

LICENSING COMMITTEE

TUESDAY 26TH JUNE 2012

LATE ITEM – RESULTS FROM THE SEXUAL ENTERTAINMENT VENUE
APPLICATIONS

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Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 26th June 2012

Subject: Results from the Sexual Entertainment Venue Applications

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 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? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. Under the Local Government (Miscellaneous Provisions) Act 1982 the council has the ability to grant sex establishment licence authorising the activity of sexual entertainment. This brings lap dancing, pole dancing and strip tease into the same licensing regime as the licensing of sex shops and sex cinemas.
2. During the week commencing 11th June a specialist licensing sub-committee determined the applications of seven lap dancing clubs and this report provides the outcomes.

Recommendations

1. That Licensing Committee notes the contents of this report.

1.0 Purpose of this report

- 1.1 To advise Licensing Committee of the results of the licence applications of seven lap dancing clubs that were determined week commencing 11th June.

2.0 Background information

- 2.1 The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.
- 2.2 Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.
- 2.3 The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.
- 2.4 The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

3.0 Main issues

- 3.1 The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.
- 3.2 Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.
- 3.3 Many objections received raised moral objections against lap dancing establishments in general.
- 3.4 Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the

numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

3.5 Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

3.6 The licensing sub committee has considered all of these further objections when considering it's decisions.

3.7 The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

3.8 The sub committee decided to grant all seven applications but with modified standard conditions as follows:

3.8.1 All standard conditions be applied subject to the following amendments:

3.8.2 **Condition 10** - Hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.

3.8.3 **Condition 24** - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6am in addition to the area surrounding the premises.

3.8.4 **Conditions 51 to 53** - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed hackney and private hire vehicles.

3.9 In addition the sub committee applied additional conditions to each licence:

3.9.1 **Liberte**

3.9.2 The basement level staff smoking area be shielded from view by the public by use of a canopy. No unsupervised contact to take place between dancers and customers when on smoking breaks.

3.9.3 Panic alarms are to be fitted to all booths and VIP areas.

3.9.4 **Deep Blue**

3.9.5 The terrace level staff smoking area to the rear of the property be used by dancers and they should be covered up at all times with the knee length robes supplied by the applicant.

3.9.6 The licence is granted subject to the applicant providing a revised draft logo for the premises; this to be approved by the members of this sub committee as set out in standard condition 19 requiring the exterior appearance of the premises to be approved by the council in writing. The revised logo must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.

3.9.7 Panic alarms are to be fitted to all the booths and VIP performance areas.

3.9.8 **Purple Door**

3.9.9 The rear of the premises only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.

3.9.10 Panic alarms are to be fitted to all booths and VIP performance areas.

3.9.11 **Red Leopard**

3.9.12 The designated yard area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.

3.9.13 No street furniture except a carpet with appropriate rope or rail be placed outside the premises.

3.9.14 Panic alarms are to be fitted to all booths and VIP performance areas.

3.9.15 The licence is granted subject to the applicant providing a revised draft of flyers and cards for distribution; this to be approved by the members of this sub committee as set out in standard condition 23 such materials to be approved by the council in writing. The material must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.

3.9.16 **Wildcats**

3.9.17 The designated yard area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.

- 3.9.18 No street furniture except a carpet with appropriate rope or rail be placed outside the premises.
- 3.9.19 Panic alarms to be fitted to all booths and VIP performance areas.
- 3.9.20 The cat woman logo be removed from the exterior of the premises.
- 3.9.21 **Black Diamond**
- 3.9.22 The designated terrace area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.
- 3.9.23 Panic alarms to be fitted to all booths and VIP performance areas.
- 3.9.24 **Silks**
- 3.9.25 The licence is granted subject to the applicant providing a plan and scheme regarding where the dancers are to smoke and an example gown of the type to be worn by the dancers in the smoking area, this to be approved by the members of this sub committee as set out in standard condition 19; such external appearance to be approved by the council in writing. The material must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.
- 3.9.26 Panic alarms to be fitted to all booths and VIP performance areas.
- 3.9.27 The woman silhouette be removed from the external signage.
- 3.10 The full Notices of Decision are attached at Appendix 1.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is for information only and therefore there are no implications for consultation and engagement.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 As this is an advisory report there are no issues relating to equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 This report concerns the result of the licensing hearings to determine sex establishment licences for the seven current lap dancing premises. The determinations are made in accordance with the council's Sex Establishment Statement of Licensing Policy.

