

LICENSING SUB COMMITTEE (SEV'S)

MONDAY, 18TH NOVEMBER, 2013

PRESENT: Councillor: G Hussain, A Khan and
C Townsley

1 Election of Chair

RESOLVED – Councillor G Hussain was elected Chair for the duration of the hearing

Present at the hearing were:

For Purple Door

Mr John Coen, Ford & Warren – solicitor representing the applicant
Ms R MacIntosh - observer
Mr J Adshead - observer
Mr M Nicholson – Witness/Chartered Surveyor
Mr M Hartley - observer
Mr S Tredigo - manager and DPS
Mr R Monty –manager
Mr M Makrinakis - Assistant Manager
Mr N Quadrini – Director of Ruby May 2

Observers

Mr P Whur
Mr P Gourlay

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 No. 5 in terms of 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, however a supplementary document relating to agenda item 5 – application in respect of “Purple Door” - had been supplied by the applicant and had been despatched to members prior to the hearing (Minute No.5 refers).

It was noted that Appendix H of the submitted report referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy (“the Policy”) adopted in September 2013 was circulated at the meeting.

4 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest

5 "Purple Door" - Application for the renewal of a Sex Establishment Licence for "Purple Door", 5 York Place, Leeds LS1 2DR

The Licensing Sub Committee considered the report of the Head of Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the renewal of a Sex Establishment Licence. The application was made by Ruby May (2) Limited, Unit 40 Low Friar House, Lower Friar Street, Newcastle Upon Tyne, NE1 5UF relating to the premises known as ‘Purple Door’, 5 York Place, Leeds. The basement and ground floors are to be covered under the provisions of the licence with proposed hours of operation of 22:00 until 04:00 hours Sunday to Thursday and 22:00 until 05:00 hours Friday and Saturday.

The report on the application included the following documentation which Members considered during their deliberations:

- Dancers Welfare Policy
- Dancers Code of Conduct
- Customers Code of Conduct
- Fines policy
- Pricing policy
- Trade Union Details
- Chartered Surveyors report (despatched after the agenda)
- Appearance/advertising material
- Site plan

Members also had access to an A3 city centre map showing the location of the premises.

Appendix B of the report was exempt from publication under Access to Information Procedure Rule 10.4 (1, 2 & 3), 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 25 objections and one letter of support.

Members noted that none of the objectors attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors

The Sub Committee said that the renewal application would be considered having regard to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013. The conditions within the revised Policy were contained in Appendix H. It was noted that the existing conditions for the current licence granted under the former policy were also included within the report

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

The members confirmed that they all came to deal with this application with an open mind.

In the first instance the Sub Committee sought to clarify two matters:

1. The fines policy – a copy of which was included within the application
2. Planning permission – as the report indicated the premises first received permission to trade as a licensed venue in 2005 but the application stated the venue had traded for more than ten years

The Sub Committee heard from Mr Coen on behalf of the applicant who addressed the following points:

1. Fines policy – the fines policy was submitted in accordance with the existing conditions on the current premises licence. He confirmed that the fines policy had been discontinued, as per the requirements of the Policy
2. Planning permission – the venue had traded prior to 2005 under the auspices of the 1964 Act for alcohol licensing and had been trading in excess of 10 years for alcohol and sexual entertainment

Mr Coen then addressed the application in detail, the key themes being:

- The experience of the management team
- The fact that the application had not attracted representation from West Yorkshire Police, therefore he suggested the venue did not raise concerns of being associated with crime and disorder and/or anti-social behaviour
- The fact that the application had not attracted representation from LCC Environmental Protection Team, therefore he suggested the venue was not associated with noise or nuisance

Enforcement – those matters raised during the enforcement visit on 25/10/13 had been resolved

Addressing the Policy, Mr Coen noted the suggested cap of four SEVS within the city centre and the list of locations deemed inappropriate for such venues. He noted that York Place was not included within the list of inappropriate locations.

Mr Coen suggested that there were no mandatory grounds by which the sub committee could reject the application, and none in respect of discretionary grounds as the applicant had not previously been convicted and the business was not carried on for the benefit of anyone else.

Mr Coen outlined the contents of independent Chartered Surveyors report of the premises and venue, solicited by the applicant. The Sub Committee heard from Mr Nicholson, the report author, who highlighted his experience as a chartered surveyor working closely with the licensed trade. Members noted his findings in respect of the locality, appearance and layout of the venue, the opening hours of the venue and his suggestion that the operating hours of the venue would not conflict with the day time uses in the locality.

Returning to the Policy, Mr Coen referred to the findings of the Citizen's Panel and the Council Policy in respect of Leeds as a Child Friendly City – Mr Coen posed the question, whether every premises in the city therefore had to be child friendly. He suggested not, that there must be licensed premises which supported the diversity of the licensed offer

Turning to the objections received, Mr Coen stated that none submitted were specific to the Purple Door venue. He indicated that the fact that none of the businesses or residents in the locality had submitted a representation. He suggested that Purple Door was a good neighbour, quiet and unobtrusive and that the premises were well run with due consideration.

Additionally, he noted comments within some of the letters of objection that there were links between such venues and crime and disorder and/or anti-social behaviour. Mr Coen refuted these comments in respect of Purple Door; he suggested that this was a perceived link, with no evidence to support it – as WYP (West Yorkshire Police) had not submitted a representation.

In conclusion, Mr Coen reiterated that, in the absence of representations specific to this venue, that Purple Door was a well-run venue which had traded during the last 12 months under the new style licence without issue. The venue was not a source of crime and disorder and/or anti-social behaviour and finally, that York Place was not included within the list of inappropriate locations for such a venue

In response to Members questions the following information was provided:

- Confirmed that other business/hotels were nearby, but that as this was a city centre venue, there would be a number of other businesses nearby.
- Mr Nicholson confirmed he had undertaken his visit to the premise on 5/11/13 after the enforcement visit of 25/10/13.

- The venue operated a Challenge 21/25 policy, but challenges under this policy were minimal and occurred only once or twice per month.
- SIUA registered door staff were located at the entrance to the premises – on street level and operated the challenge policy.
- The drugs safe had remained operational in that deposits could be made – whilst the venue's copy of the key was lost. The applicant confirmed that WYP would have been able to gain access to the safe. A new drugs safe had been purchased.

RESOLVED –

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of a Sex Establishment Licences authorising the activity of sexual entertainment 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 would 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