



Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing and Regulatory Panel

Date: 22 February 2010

Subject: APPLICATION FOR THE RENEWAL AND VARIATION OF A SEX ESTABLISHMENT LICENCE; PULSE AND COCKTAILS 114-116 VICAR LANE LEEDS LS2 7NL

Electoral Wards Affected:

City & Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

This report informs Members of an application for the renewal and variation of a Sex Establishment Licence for Pulse and Cocktails 114-116 Vicar Lane, Leeds, LS2 7NL. The Licensing and Regulatory Panel is under a duty to determine the application for the variation application. No objections have been received for the renewal of this Licence and therefore officers have delegated authority to grant the renewal of the Licence. No objections have been received from the relevant authorities, but officers do not have delegated authority to grant applications for the variation of Sex Establishment Licences.

1.0 PURPOSE OF REPORT

- 1.1 This report informs Members of an application for the renewal and variation of a Sex Establishment Licence under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") for Premises known as Pulse and Cocktails 114-116 Vicar Lane Leeds LS2 7NL.

2.0 HISTORY OF PREMISES

- 2.1 Cocktails Ltd applied for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982 in December 2002.
- 2.2 The application was for the Basement area only of a two floor premises.
- 2.3 The application attracted objections and was referred to the Licensing Panel for consideration. Members considered the application on the 21 January 2003 and deferred their

decision pending a site visit. Members subsequently visited the site on the 4 February 2003 and reconsidered the application on the 25 February 2003. At the Licensing Panel, Members agreed to grant the Licence subject to sight of the proposed signage for the premises.

- 2.4 The licence was issued on the 2 May 2003 on receipt of satisfactory signage for the premises.
- 2.5 No objections to the renewal of this licence have been received in subsequent years.
- 2.6 A copy of the current licence and standard conditions is attached at **Appendix A**

3.0 THE APPLICATION

- 3.1 The applicants are Cocktails Ltd. Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL. A copy of the application which includes details of the directors and shop staff is attached at **Appendix B**.
- 3.2 The variation application is to extend the operation of the licence to include the ground floor as currently only the basement is licensed.
- 3.2 The premises are located at 114-116 Vicar Lane, Leeds, LS2 7NL. The location of the premises can be seen on the map provided, members attention is drawn to **Appendix C**.
- 3.3 Copies of site layout plans detailing the basement and ground floor of the premises are attached at **Appendix D**. The plan of the ground floor details proposed internal screens to restrict the view of the internal layout of the premises from outside the premises.
- 3.3 The application was submitted to the Licensing Authority on the 18 December 2009 and a notice advertising the application was displayed on the premises between the 15 December 2009 and the 15 January 2010.
- 3.4 The application was advertised in the Yorkshire Evening Post on the 24 December 2009.

4.0 MAIN ISSUES

- 4.1 This application comes about following a compliance visit to the premises in February 2009 at which a number of sex articles were observed in an unlicensed area of the premises, namely the entrance to the ground floor. At the request of the inspecting officer the items were subsequently removed.
- 4.2 Correspondence between Cocktails Ltd and the Licensing Section throughout 2009 in respect of the requirement to licence the ground floor for the display of sex articles has culminated in this application for a variation of the current licence to include the ground floor area.
- 4.3 A variation of the Licence may be refused on the grounds set out in the Act which are listed in Para 18:

18 (1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority –

- (a) may make the variation specified in the application; or
- (b) may make such variations as they think fit; or
- (c) may refuse the application.

- (3) The variations that an authority may make by virtue of sub-paragraph (2) (b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 5.1 There are no implications for Council policy and governance in respect of determining this application.
- 5.2 Should Members be minded to refuse this application then the applicant does have the right of appeal to the Magistrates.

6.0 RECOMMENDATIONS

- 6.1 Members are requested to consider this variation application and determine it having regard to the Act, the application, the relevant information provided and evidence Members hear at the meeting.
- 6.2 In determining the application Members may
- (a) may make the variation specified in the application; or
 - (b) may make such variations as they think fit; or
 - (c) may refuse the application.