4.4 Resources and Value for Money

4.4.1 There are no implications on resources or value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications for this report.

4.6 Risk Management

4.6.1 There are no issues relating to risk management.

5 Conclusions

5.1 The specialist licensing sub committee determined the licence application for sex establishments made by the current seven lap dancing premises.

6 Recommendations

6.1 That Licensing Committee notes the contents of the report.

7 Appendices

7.1 Notice of Decisions for:
Liberte
Deep Blue
Purple Door
Red Leopard
Wildcats
Black Diamond
Silks

Notice of Decision

of the Licensing Sub Committee



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| Date of Hearing: | 11th June 2012 |
| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr G Hussain |
| Legal Officer: | Richard des Forges |
| Committee Clerk: | Helen Grey |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Liberte, 10 York Place, Leeds, LS1 2DS |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Paddy Whur Applicant's representative Svavan Einarsson Applicant Manuela Haruta Applicant |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering its decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Liberte occupies a small premises on York Place. The immediate locality is predominantly office buildings with some residents immediately above the club. The lap dancing club of Purple Door is on the same road and Deep Blue is to be found on Wellington Street to the rear.

The dancer welfare pack and disabled access was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the website. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding offices and workers, residents and visitors to the area. With regard to the close proximity of two other lap dancing clubs, it was the licensing sub committee's view, due in part by the size of the three clubs, that this did not ghettoise or create a specific area of Leeds given over to lap dancing clubs. This concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

A specific historic complaint relating to nuisance was received on behalf of the residence above the club. The licensing sub committee was satisfied that the changes of music and door controls brought about by the new management were sufficient to prevent further nuisance. It was noted that there were no instances of nuisance reported since the change of management.

The logo and imagery proposed to be used at the venue and on flyers were not considered offensive. Flyer distribution was said to take place only as far as the end of the street which may or may not exceed 100 metres of the establishment. Dancers when smoking are not visible from the street and are separated from customers and members of the public. They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles were not to be used and consented to a condition that they not be permitted.

Decision

The sub committee resolved to **grant** a licence in this application, subject to the following conditions.

1. All standard conditions be applied subject to the following amendments:
 - a. Condition 10 - Hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6am in addition to the area surrounding the premises.

- c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.
2. The basement level staff smoking area be shielded from view by the public by use of a canopy. No unsupervised contact to take place between dancers and customers when on smoking breaks.
 3. Panic alarms are to be fitted to all booths and VIP areas.

Right of Appeal

The following people have a right of appeal:

- (a) The applicant for a grant, renewal or transfer of a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 whose application is refused;
- (b) An applicant for the variation of the terms, conditions or restriction on or subject to which any such licence is held whose application is refused;
- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
- (d) A holder of any such licence whose licence is revoked.

to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

12(1) A licence under this Schedule shall not be granted -

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or
- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3) (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard -
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or

- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appeals should be addressed to the Magistrates Court and be accompanied by a copy of this notice of decision:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

There is a fee payable details of which can be obtained from the Magistrates Court.
Cheques should be made payable to HMCS.

Please note that persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Notice of Decision

of the Licensing Sub Committee



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| Date of Hearing: | 12th June 2012 |
| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr G Hussain |
| Legal Officer: | Richard des Forges |
| Committee Clerk: | Phil Garnett |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Deep Blue, 36 Wellington Street, Leeds, LS1 2DE |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Paddy Whur Applicant's representative Monika Ligerza Applicant's representative Nicholas Quadrini Applicant Paul Gourlay Applicant Kate Thompson Expert witness Roger Etchells Expert witness Cllr Alison Lowe Objector |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering it's decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Deep Blue occupies a small premises on Wellington Street. The immediate locality is predominantly office buildings with a public house next door and residential flats close by. The lap dancing clubs of Purple Door and Liberte are to be found on York Place to the rear.

The dancer welfare pack and disabled access was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

The locality was not considered unsuitable given the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding offices and workers.

