

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Monday 10<sup>th</sup> June 2013**

**Subject: Application for the Transfer of a Sex Establishment Licence for:  
Wildcats, 153-155 The Headrow, Leeds LS1 5RB**

Are specific electoral Wards affected? <b>City and Hunslet</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (1, 2 & 3)		
Appendix number: C		

**Summary of Main Issues**

Members are requested to consider an application received for a transfer of a sex establishment licence. The premises presently operate under the terms of the licence as a sexual entertainment venue providing lap dancing.

**1.0 Background Information**

- 1.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 (the Act) Section 2 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings to lap dancing, pole dancing and other “relevant entertainment” into the same regime that has licensed sex shops and sex cinemas in the Leeds area since 1982.
- 1.2 Leeds City Council adopted the provisions of the Act on 19<sup>th</sup> January 2011 with effect from 1<sup>st</sup> October 2011, and adopted its Statement of Licensing Policy for the Licensing of Sex Establishments in September 2011.

## **2.0 Purpose of this report**

- 2.1 To advise Members of an application made under section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the transfer of the existing sex establishment licence for premises known as 'Wildcats', situated at 153-155 The Headrow, Leeds LS1 5RB.
- 2.2 This application was listed for hearing on 15<sup>th</sup> April 2013, but was adjourned until 10<sup>th</sup> June 2013 for new applicant/transfer details to be given.

## **3.0 History of premises**

- 3.1 The premises have operated under the provisions of the Licensing Act 2003 for the provision of alcohol and regulated entertainment for a number of years. Office records suggest that the premises have been licensed since 2005. Records prior to this date are not available.
- 3.2 At that time there was no separate licence required for the provision of sexual entertainment, and it is understood that lap dancing has been provided at this premises during that time.
- 3.3 In June 2012 the premises were successfully granted a sex establishment licence to provide sexual entertainment in the form of lap dancing.
- 3.4 A copy of the current licence may be found at Appendix A.

## **4.0 The Application**

- 4.1 Members are required to consider this application for the transfer of a sex establishment licence from Harjen Limited, to Bean Leisure Trading A Limited, 153-155, The Headrow, Leeds LS1 5RB.
- 4.6 A partial copy of the application may be found at appendix B to this report. It should be noted that certain information submitted within the application is potentially exempt information under Access to Information Procedure Rule 10.4 (1,2 and 3) as it includes information which relates to individuals, is likely to reveal the identity of an individual and and/or relates to the business affairs of any particular person. As a consequence Members are provided with a full copy of the application contained within a separate appendix C and will be asked to consider exclusion of the press and public from the hearing if those matters are to be discussed.
- 4.11 A map of the location of the premises can be found at appendix D.
- 4.13 The West Yorkshire Police and all ward members have been notified of this application.
- 4.14 A public notice advertising the application has been displayed at the premises for a period of 21 days and published in the local press.

## **5.0 Objections**

- 5.1 In considering any application for the transfer of a licence the authority shall have regard to any observations submitted by the chief officer of police and any objections received.
- 5.2 Any objection must be provided in writing to the authority, stating in general terms the grounds of the objection, and this should be provided no later than 28 days after the date of the application, albeit there is the provision for the acceptance of objections outside the notice period if these bring significant relevant new information (Miss Behavin' Ltd v Belfast City Council).
- 5.4 The Act imposes no pre-qualifications on who may be objectors nor is there any constraint on the grounds upon which the objection is made.
- 5.5 The licensing section is in receipt of 2 objections. One is from Leeds City Council Revenues Service, and the other is from Leeds City Council Entertainment Licensing Section
- 5.6 The grounds for objection are made on the applicant's suitability to hold the licence.
- 5.7 Furthermore, the objectors request that the existing licence be suspended or revoked on the basis of the information supplied.
- 5.8 Copies of the objections will be available at the hearing for Members consideration.
- 5.9 No objection has been made by the West Yorkshire Police.

## **6.0 Other matters relevant to the application**

- 6.1 If approved, the sex establishment licence will remain in force until the 30<sup>th</sup> September 2013 or for a shorter period should the licensing authority think fit.

## **7.0 Options available to members**

- 7.1 In relation to the Transfer application, the licensing sub-committee may take any of the following steps it considers necessary:
- Grant the application as requested subject to the existing licence conditions
  - Grant the application subject to revised or additional conditions appropriate to the application.
  - Refuse the application on the following mandatory grounds;
    - if the applicant is under the age of 18.
    - if the applicant has a disqualification following the revocation of their licence

- if the applicant is not-resident in the UK,
  - if the applicant is a company not incorporated in the UK,
  - or a previous refusal of the applicant at the same premises in the previous 12 months.
- Refuse the application on the following discretionary grounds:
    - if the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason,
    - if the licence were to be transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the transfer of such a licence in their own right.

## **8.0 Recommendation**

8.1 Members are asked to consider and determine the applications in accordance with paragraph 7.1 above.

## **9.0 Appendices**

- 9.1 Appendix A – Copy of Existing Sex Establishment Licence
- 9.2 Appendix B – Copy of Application
- 9.3 Appendix C - Exempt information
- 9.4 Appendix D – Location map

## **10.0 Background papers**

- 10.1 Leeds City Council Licensing of Sex Establishments – Statement of Licensing Policy.
- 10.2 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.