**LICENCE No;SESHOP/00005/09**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982SEX ESTABLISHMENT (RETAIL OUTLET)
LICENCE

The **LEEDS CITY COUNCIL** being the Licensing Authority under Part 2, Schedule 3 of the above mentioned Act HEREBY GRANT LICENCE to:

Of

Mr G R Kidd & Mrs L M Boothby
Cocktails Ltd
Unit 3 - 4
Canklow Meadow Ind Estate
Rotherham

To use the **Premises** situated at and known as:

Pulse & Cocktails
114 - 116 Vicar Lane
Leeds
LS2 7NL

For the purpose of the sale of articles as described in Schedule 3, Section 2, para 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Within the **BASEMENT**

This Licence is granted subject to the standard terms, conditions and restrictions contained in the regulations made by the Authority relating to such licences and to the additional conditions set out in the Schedule attached.

A fee of **£3271.67** has been paid for this Licence.

This Licence shall continue in force from the **1st January 2009** until the **31 December 2009** unless previously revoked.

The information contained within this Licence MAY be subject to disclosure under the terms of the Data Protection Act 1998.

Issued on: **1st January 2009**

Leeds City Council
Licensing Office
Civic Hall
Leeds
LS1 1 UR

T N Jackson
Assistant Chief Executive
(Corporate Governance)

LEEDS CITY COUNCIL

“SEX ESTABLISHMENT” LICENCE CONDITIONS ATTACHED TO PREMISES KNOWN AS:

Pulse & Cocktails
114 – 116 Vicar Lane
Leeds
LS2 7NL

General Conditions

1. In this licence the following words and/or expressions shall have the meaning hereby respectively assigned to them.

- “The Licensed Premises” - means any premises, vehicle, vessel or stall licensed under Schedule III of the Act.
- “Licence Holder” - means the person or body who is the holder of a sex establishment licence granted by Leeds City Council.
- “Advertisement” - means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Leeds City Council reserve the power to alter, modify or dispense with these conditions or any of them as they may think fit.

2. The hours of business shall be as follows:

Monday to Friday	10:00hrs to 20:00hrs
Saturday	10:00hrs to 18:00hrs
Sunday	11:00hrs to 17:00hrs

3. Such Licensed premises shall be closed in compliance with any condition attached to planning permission in respect of the premises and to comply with the general rule relating to Sunday trading and trading on public holidays. In the event of there being a conflict between the general law and any condition relating to opening times specified on the licence the general law shall prevail.

4. The frontage of the Licensed premises shall be of such a nature that the inside of the Licensed premises are not visible.
5. The contents of the Licensed premises should not be visible when the door or doors of the Licensed premises is/are open.
6. The sign or advertisement relating to the Licensed premises is to be approved by an authorised officer of Leeds City Council's Licensing Section.
7. There shall be no illuminated sign fixed to the premises.
8. There shall be no signs placed outside of the Licensed premises.
9. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or any other person responsible for the management of the body is to be notified in writing to Leeds City Council within 14 days and such written details as Leeds City Council may require in respect of any new director, secretary or manager to be finished within 14 days of request in writing from Leeds City Council.
10. There shall be no protruding signs affixed to the Licensed premises.
11. There shall be no window display of Licensed articles.
12. (i) The Licence holder or some responsible person nominated by him in writing shall be in charge or on the Licensed premises at all such times as the Licensed premises are open for the serving of customers, any such nomination shall be produced on demand to an authorised Officer of Leeds City Council or to a Police Constable.

(ii) The Licence holder shall not employ any person under the age of 18 to work at the premises in any capacity;

(iii) The holder of the Licence shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).