With regard to the close proximity of two other lap dancing clubs, it was the licensing sub committees view, due in part by the size of the three clubs, that this did not ghettoise or create a specific area of Leeds given over to lap dancing clubs. The concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

Councillor Lowe objecting pointed out that the locality was sensitive due to the premises being viewable from Leeds railway station. The sub committee accepted the evidence of the expert for the applicant that the view of the premises was oblique. The proposed changes to the front of the premises would be made it less visible.

The logo was considered inappropriate and could be offensive due to it portraying male genitalia. It was noted that the applicant was happy to make any changes required by the council. Other imagery proposed to be used at the venue and on flyers was not considered offensive. The licensing sub committee felt that the reference to "stunning girls" waiting for customers should be changed to "dancers" waiting for customers so as to remove any ambiguity that may be regarded as offensive.

Flyer distribution was said to take place only along the street and city square which may or may not exceed 100 metres of the establishment. Dancers, when smoking, are not visible from the street and are separated from members of the public. They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles were not to be used and consented to a condition that they not be permitted.

Decision

The sub committee resolved to grant a licence in this application, subject to the following conditions.

1. All standard conditions be applied subject to the following amendments
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting / distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.
2. The terrace level staff smoking area to the rear of the property be used by dancers and they should be covered up at all times with the knee length robes supplied by the applicant.
3. The licence is granted subject to the applicant providing a revised draft logo for the premises; this to be approved by the members of this sub committee as set out in standard condition 19 requiring the exterior appearance of the premises to be approved by the council in writing. The revised logo must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.
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to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

- 12(1) A licence under this Schedule shall not be granted -
 - (a) to a person under the age of 18; or
 - (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or

- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3)
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard -
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 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
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| Legal Officer: | Richard des Forges |
| Committee Clerk: | Andrew Booth |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Purple Door, 5 York Place, Leeds, LS1 2DR |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Paddy Whur Applicant's representative Paul Gourlay Applicant Roger Etchell Expert Witness |

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The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering its decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Purple Door occupies a small premises on York Place. The immediate locality is predominantly office buildings with some residents immediately above the club. The lap dancing club of Liberte is on the same road and Deep Blue is to be found on Wellington Street to the rear.

The dancer welfare pack and disabled access was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding offices and workers, residents and visitors to the area. With regard to the close proximity of two other lap dancing clubs, it was the licensing sub committees view, due in part by the size of the three clubs, that this did not ghettoise or create a specific area of Leeds given over to lap dancing clubs. The concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

The logo and imagery proposed to be used at the venue and on flyers were not considered offensive. Flyer distribution was said to take place only as far as the end of the street which may or may not exceed 100 metres of the establishment.

Dancers when smoking are not visible from the street and are separated from customers and members of the public. They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles were not to be used and consented to a condition that they not be permitted.

Decision

The sub committee resolved to grant a licence in this application subject to the following conditions:

1. All standard conditions be applied subject to the following amendments
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting / distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles
2. The rear of the premises only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.

3. Panic alarms are to be fitted to all booths and VIP performance areas.

Right of Appeal

The following people have a right of appeal:

- (a) The applicant for a grant, renewal or transfer of a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 whose application is refused;
- (b) An applicant for the variation of the terms, conditions or restriction on or subject to which any such licence is held whose application is refused;
- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
- (d) A holder of any such licence whose licence is revoked.

to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

12(1) A licence under this Schedule shall not be granted -

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or
- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3) (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard -
- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appeals should be addressed to the Magistrates Court and be accompanied by a copy of this notice of decision:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

There is a fee payable details of which can be obtained from the Magistrates Court.
Cheques should be made payable to HMCS.

Please note that persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Notice of Decision

of the Licensing Sub Committee



| | |
|----------------------------|---|
| Date of Hearing: | 13th June 2012 |
| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr G Hussain |
| Legal Officer: | Richard des Forges |
| Committee Clerk: | Andrew Booth |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Red Leopard, 163-167 The Headrow, Leeds, LS1 2QS |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Julian Skeens Applicant's representative Angela Cromer Applicant's representative Sandra Lavine Applicant David Marriner Applicant Darrel Butterworth Expert witness |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering it's decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Red Leopard is positioned on the Headrow, a wide main road, opposite the Town Hall and other civic buildings. The lap dancing club of Wildcats is to be found on the same street. Office, shops, bars and residences populate the area.

