's discretion when it is considering a renewal ..In my judgement it is not perverse to refuse a renewal where there is no change in the character of the relevant locality or in the use to which any premises in the locality are put."

R v Birmingham City Council ex parte Sheptonhurst Ltd 27 p 11 (referred to in Thompson v Oxford City Council

".. you have to make a value judgement, that's why you are elected.. the law states that you can refuse simply because the venue is in the wrong place.. " Kolvin, QC

5. Furthermore, **operators have no legal grounds to challenge such a decision**. Those that do must go to the High Court, a very difficult route. None have ever succeeded. Frequently the case is instantly dismissed without being heard:

" if the licensing authority refuses to renew on the ground that it would be inappropriate having regard to the character of the relevant locality, it must give its reasons for refusal .. If the reasons given are rational, that is to say properly relevant to the ground for refusal, then the court cannot interfere. "

Court of Appeal O'Connor 28 p12 (referred to in Thompson v Oxford City Council)

6. In fact, **all Councils need do is give the reason why they refused:**

Although it is important to give reasons for a decision to refuse, those reasons need only be sufficient to enable the losing party to know why he has lost

[Legal Analysis of Judge's ruling to refuse a license renewal for a South Buckinghamshire strip club]

Portsmouth council is breaching its own policy, SEV legislation and equality law. This puts the council at risk of legal challenge by those who object to its strip clubs. Please abide by your own policy and the wishes of your tax payers – the voters whom you are supposed to represent, particularly the most vulnerable. Stop re-licensing this strip club, particularly now when it is not open, cannot open for some considerable time and whose primary workers (lap dancers) have not been entitled to furlough all this time (as 'self employed' workers). Close this club and support its former lap dancers into safe, alternative and viable employment and training.

Comment Ref No 13

Please refuse this license on the discretionary grounds of locality:

Your policy states there is NO location appropriate for a strip club. It explicitly states clubs near places of worship and children's centres, where this venue is located, 'will normally be REFUSED'. It also states it will pay regard to women's ability to freely use public spaces, yet women have already told you they have been harassed outside the club.

Councils have sweeping powers to refuse to RElicense on the grounds of locality (whether or not that locality has changed).

Your policy states there is 'no presumption' to refuse existing clubs. This does NOT mean you CANNOT refuse an existing club due to its location. In fact it is UNLAWFUL to treat pre-existing clubs differently from new applicants. ALL you should do is show you have considered the fact that it was previously licensed and all you need to is merely state why you now refuse to license. The club has NO LEGAL GROUNDS to challenge such a decision.

The council is breaching its own policy, SEV legislation and equality law by continually relicensing this venue. Close this club and support its former

Comment Ref No 23

I wish to object to them having there licence renewed as I am worried about woman that live alone in the area will be at more risk of harassment from men leaving and arriving at the premises we already have problems here

Comment Ref No 24

I am writing in relation to an Application made by Wellhot Limited for the renewal of a sex establishment at 1 Granada Road. I have recently moved to this area which is very nice. I believe that this sort of establishment will increase the noise pollution in the area. It is literally just behind a residential area where many children live as well. In addition, at the moment there seem to be tenants living at this establishment. However, the conditions of their garden area is absolutely appalling. As a consequence of this, I am therefore not confident that the place will be taken care of as stated in the media by the applicant.

Comment Ref No 25

My husband and I would like to object to Portsmouth City Council giving a renewed licence to the sex establishment at 1 Granada Road Southsea called Elegance.

We live in the area and regularly walk down Granada Rd. It is a residential area with families of all ages living nearby. It is also very close to Mayville School and St. Simons Church.

You are hopefully aware of the fact that the current pandemic has increased violence to women and young girls and such establishments only add to this abuse.

We were hoping this these premises could be used for much needed accommodation in our city.

Comment Ref No 26

I'd like to object to the renewal of this licence application.

I have two grounds for this.

The first is a technical point, that the licence has been underused since it was last renewed in 2019. Even before the Covid-19 pandemic, use of the licence was sporadic which is not the purpose of any premises licence, including for sex establishments. As licences of this type are limited in Portsmouth this is stopping anyone else applying for a sex establishment licence anywhere else in the city. This seems to be a misuse of any licence of limited availability and could be restraining the trade of other individuals who wished to apply for such a licence.

The second reason is regarding the fitness of the applicant for the licence. Wellhot Limited, has as a director someone who has been recently fined for being in breach of local HMO licensing requirements and not investing money in getting the same property up to standard. With the state of the property that the sex establishment is currently located in appearing to be, at least superficially, in a state of some disrepair it does raise concerns as to whether Wellhot Limited, with Paul Ojla as one of the directors, is a fit and proper licensee, especially with his professed ignorance, as quoted in The News in their story about the HMO breach ([Portsmouth lettings agency Kings Estates and Southsea landlord fined £18,000 for unlicensed 12-bed student house | The News](#)), about what steps are necessary to adhere to licensing requirements in Portsmouth.

Comment Ref No 27

I am raising a general objection to this reapplication for sexual entertainment licence on several grounds to protect women from exploitation when the council has a policy for zero clubs like this.

Comment Ref No 28

hello licencing team.

I'm not sure if I've missed the closing date, or not, regarding Elegance, 1 Granada Rd. Southsea.

If not please can you raise my objection based upon the objectification of women and well known correlation between this type of venue and and an increase in violence against women.

During COVID lockdowns the number of domestic abuse reports dramatically increased.

I don't want anything else to add to that problem.

Comment Ref No 29

Please allow this license

The club provides employment for a diverse range of staff who are reliant on its revenue to support themselves and it is a viable venue contributing towards the economic growth of the local economy.

Thank you

Comment Ref No 30

With the media and our country very aware of women's safety, and how protection needs to be improved, we do not consider permitting a strip club in a residential area is exactly helping the cause, therefore on these grounds we strongly object.

Hopefully Portsmouth can follow in the footsteps of Bristol, who have recently taken the wise decision to ban all future strip clubs.