(iv) The holder must pass to Leeds City Council an authorised and certified copy of the full personal record or a record of an individual when requested by the Leeds City Council or a Police Officer within 72 hours of the request;

(v) The Licence holder shall ensure that any person nominated by him under condition (v):

(i) has been served with a copy of these conditions and is fully conversant with them;
(ii) is in possession of a written nomination referred to in condition (vii) at all times when he is in charge of and is present at the premises.
13. There shall be no personal solicitation outside or in the immediate vicinity of the Licensed premises.

14. The Licence holder shall not allow the Licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but this condition does not prohibit the Licence or allowing any such person or persons to remain in the premises for the purpose of obtaining any article for such time as is necessary for the purpose. Further, the Licence holder shall not allow the immediate vicinity of the premises to be the habitual resort of reputed prostitutes or the habitual resort or meeting place of reputed prostitutes.

15. Persons under 18 years of age shall be prohibited from the Licensed premises.

16. The Chief Constable of West Yorkshire Police, any Police Officer, the Chief Fire Officer, any authorised Officer in uniform at the West Yorkshire Fire Service, or any person authorised by the Licensing Authority shall have access to all parts of the Licensed premises at all reasonable times.

17. The Licensed premises shall at all times be maintained in a clean and safe condition and shall be open during the continuance of the Licence to an inspection by the Licensing Authority of their authorised agents.

18. There shall be no access between the interior of the Licensed premises and any other premises other than means of communication to the staff quarter and any store room.

19. The Licence is granted to the current premises to trade as a “sex shop or Sex Cinema” and there shall be no change unless the appropriate consent has been obtained from Leeds City Council.

20. Alterations or additions whether internal or external and whether permanent or temporary to the structure, lighting or layout of the Licensed premises shall not be made except with the prior approval of Leeds City Council.

Part A Sex Shop

1. The premises hereby licensed shall be used only for the purposes of a sex shop as defined by Schedule 3 paragraph 4(1) of the Local Government (Miscellaneous Provisions) Act 1982 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this licence is granted.
2. No film or video shall be sold or supplied unless it has been passed by the British Board of Film Classification or such other authority, performing a similar scrutinising function, as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video so certified.
3. No moving picture shall be provided on display at the Licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview, being no longer than 3 minutes in length, of films upon request.
4. All items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12, Video Recordings Act 1984, (as amended).



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
AND VARIATION

APPLICATION FOR RENEWAL OF LICENCE FOR SEX ESTABLISHMENT

To: The proper officer of the LEEDS CITY COUNCIL

1) Full Name(s) and Permanent Address(es) of Applicant(s):

COCKTAILS LTD, UNIT 11, CANKLOW MEADOWS INDUSTRIAL ESTATE,
ROTHERHAM, S60 2XL

2) Telephone Numbers:

a) Home:

b) Business:

01709 835147 ext 204

3) Date(s) of Birth:

4) Address of registered or principal office:

AS ABOVE

5) Full names and private address of the Directors of other persons responsible for the management of the business:

SEE SEPERATE SHEET

6) HEREBY MAKE RENEWAL APPLICATION for a licence for the use of the premises situated at and known as:

PULSE & COCKTAILS, 114-116 VICAR LANE, LEEDS, LS2 7NL

As a sex establishment, as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

continued/...

THE VARIATION BEING TO EXTEND THE LICENCE TO THE

GROUND FLOOR OF THE PREMISES AS WELL AS THE BASEMENT.