The dancer welfare pack and disabled access was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

Locality was the subject of many objections to this application. The licensing sub committee considered the opening times and neutral, discrete frontage. There is no mandatory ban to premises in this area although that may be the subject to review in the next policy.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding locality. With regard to the close proximity of one other lap dancing club, it was the licensing sub committees view that this did not ghettoise or create a specific area of Leeds given over to lap dancing clubs. The bus stop mentioned by objectors outside the club was for one bus service only that ceased to run at 9pm. The concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

The logo and imagery proposed to be used at the venue were not considered offensive. Flyer distribution was said to take place at many distribution points which may or may not exceed 100 metres of the establishment. No up to date examples of flyers to be distributed after 1 October 2012 were supplied for consideration so approval of the type was not possible.

Dancers, when smoking, are not visible from the street and are separated from customers and members of the public . They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles need not be used and consented to a condition that they not be permitted if that were appropriate.

The applicant made suggested amendments to the standard conditions which were in the main considered perhaps pedantic by the applicant. Of those that related to typographical errors those will be considered by officers before the final decision letters are sent out. Those others were considered to undermine the decisions reached under the consultation process, with particular reference to the stage show exemption.

Decision

The sub committee resolved to grant a licence in this application subject to the following conditions:

1. All standard conditions be applied subject to the following amendments:
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.
2. The designated yard area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.
3. No street furniture except a carpet with appropriate rope or rail be placed outside the premises.
4. Panic alarms are to be fitted to all booths and VIP performance areas.
5. The licence is granted subject to the applicant providing a revised draft of flyers and cards for distribution; this to be approved by the members of this sub committee as set out in standard condition 23 such materials to be approved by the council in writing. The material must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.

Right of Appeal

The following people have a right of appeal:

- (a) The applicant for a grant, renewal or transfer of a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 whose application is refused;
- (b) An applicant for the variation of the terms, conditions or restriction on or subject to which any such licence is held whose application is refused;
- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
- (d) A holder of any such licence whose licence is revoked.

to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

- 12(1) A licence under this Schedule shall not be granted -
- (a) to a person under the age of 18; or

- (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or
- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3) (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard -
- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appeals should be addressed to the Magistrates Court and be accompanied by a copy of this notice of decision:

Clerk to the Justices
 Leeds Magistrates Court
 Westgate
 Leeds
 LS1 3JP

There is a fee payable details of which can be obtained from the Magistrates Court. Cheques should be made payable to HMCS.

Please note that persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Notice of Decision

of the Licensing Sub Committee



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|----------------------------|---|------------|----------------------------|----------------|----------------------------|-------------|-----------|--------------|-----------|---------------|-----------|----------------|----------------|----------------|----------|
| Date of Hearing: | 13th June 2012 | | | | | | | | | | | | | | |
| Determination Date: | 15th June 2012 | | | | | | | | | | | | | | |
| Notice of Decision: | 18th June 2012 | | | | | | | | | | | | | | |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr G Hussain | | | | | | | | | | | | | | |
| Legal Officer: | Richard des Forges | | | | | | | | | | | | | | |
| Committee Clerk: | Guy Close | | | | | | | | | | | | | | |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden | | | | | | | | | | | | | | |
| Premises: | Wildcats, 149-155 The Headrow, Leeds, LS1 5RB | | | | | | | | | | | | | | |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment | | | | | | | | | | | | | | |
| Attendees: | <table><tr><td>Paddy Whur</td><td>Applicant's representative</td></tr><tr><td>Monika Ligorza</td><td>Applicant's representative</td></tr><tr><td>Hamed Nejad</td><td>Applicant</td></tr><tr><td>Lewis Wright</td><td>Applicant</td></tr><tr><td>Marie Gholami</td><td>Applicant</td></tr><tr><td>Roger Etchells</td><td>Expert witness</td></tr><tr><td>Sandra McNeill</td><td>Objector</td></tr></table> | Paddy Whur | Applicant's representative | Monika Ligorza | Applicant's representative | Hamed Nejad | Applicant | Lewis Wright | Applicant | Marie Gholami | Applicant | Roger Etchells | Expert witness | Sandra McNeill | Objector |
| Paddy Whur | Applicant's representative | | | | | | | | | | | | | | |
| Monika Ligorza | Applicant's representative | | | | | | | | | | | | | | |
| Hamed Nejad | Applicant | | | | | | | | | | | | | | |
| Lewis Wright | Applicant | | | | | | | | | | | | | | |
| Marie Gholami | Applicant | | | | | | | | | | | | | | |
| Roger Etchells | Expert witness | | | | | | | | | | | | | | |
| Sandra McNeill | Objector | | | | | | | | | | | | | | |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely

sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering its decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Wildcats is positioned on the Headrow, a wide main road, opposite the Library and Henry Moor building, cenotaph and other civic buildings. The lap dancing club of Red Leopard is to be found on the same street. Office, shops, bars and residences predominate the area.

