

LICENSING SUB COMMITTEE (SEV'S)

MONDAY, 11TH JUNE, 2012

PRESENT: Councillor S Armitage in the Chair
Councillors B Gettings and G Hussain

1 Election of the Chair

RESOLVED – That Councillor Armitage be elected Chair of the meeting

2 Exempt Information - Possible Exclusion of the Press and Public

The Sub Committee felt that the hearing should be held in the public domain and agreed that wherever possible, specific reference to the contents of the exempt information contained within Appendix B of the report should not be referred to, however if it became necessary, the public and press would be excluded from the meeting as follows:

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as contained in Appendix B of the report referred to in minute 5 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.

3 Late Items

No formal late items of business were added to the agenda for the meeting

4 Declarations of interest

There were no declarations of interest

5 "Liberte" - Application for the grant of a sex establishment licence for : Liberte, 10 York Place, Leeds LS1 2DS

The Licensing Sub Committee considered the report of the Head of Licensing and Registration on an application made under Section 2 (Schedule 3) of the Local Government (Miscellaneous Provisions) Act 1982 for the grant of a sex establishment licence. The application was made by TRL Promotions Limited, Suite 2, Chapel Allerton House, Harrogate Road, Leeds relating to the premises known as 'Liberté', York Place, Leeds. The basement and first

floors are to be covered under the provisions of the licence with proposed hours of operation of 10:00 until 06:30 seven days per week.

Appendix B of the report was exempt from publication under Access to Information Procedure Rule 10.4 (1, 2 & 3), and Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) however the Sub Committee resolved not to specifically discuss the exempt information to allow the hearing to be held in public.

The application attracted a total of 32 objections, including 4 from elected members and 1 from a member of parliament. A further objection was received from Councillor Rebecca Charlwood which was counter signed by a further 19 elected members, 8 members of parliament, 1 member of European parliament, and 4 leaders of religious groups. Four letters in support of the application had also been received.

Members noted that two of the objectors attended the hearing, but did not wish to speak. Members therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors

Present at the hearing were

<u>For Liberté</u> Mr P Whur – solicitor for the applicant Mr S Einarsson – Ms M Haruta	<u>Observers (7)</u> Mr H Nejad Ms S Levine Sgt R Fullilove Ms K Sanderson	Mr Skeens Mr D Marsh Councillor R Charlwood
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The Sub Committee heard from Mr Whur on behalf of the applicant who addressed the following points:

- the licensed history of the premises and the application before the Sub Committee
- the changes to licensing regime for such establishments and the work previously undertaken in Leeds to draw up the Statement of Licensing Policy
- the implications of the Human Rights Act in terms of the determination of the application and the options available to Members
- the management structure of the premises, opening hours, layout including use and monitoring of private booths, security in terms of door staff and CCTV system
- the modest appearance and capacity of the premises
- that the applicant accepted all standard conditions contained within the Statement of Licensing Policy and undertook that no vehicles would be employed in the business model as touting for business did not form part of the business plan for the premises

Mr Whur also addressed the written objections, commenting that many objections related to the principle of such establishments on moral grounds or were specific to other premises located elsewhere in the city. Mr Whur then dealt with concerns raised relating to the impact of this premises on residents

and safety of women in the locality and the historical objection from a local resident which he noted related to the previous management of the premises. Mr Whur also noted that no submissions had been made by West Yorkshire Police and he referred the Sub Committee to the work of Professor T Sanders and her report on the lap dancing business in Leeds to provide a balance to the general objections received in regards to this application. In conclusion he reiterated that Liberté with its modest capacity and discreet appearance in this side street location would not cause offence as the daytime use of the locality finished before the venue opened (at 21:30 hours currently). Additionally the Policies proposed by the management team were sufficient to address issues raised in the Statement of Licensing Policy and would ensure against any detrimental impact the operation of the premises could have.

In discussions with the Sub Committee, Mr Whur and the applicant confirmed the following

- The Designated Premises Supervisor and the manager were on the premises at all times the premises were open with one door staff as befitting the level of business should an incident occur on the street outside.
- No reported problems associated with the operation of this premises as a lap dancing venue previously
- The management team was aware of its responsibilities towards littering from flyers and the relevant permits to distribute leaflets had been obtained
- ID was sought from patrons at the point of entry through the Challenge 25 policy
- Dancers were never left without personal supervision and the management undertook to install panic alarms

RESOLVED –

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on Friday 15th June 2012 – once all applications for the new Sex Establishment Licences to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public will be excluded from those proceedings as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process