Cocktails Ltd Directors

(5)

Forename(s)	Surname	Former Name (if any)	Address (Permanent 6+ months)	Capacity	Date of Birth	Place of Birth	Date became resident in UK	Height
Linda Margaret	Boothby	Roddis		Company Secretary/ Director	11/01/49	Rotherham	11/01/49	5"3
Graham Rodney	Kidd			Director	14/01/68	Rotherham	14/01/68	5"10
Clair Elizabeth	Boothby			Director	23/12/79	Sheffield	23/12/79	5"4
Sally Charlene	Boothby			Director	11/02/81	Sheffield	11/02/81	5"5
Davy Jonathon	Boothby			Director	10/05/84	Rotherham	10/05/84	5"10

Cocktails Ltd

Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL
Tel: 01709 835147 Fax: 01709 374906

9th December 2009

PULSE & COCKTAILS, 114-116, VICAR LANE, LEEDS, LS2 7NL

In the absence of the licence holder one of the following employees will be working in the licensed area and will be in charge of the licensed premises:

Name: Emma Burling
Address:
D.O.B: 12/11/1981
Position: Branch Manager (114-116 Vicar Lane, Leeds)

Name: Helen Ann Ricketts
Address:
D.O.B: 20/06/1986
Position: Sales Assistant

Name: Anthony Hardy Whittaker
Address:
D.O.B: 04/10/1952
Position: Sales Assistant

Name: Kimberley Fields
Address:
D.O.B: 27/09/85
Position: Sales Assistant

Name: Kathryn Selby
Address:
D.O.B: 27/09/85
Position: Sales Assistant

Name: Louise McDonagh
Address:
D.O.B: 25/02/1983
Position: Sales Assistant

Name: Katie Ollivant
Address:
D.O.B: 25/02/1983
Position: Sales Assistant

Nominated by:



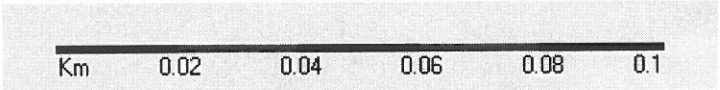
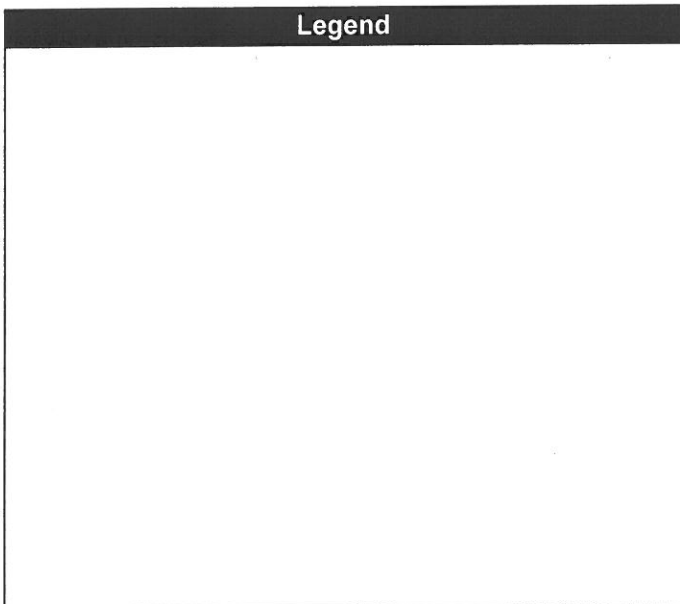
Clair Boothby
(Director) Cocktails Ltd



GIS by ESRI (UK)

