

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Monday 10th June 2013

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number: N/A		

Summary of Main Issues

This is an application for the grant of a premises licence for Tantric Blue, 68 - 72 New Briggate, Leeds, LS1 6NU.

The application was listed for hearing on 4th March 2013, but was adjourned until 15th April 2013, at that hearing the matter was further adjourned to the 13th May 2013 regarding matters appertaining to the planning application.

At the hearing on 13th May 2013 it was noted that the application before the planning committee was not listed until 6th June 2013. The matter was adjourned to 10th June 2013 to await the decision of planning.

1.0 Purpose of this Report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2.0 History of Premises

- 2.1 The premises currently hold a premises licence under the name of Black Diamond. The premises licence allows the provision of regulated entertainment, sale of alcohol and late night refreshment from the 1st and 2nd floors of the building.

3.0 The Application

- 3.1 The applicant is Illuminati Ventures Limited.
- 3.2 The application form may be found at Appendix A to this report.
- 3.3 In summary the application is to cover the basement, ground, first and second floors of the building for:
- Exhibition of Films
 - Live Music
 - Recorded Music
 - Performance of Dance
 - Anything of a similar description
 - Sale of Alcohol
Sunday to Thursday 12:00 – 05:00
Friday & Saturday 12:00 – 07:00
 - Late Night Refreshment
Sunday to Thursday 23:00 – 05:00
Friday & Saturday 23:00 – 07:00

Non Standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

4.0 Other matters relevant to the application

- 4.1 Alongside the existing premises licence issued under the Licensing Act 2003, the premises has the benefit of a sexual entertainment licence issued under the Local Government (Miscellaneous Provisions) Act 1982 amended by the Policing and Crime Act 2009. This licence allows the premises to provide entertainment of a sexual nature, namely lap dancing, on the 1st and 2nd floors of the premises between the hours of 10.00pm and 4.00am Sunday to Thursday and between

10.00pm and 5.00am Friday and Saturday.

4.2 An application has been made under the Local Government (Miscellaneous Provisions) Act 1982 for all four floors of the premises. That application is subject to separate consideration.

4.2 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5.0 Steps to promote the Licensing Objectives

5.1 The applicant proposed to take specific steps to promote the licensing objective identified in section "M" of the application form.

5.2 Proposed Designated Premises Supervisor

5.3 Spencer Tregidgo intends to be the Designated Premises Supervisor.

6.0 Location

6.1 A map which identifies the location of these premises is attached at Appendix B.

7.0 Cumulative Impact Policy

7.1 The premises are located within the Cumulative Impact City Centre area.

7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

7.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

7.4 Details of the Cumulative Impact Policy specific to City Centre and an outline of the evidence behind the reason for setting this Policy is attached at Appendix C.

8.0 Representations

8.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

8.2 Representations from Responsible Authorities

- 8.2.1 Representations have been received from Leeds City Council Entertainment Licensing, Leeds City Council Planning Services, Leeds City Council Health and Safety and West Yorkshire Police in their capacity as responsible authorities.
- 8.2.2 Any representations submitted may be agreed prior to a hearing. In this instance agreements have been reached with West Yorkshire Police and Leeds City Council Health and Safety - the operating schedule has been amended to include the measures agreed.
- 8.2.3 A copy of the agreed West Yorkshire Police measures may be found at Appendix D.
- 8.2.4 A copy of the agreed Leeds City Council Health and Safety measures may be found at Appendix E.
- 8.2.5 The representation made by Leeds City Council Planning Services remains as a matter for member's consideration. A copy of the same may be found at Appendix F.
- 8.2.6 The representation made by Leeds City Council Licensing Authority remains as a matter for member's consideration. A copy of the same may be found at Appendix G.

8.3 Other representations

- 8.3.1 The application has attracted representations from other persons.
- 8.3.2 The main points of concern raised are that the premises may cause noise disturbance for the nearby residents and that the granting of this licence would add to the cumulative impact within the area.
- 8.3.3 The licensing section is in receipt of two individual letters, one of which is from a local ward councillor.
- 8.3.4 Copies of the representations will be available at the hearing for Members consideration.

9.0 Options Available to Members

- 9.1 The Licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.
- Adjourn the application to a specified date subject to certain terms

9.2 Members of the licensing sub-committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

10.0 Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from other persons