The dancer welfare pack and disabled access was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

Locality was the subject of many objections to this application. The licensing sub committee heard expert evidence on behalf of the applicant and market research results together with a change in the visual appearance of the premises that has already occurred. The applicant also consented to the removal of the cat woman logo if it was considered, as in the many objections, to cause offence.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding locality. With regard to the close proximity of one other lap dancing club, it was the licensing sub committees view that this did not ghettoise or create a specific area of Leeds given over to lap dancing clubs. The bus stop mentioned by objectors outside the Red Leopard club was for one bus service only that ceased to run at 9pm. The concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

The objector Sandra McNeill on behalf of a number of objecting groups referred to risks to women's safety but these were of a general nature and not supported by any observations by the police or any evidence relating to Leeds.

From the number of objections the logo did cause offence to members of the public. Other imagery proposed to be used at the venue were not considered offensive with the exception that the reference to "play with" the dancers be removed so that any ambiguity did not cause offence. Flyer distribution was said to take place at many distribution points which may or may not exceed 100 meters of the establishment.

Dancers, when smoking, are not visible from the street and are separated from customers and members of the public. They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles need not to be used and consented to a condition that they not be permitted if that were appropriate.

Decision

The sub committee resolved to grant a licence in this application subject to the following conditions:

1. All standard conditions be applied subject to the following amendments:
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.
2. The designated yard area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.
3. No street furniture except a carpet with appropriate rope or rail be placed outside the premises.
4. Panic alarms to be fitted to all booths and VIP performance areas.
5. The cat woman logo be removed from the exterior of the premises.

Right of Appeal

The following people have a right of appeal:

- (a) The applicant for a grant, renewal or transfer of a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 whose application is refused;
- (b) An applicant for the variation of the terms, conditions or restriction on or subject to which any such licence is held whose application is refused;
- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
- (d) A holder of any such licence whose licence is revoked.

to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

- 12(1) A licence under this Schedule shall not be granted -
- (a) to a person under the age of 18; or
 - (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or
 - (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
 - (d) to a body corporate which is not incorporated in an EEA state; or
 - (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a

licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3) (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard -
- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appeals should be addressed to the Magistrates Court and be accompanied by a copy of this notice of decision:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

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Notice of Decision

of the Licensing Sub Committee



| | |
|----------------------------|---|
| Date of Hearing: | 14th June 2012 |
| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr B Selby |
| Legal Officer: | Richard des Forges |
| Committee Clerk: | Stuart Robinson |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Black Diamond, 68 New Briggate, Leeds, LS1 6NU |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Paddy Whur Applicant's representative Chris Rees-Gay Applicant's representative Mihaela Nita Applicant Sgt Fullilove West Yorkshire Police PC K Sanderson West Yorkshire Police |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering its decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Observations were made by the police who were worried about management control with the premises. The licensing sub committee were satisfied that most of these concerns were in relation to previous management and ownership and, although they had concerns regarding inappropriate touching in the bar area, these were reduced by the applicant confirming that a further experienced manager from a Sheffield club was to assist the running of the premises. The licensing sub committee are assured that the police and enforcement officers will continue to monitor the running of this premises.

Black Diamond occupies a small premises on New Briggate. The immediate locality is predominantly office buildings, bars and taxi ranks with the Grand Theatre being the closest sensitive location. There are no other lap dancing clubs in the area.

The dancer welfare pack was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding area. The concession by the applicant regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety.

The logo and imagery proposed to be used at the venue and on flyers were not considered offensive. Flyer distribution was said to take place at distribution points which may or may not exceed 100 metres of the establishment.

