

Licensing Sub-Committee

Thursday, 19th September, 2013

PRESENT: Councillor A Khan in the Chair

Councillors G Hussain and C Townsley

74 Election of the Chair

RESOLVED – That Councillor Khan be elected to the Chair for the duration of the meeting.

75 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

76 Exempt Information - Possible Exclusion of the Press and Public

There was one exempt Appendix for Item 7 “Black Diamond” Appendix C has been designated as exempt information. Members of the committee were made aware and asked to consider exclusion of the press and public from the hearing if those matters were to be discussed.

77 Late Items

There were no late items.

78 Declarations of Disclosable Pecuniary Interests

No declarations were made.

79 "Black Diamond" - Application for the Grant of a Sex Establishment Licence for Black Diamond, 68-72 New Briggate, Leeds LS1 6UN

At the start of the meeting the Council’s Legal Representative made the meeting aware that two members of the committee had sat on the working group for the new policy in relation to licensing of sex establishments. The Members have come to this hearing with an open mind.

This application was for the grant of a sex establishment licence for premises that presently hold a sex establishment licence for a smaller operation.

The application was made under section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the grant of a sex establishment licence for premises known as ‘Black Diamond Club’, situated at 68-72 New Briggate, Leeds LS1 6UN.

The premises have operated under the provisions of the Licensing Act 2003 for the provision of alcohol and regulated entertainment for a number of years. The premises have been licensed since 2005. At that time there was no separate licence required for the provision of sexual entertainment, and it is understood that lap dancing was provided at these premises at that time.

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3 introduced a

new classification of sex establishment, namely sexual entertainment venues, bringing lap dancing, pole dancing and other 'relevant entertainment' into the same regime as licensed sex shops and sex cinemas in the Leeds area since 1982.

Leeds City Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 19th January 2011 with effect from 1st October 2011.

Leeds City Council adopted its Statement of Licensing Policy for the Licensing of Sex Establishments in September 2011.

In June 2012 these premises were successfully granted a sex establishment licence to provide sexual entertainment in the form of lap dancing. The licence covered the 1st and 2nd floors of the building only.

The Statement of Licensing Policy for the Licensing of Sex Establishments has subsequently been reviewed and a new policy was adopted by Executive Board in July 2013 with effect from 1st September 2013.

This application is in relation to a new sex establishment licence for all four floors, incorporating the basement, ground, first and second floors of the building.

The original premises application made in January 2013 was applied for in the name of 'Tantric Blue', the operator has now withdrawn this request and proposes to operate under the original name of 'Black Diamond'.

Partial copies of the application to be found at Appendix B of the report. It was noted that certain information submitted within the application is potentially exempt information under Access to Information Procedure Rule 10.4 (1, 2 and 3) as it includes information relating to individuals. Members were provided with full copies within a separate Appendix C.

Objections to this application were received from elected members and members of the public. The objections were in relation to the location, the demand and the protection of children.

The existing licence (1st and 2nd floors) was transferred to Illuminati Ventures Limited on the 5th August 2013.

Planning permission to incorporate all four floor of the building was granted on 1st August 2013 with conditions attached as set out in the report.

Mr Whur the Applicant's Legal Representative told the committee members that Illuminati Ventures Limited was a joint owned company with Spencer Tregidgo and Monty Ricardo each having a 50% share.

Mr Whur told the committee that the application had been made in January 2013 but the applicants wanted to do things right and get the right planning in

place, then transfer and Licensing Act 2003 licence before getting the SEV licence which was the final piece of the jigsaw. He said that it was right that the application should now be determined under the new SEV policy but that was unfortunate for the applicant.

Mr Whur told the committee that there were no responsible authority objectors as planning permission had been granted and objections raised by the Licensing Enforcement Team have been dropped after his clients have withdrawn the name Tantric Blue opting to stay with the name Black Diamond.