Pulse & Cocktails

114-116 Vicar Lane Leeds 2



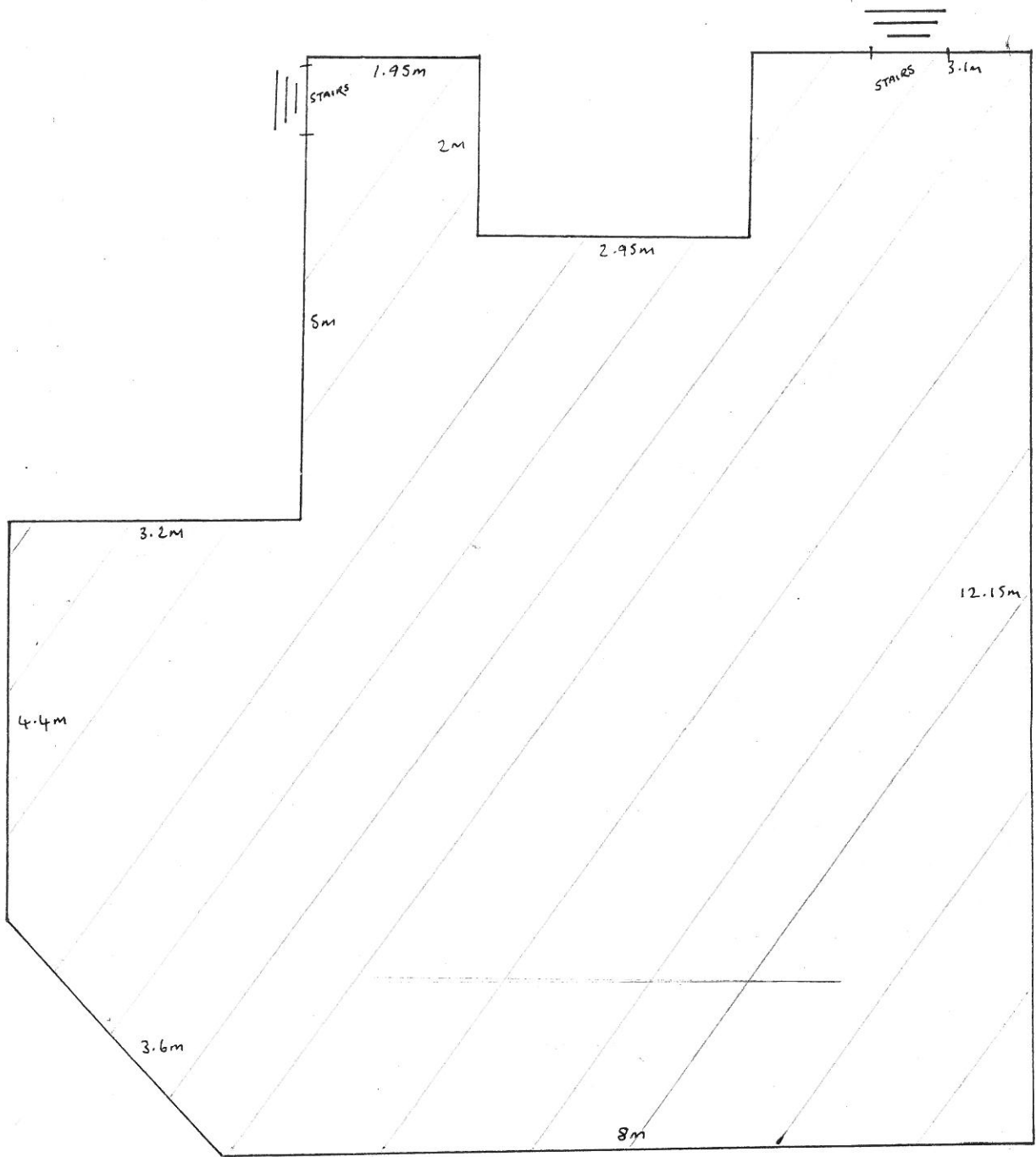
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	11 February 2010
SLA Number	Not Set