Dancers when smoking are not visible from the street and are separated from customers and members of the public. They are further to be wrapped in gowns of at least knee length so are not portraying an indecent image when seen by the public outside the venue.

The application made it clear that vehicles were not to be used and consented to a condition that they not be permitted.

Decision

The sub committee resolved to grant a licence in this application subject to the following conditions:

1. All standard conditions be applied subject to the following amendments:
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.
 - b. Condition 24 - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.

2. The designated terrace area only will be used as a smoking area for the dancers who will be covered up at all times with the knee length robes supplied by the applicant. No unsupervised contact to take place between dancers and customers when on smoking breaks.
3. Panic alarms to be fitted to all booths and VIP performance areas.

Right of Appeal

The following people have a right of appeal:

- (a) The applicant for a grant, renewal or transfer of a licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 whose application is refused;
- (b) An applicant for the variation of the terms, conditions or restriction on or subject to which any such licence is held whose application is refused;
- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
- (d) A holder of any such licence whose licence is revoked.

to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

12(1) A licence under this Schedule shall not be granted -

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being is disqualified under paragraph 17(3) below; or
- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

Unless the applicant shows that the ground did not apply to him.

This right of appeal also does not extend to a decision made on the grounds of

- 12(3) (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard -
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appeals should be addressed to the Magistrates Court and be accompanied by a copy of this notice of decision:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

There is a fee payable details of which can be obtained from the Magistrates Court.
Cheques should be made payable to HMCS.

Please note that persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Notice of Decision

of the Licensing Sub Committee



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|----------------------------|--|
| Date of Hearing: | 14th June 2012 |
| Determination Date: | 15th June 2012 |
| Notice of Decision: | 18th June 2012 |
| Members: | Cllr S Armitage (chair) Cllr B Gettings JP Cllr G Hussain |
| Legal Officer: | Richard des Forges |
| Committee Clerk: | Phil Garnett |
| Licensing Officer: | Nicola Raper Philomena Carville Matthew Nelson Susan Holden |
| Premises: | Silks, 2 Sovereign Place, Leeds, LS1 4SP |
| Application: | Sex Establishment Licence authorising the activity of sexual entertainment |
| Attendees: | Anthony Lyons Applicant's representative Elizabeth Morris Applicant Maria Cunningham Applicant G Hutchinson Applicant Cllr Macniven Objector Cllr Charlwood Objector |

This application was brought before the Licensing Sub Committee as it is the first application for a grant of a sex establishment licence and due to the receipt of relevant objections.

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
3. Sex Establishment Statement of Licensing Policy
4. Any objections received from members of the public
5. Any observations received from West Yorkshire Police

Background

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 and Schedule 3 to introduce a new classification of sex establishment, namely

sexual entertainment venues. This brought a new licensing regime for lap dancing, pole dancing and other relevant entertainment venues.

Leeds City Council adopted the provisions of Schedule 3 on 19 January 2011. Extensive research and consultation with the trade, academics, action groups and the public resulted in a policy document that was passed by Executive Board in September 2011.

The policy adopted by Leeds City Council did not choose to place a limit on the number of permitted lap dancing venues within the city but instead set out the approach of encouraging the responsible promotion of licensed activities through frank discussions with the trade, the imposition of conditions and effective enforcement to address problems in partnership with key agencies.

The council does have the mandatory and discretionary grounds open to it to refuse any application for a licence. If it does not refuse it can impose appropriate conditions. The council's policy document contains 56 standard conditions which can be added to or varied at the discretion of the licensing sub committee on the granting of a licence.

The council received seven applications, all from premises which presently provide lap dancing under the terms of their existing licence issued under the Licensing Act 2003. If granted, these licences will take effect from 1 October 2012 and last for 12 months at which time an application will have to be made to renew.

Objections have been received from members of parliament, councillors, Leeds Object, Support After Rape and Sexual Violence Leeds and anonymous members of the public. These objections were primarily of a general nature dealing with all lap dancing clubs in Leeds, with a small number of objections specific to certain establishments.

Many objections received raised moral objections against lap dancing establishments in general.

Other objections received raised concerns about the numbers of lap dancing establishments in Leeds and asked for the number to be arbitrarily halved or capped. The policy adopted by Leeds City Council does not set a limit on the numbers of establishments as each application will be judged on its own merits. The licensing sub committee notes that the policy is to be reviewed in approximately 18 months time. Any change to impose an overall limit on numbers can be considered at that time.