The applicants operate a similar SEV in Staines, Mr Whur checked with Police there and his clients have a good track record

His clients are proposing a different style of operation to those that already exist in the city with burlesque shows and female nights showing male strippers, offering food in the future and proposed disabled access, making the premises more inclusive.

Mr Whur told the committee that planning permission had been consented specifically for a 'lap dancing club'. Maps were tabled for Members information showing the location of the premises and the proposed layout of the four floors.

Members attention was drawn to the objections received against the sex establishment application with Mr Whur highlighting the new policy, quoting that the new policy has been introduced to meet the needs of the people of Leeds. Mr Whur said that no independent person's quality of life would be affected and no objections had been received by businesses nearby, residents, bus users, or the Grand Theatre.

Members' attention was drawn to the new policy in relation to the consultation undertaken:

- Section 2 paragraph 2.7
- Section 2 paragraph 2.13
- Section 2 paragraph 2.17
- Section 2 paragraph 2.18

In relation to other sections of the policy Mr Whur also highlighted in relation to the city of Leeds and the integration of the policy with other guidance, policies, objectives, and strategies:

- Section 4 paragraph 4.7
- Section 5 paragraph 5.2 – 5.7
- Section 7 paragraph 7.9

In summing up Mr Whur told the committee that his clients had complied with all issues raised by their application including waiting for planning permission, withdrawing the change of name, adhering to health and safety issues for employees and those visiting the club.

Members asked a number of questions including:

- Footfall in the location of the premises currently and in relation to new retail development
- Previous ownership of the club
- Location of Park Lane College in relation to premises.
- Health and safety of employees including secure areas for use of employees

For purposes of clarification the meeting were informed that the Citizens Panel used for consultation in producing the new policy are representative of all the people living and working in Leeds. Representing all ages, race, gender etc.

The parties retired to allow members to consider the application.

RESOLVED

The Licensing Sub-Committee can only make its decision on the application before it. This is not a decision relating to the two floors of the premises 68-72 New Briggate whose Sexual Entertainment Venue (SEV) licence is due to end on the 30th September 2013, unless an application is made before then to renew. The following decision is made in relation to an application for a new, larger, four floor Sexual Entertainment Venue (SEV) premises operating from 68-72, New Briggate. It is accepted by the applicant that this is a decision to be made under the new Licensing of Sex Establishments Statement of Licensing Policy which came into force on 1st September 2013.

Leeds Vision 2011-2030 focuses on the recognition that the city is the best in the UK. This includes the way Leeds is viewed by visitors. The sensitivity of locations near visitor attractions is therefore important to this vision, a point reflected in the Sex establishment Policy consultation replies. This site is a gateway of the city centre, being just off the inner ring road, for traffic entering the centre for its retail shopping areas, historic buildings, or to attend family leisure facilities of the Grand Theatre and Arena. The forthcoming retail shopping East Gate development to be built is a further reason this location is regarded as sensitive.

The Licensing Sub-Committee accept that there were valid objections in relation to the sensitivity of locality and effect on the child friendly vision for Leeds.

The Licensing Sub-Committee has considered the applicant's human rights and considers this decision to be proportionate when weighed against the benefit to the wider community.

In addition to the question of the appropriateness of the location, if this new application was granted it would be the eighth and the largest operation in the city centre. The Applicant's representative said that the existing SEV licence would be surrendered if this application was granted, but this would still leave seven SEV licences when the policy suggests four is the correct number for the city centre. The number existing SEV licences exceeds the number the Council feels is appropriate for the locality of the city centre.

The application for a new SEV licence is therefore refused as the grant of this new, four floor SEV licence would be inappropriate having regard to the character of the locality where the premises is situated. This is due to its positioning at a gateway to

the city centre and its proximity to the Arena, Grand Theatre and forthcoming East Gate retail shopping development.

The application is further refused as the number of sex establishments in the locality exceeds the number considered appropriate, namely four.