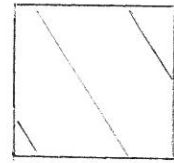
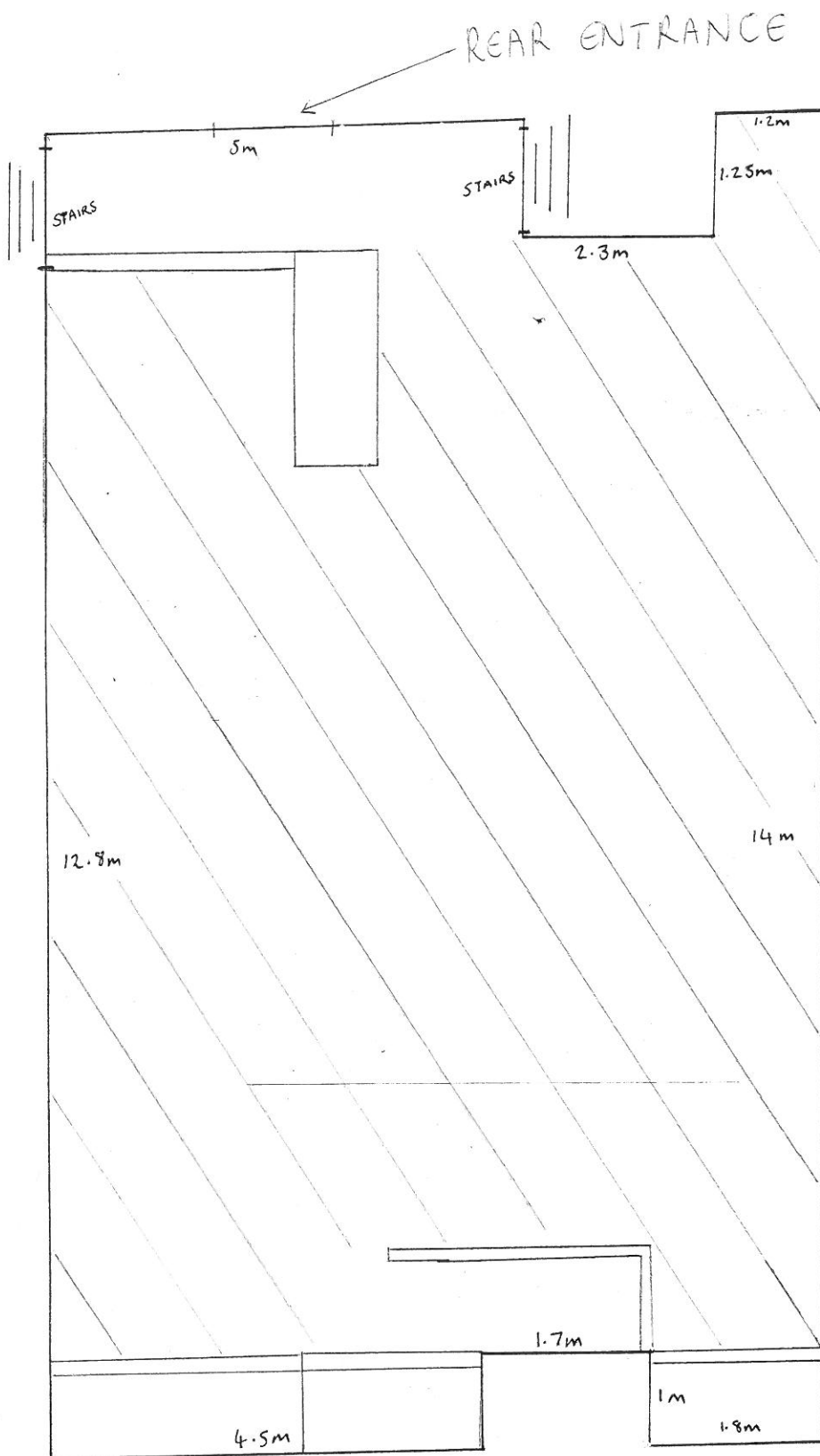
BASEMENT - 114 = 116 VICAR LANE LEEDS

ACCESS TO FIRST FLOOR

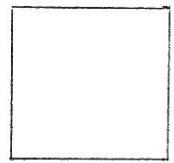


LICENSED AREA

GROUND FLOOR - 114-116 VICAR LANE LEEDS



UNLICENSED AREA
TO BE LICENSED



INTERNAL SCREENS
TO BE ADDED TO
BLOCK VIEW FROM
OUTSIDE

FRONT ENTRANCE FROM
VICAR LANE