Further objections received raised concerns on the subjects of:

- Licensing of lap dancing was contrary to the Equality Act 2010.
- The unsuitability of the locality of the proposed establishments.
- Offensive signage, imagery, and littering of flyers.
- Length of opening hours applied for including daytime hours.
- Women's safety - both leaving work at night and going to work early morning.
- Dancers' welfare and their commercial exploitation.
- Licensing would be detrimental to the Vision of Leeds 2011-2030 as it undermines the "fair, open and welcoming" vision.

The licensing sub committee has considered all of these further objections when considering its decisions.

The sub committee has also read the Eden reports of 2003 (Lilith Report) and 2007 relating to studies in London boroughs and those studies that seek to reevaluate those studies. Also considered has been the work by Dr Teela Sanders specific to Leeds.

Application

Silks occupies a small premises under the dark arches near the Hilton Hotel, set back down a short alley/yard from the main street. The immediate locality is predominantly office buildings, the hotel and car parks. The railway station is the closest sensitive location but is not visible from the premises. There are no other lap dancing clubs in the area.

The dancer welfare pack was considered sufficient to satisfy the required Equality Act considerations as set out in the council's screening document as published on the web site. The dancer welfare pack was also sufficient safeguard on the concern of dancer's welfare and commercial exploitation.

The locality was not considered unsuitable given that the opening hours suggested by the applicant places this premises operating in the late hours of the night to the early hours of the morning. The licensing sub committee were of the opinion that appropriately set hours could ensure that the premises could operate without impacting upon the surrounding area. The concession regarding opening hours was sufficient to address the concerns raised relating to the perceived risk to women's safety. Nearby bus stops were considered not in view of the premises and buses stopped using them at 11.30pm.

The logo used on the sign was considered offensive to some persons in Leeds and drew attention to the nature of the establishment. The other imagery proposed to be used at the venue and on flyers were not considered offensive. Flyer distribution was said to take place at distribution points which may or may not exceed 100 metres of the establishment.

Dancers, when smoking, are visible from the front of the premises and are not separated from customers and members of the public. This was a concern to the licensing sub committee.

The application made it clear that vehicles were an integral part of the business providing 70% of the customers to the venue. The applicant however conceded that this could be achieved by use of licensed taxis but preferred to keep the vehicles as these were an advertising tool. The licensing sub committee heard that these are parked in busy nightspot areas for the distribution of flyers giving a high profile image for a low profile premises. The objector Cllr Charlwood gave evidence of an incident where her husband was accosted by the Hummer vehicle occupants outside Leeds city railway station when a woman hung out of the car offering leaflets. This is the type of act that the sub committee are specifically concerned to avoid.

Decision

The sub committee resolved to grant a licence in this application subject to the following conditions:

1. All standard conditions be applied subject to the following amendments
 - a. Condition 10 - hours of opening will be: 10pm - 4am Sunday to Thursday, 10pm - 5am Friday and Saturday.

- b. Condition 24 - leafleting/distribution of flyers will be extended to require the licensee to remove any leaflets from the highway within a 100 metre radius of the distribution point by 6 am in addition to the area surrounding the premises.
 - c. Conditions 51 to 53 - The conditions relating to vehicles will be replaced by one condition not permitting vehicles to be used for personal solicitation, touting or advertising but allowing the transport of customers to or from the premises but only by the use of licensed taxi and private hire vehicles.
2. The licence is granted subject to the applicant providing a plan and scheme regarding where the dancers are to smoke and an example gown of the type to be worn by the dancers in the smoking area, this to be approved by the members of this sub committee as set out in standard condition 19; such external appearance to be approved by the council in writing. The material must be presented for approval by 31 August 2012. The premises will not be permitted to operate after 1 October 2012 if not approved.
 3. Panic alarms to be fitted to all booths and VIP performance areas.
 4. The woman silhouette be removed from the external signage.

Right of Appeal

The following people have a right of appeal:

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- (c) A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held;
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to the Magistrates Court should they be dissatisfied with the decision made by the sub committee. This appeal must be made within 21 days of receiving this notice.

This right of appeal does not extend to decisions made on the grounds of:

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- (c) to a person, other than a body corporate, who is not resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal;

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