

## Licensing Sub-Committee

Monday, 10th June, 2013

**PRESENT:** Councillor C Townsley in the Chair

Councillors T Hanley and G Hussain

**8 Election of the Chair**

**RESOLVED** – That Councillor Townsley be elected Chair for the duration of the meeting.

**9 Appeals Against Refusal of Inspection of Documents**

No appeals against refusal of inspection of documents.

**10 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the public be excluded from the meeting during consideration of the part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated in Appendix C and supplementary information of the report referred to in minute 209 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussion thereon to be in the public domain.

**11 Late Items**

Late item received on the day of the hearing in respect of Item 6 on the agenda, Members of the sub-committee and all parties were in agreement for the item to be tabled at the Meeting. Members were in receipt of all supplementary information.

**12 Declarations of Disclosable Pecuniary and other interests**

There were no declarations of disclosable pecuniary and other interests.

**13 "Tantric Blue" - Application for the Grant of a Premises Licence for Tantric Blue, 68-72 New Briggate, Leeds LS1 6NU**

David Hercock acting for the applicants of Tantric Blue had asked that a letter be tabled at the hearing requesting an adjournment.

It was noted that in addition to the Licensing Act 2003 application before the sub-committee there was also a pending application for a sexual entertainment venue licence. The planning service of the council had made an objection to the 2003 Act licence and the sexual entertainment venue licence application. The sex establishment application had not been listed pending the determination of a change of use application by planning. The applicant

wished the 2003 Act application to be adjourned and listed with the sexual entertainment venue application.

It was noted that planning services were unable to provide a firm date when the planning issues would be resolved and that the current sexual entertainment venue licence would expire by October.

**RESOLVED** - The committee agreed with the submissions of the parties, that it was in the public interest to adjourn the matter and to list the 2003 Act application and the sexual entertainment venue application on the same date.

Hearing adjourned to 5<sup>th</sup> August 2013.

**14 "Wildcats" - Application for the Transfer of a Sexual Entertainment Venue Licence for Wildcats, 153-155 The Headrow, Leeds SL1 5RB**

The application for the transfer of a sexual entertainment venue licence for the premises known as Wild Cats on The Headrow, Leeds was previously considered by a sub-committee on 15<sup>th</sup> April 2013.

On that occasion the matter was adjourned at the request of the applicant who indicated to the sub-committee that it was the intention to transfer ownership of the premises licence by sale of the holding company Bean Leisure Trading A Ltd.

On 5<sup>th</sup> June 2013 the licensing officer had been notified that the sale of the company was in progress and were provided with details of one person who would be in a position of management within the premises. On 7<sup>th</sup> June the licensing officer received details of the sale of the company and details of a second person who would be involved in the management of the premises.

It was noted that the supplementary information received on 7<sup>th</sup> June had not been lodged with the licensing office within the required timescales.

The licensing enforcement office and the council's business rates service, both of whom had objected to the transfer, further objected to the matter being dealt with today. They advised the committee that they required additional time in order to assess the impact of the proposed changes.

Members noted matters listed on the new SE5 information form however commented that they would have preferred more information

**RESOLVED** – The committee considered the requests to hear the matter and to adjourn the matter. Taking into account the need for a fair hearing, the committee agreed it was in the interests of the public to adjourn this matter until Tuesday 2<sup>nd</sup> July 2013

**15 "William Hill" - Application for a Premises Licence (Betting Premise), William Hill, 5 Windsor Court, Morley LS27 9BG**

Under the Gambling Act 2005 the application for a new betting premises licence was heard for William Hill Organisation Ltd at Unit 5, Windsor Court, Morley.

The applicant told the sub-committee that they have 2,500 betting shops throughout the country with most of these located in busy town and city centres. The objection raised was in relation to the protection of children from harm based upon children walking past these types of facility. The company have a policy of not allowing anyone in school uniform into the premises even if they could prove they were over 18 years of age, operated appropriate proof of age scheme 'Think 21' and did not have single manning of betting shop after lunchtime. If a mistake was made allowing someone under age into the premises not only would this be an offence but would put all shops in the group at risk under the operating licence issued by the Gambling Commission.

The applicant referred to supplementary information which demonstrated that the primary use of the facility was betting rather than the provision of gaming machines.

Councillors Varley, Elliott and Leadley were in attendance at the hearing. Councillors Varley and Elliot addressed the sub-committee stating that documentation that they had received addressed some of their concerns, but they were concerned that there was already an existing premises in the Morley Town Centre, and there did not appear to be need for further betting premises. They further noted that planning permission had recently been refused and that there was an appeal pending against that decision. The objectors were concerned about the impact on the appeal should this licence be granted.

The committee were given legal advice under section 153 and section 210 of the Gambling Act 2005.

In answer to a question from the committee, the objectors confirmed that they were not aware of any problems with the existing William Hill premises in Morley Town Centre.

**RESOLVED-** The committee carefully considered the application and the objection. They fully understood and respected the concerns raised by the interested parties. Having considered the information provided by the applicant, the committee could see no reason why granting the application would be likely to impact on the licensing objective of protecting children and the vulnerable. The committee could not and did not take into account issues of demand and planning but noted that the premises would need planning permission in addition to licensing consent to operate and that their decision today would not constrain any further planning decision. On that basis the committee resolved to grant the licence as applied for.

