

## LICENSING SUB COMMITTEE (SEV'S)

THURSDAY, 14TH JUNE, 2012

**PRESENT:** Councillor S Armitage in the Chair

Councillors B Gettings and B Selby

**26 Election of Chair**

**RESOLVED** – That Councillor Armitage be elected Chair of the meeting

**27 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 30 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.

**28 Late Items**

No formal late items of business were added to the agenda however West Yorkshire Police had submitted additional evidence, in the form of CCTV footage filmed at the premises, in support of their written submission. This was made available at the hearing.

**29 Declaration of Interests**

There were no declarations of interest

**30 Application for a grant of a sex establishment licence for: Black Diamond Club, 68 New Briggate, Leeds LS1 6UN**

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 Mr Razwan Ali for the premises known as 'Black Diamond Club', 68 New Briggate, Leeds LS1 6UN. The 2<sup>nd</sup> floor of the premises is to be covered under the provisions of the licence with the proposed hours of operation being 11:00 until 09:00 hours 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. Additionally, the contents of the DVD showing the CCTV footage were also regarded as exempt and members of the public would be excluded from that part of the hearing where the DVD was viewed by the Sub Committee.

The application had attracted a total of 33 objections, including 4 from elected members plus one from a member of parliament. A further objection was received from Councillor R Charlwood which had been countersigned by 19 elected members, 8 members of parliament, 1 member of the European Parliament and 4 leaders of religious groups. West Yorkshire Police had also made a submission. 4 letters of support were also submitted. Not all of the objectors attended the hearing and the Sub Committee resolved to consider their written submissions in their absence and proceed with the hearing.

Present at the hearing were

For Black Diamond

Mr P Whur – Solicitor for the applicant

Mr C Rees-Gay – applicants representative

Ms M Nita

Objectors

Sgt R Fullilove – West Yorkshire Police

Ms K Sanderson – West Yorkshire Police

Plus, 4 observers

The Sub Committee firstly dealt with the DVD evidence and viewed this in private and commented on the behaviour of dancers and customers in the bar area of the venue – which is outside the performance area.

The Sub Committee heard from Sergeant Fullilove on behalf of West Yorkshire Police who outlined the findings of police enforcement visits to the premises between August 2012 and May 2012 and expressed concern over the management policies and procedures in operation at the premises.

Members then considered the representation made by Mr Whur regarding the submission of evidence relating to events in 2010 before his client took over the management of the premises, and agreed that this part of the submission should be discounted. Mr Whur also highlighted the fact that he had not been able to prepare a response to the issues now highlighted by West Yorkshire Police as this evidence had only been made available at the hearing. As such the hearing was adjourned for a short while to afford the applicant time to consult with Mr Whur.

On re-commencement in public, Mr Whur responded to the contents of the CCTV footage in detail and then addressed the following points:

- the capacity and numbers of dancers throughout the week
- the coverage provided by the CCTV system
- a smoking area specifically for use by staff and dancers was available

- the comments contained in one written objection regarding the proximity of the venue to the Leeds Arena and Leeds Grand Theatre & Opera House.

Members commented on those aspects of the application they would require further written detail on prior to the issue of the Licence, should it be granted as being clarification on the drinks policy, the charging policy and contracts for dancers.

**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 15<sup>th</sup> June 2012 – once all applications for the new Sex Establishment Licence 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 the proceedings where Members deliberate the application 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