

LICENSING SUB COMMITTEE (SEV'S)

MONDAY, 18TH NOVEMBER, 2013

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

6 Election of Chair

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

Present at the hearing were:

For Deep Blue

Mr J Coen – Ford and Warren – solicitor
representing the applicant
Ms R MacIntosh – observer
Mr N Quadri – Director of Ruby May (1) Limited
Mr Nicholson – Witness/Chartered Surveyor
Mr I Benosenko – observer
Mr J Adshead – observer
Mr T Hooper – relief manager of the premises
Mr M Hartley – designated premises supervisor
Mr Makrinakis – observer

Observers

Mr P Whur
Mr P Gourlay
Mr C Rees-Gay

7 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. 10 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

individuals and those people would not reasonably expect their personal information or discussions thereon to be in the public domain

8 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 Deep Blue - had been supplied by the applicant and had been despatched to Members prior to the hearing (Minute No. 10 refers) It was noted that Appendix H of the report of the Head of Licensing and Registration 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”) which came into effect on 1 September 2013 was circulated at the meeting.

9 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

10 "Deep Blue" Application for the Renewal of a Sex Establishment Licence for Deep Blue, 36 Wellington Street, Leeds, LS1 2DE

The Licensing Sub-Committee considered a 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, as amended, for the renewal of a sex establishment licence. The application was made by Ruby May Holdings (1) Limited of Unit 40 Friar House, Low Friar Street, Newcastle NE1 5UF, relating to the premises known as ‘Deep Blue’, 36 Wellington Street LS1 2DE. The basement level, ground floor and first floor 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 to 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 Surveyor’s report (despatched after the agenda)
- Appearance/advertising material
- Site plan

Colour copies of the appearance/advertising material and a further location plan showing the premises in relation to other sensitive uses as set out in the Policy were also provided.

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

The application had attracted a total of 25 objections and one letter of support.

Members noted that none of the objectors had 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. It was noted that one Member had visited Deep Blue, as part of that Working Group.

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

The Legal Adviser, having outlined the procedure for the hearing, indicated that the Sub Committee sought clarity from the applicant's presentation on the following issues:

- How long the venue had traded as a lap dancing venue
- Issues arising from any compliance visits
- Clarity on whether any fining policy existed
- The number of dancers and the number of customers attending the venue

The Licensing officer presented the report of the Head of Licensing and Registration.

The Sub Committee heard from Mr Coen on behalf of the applicant who presented the application and provided information which included:

- the length of operation of the premises as a lap dancing venue.
- the lack of representations to the application from West Yorkshire Police or the Council's Environmental Protection Team or any responsible authority.
- that the compliance matters raised on a recent enforcement visit had now been resolved, with Licensing Officers being satisfied on the measures taken to address these.
- the experience of the management team running the premises.
- that the fines policy had been withdrawn.

- the external appearance of the club, which could be regarded as “opaque” and “discreet”.
- the representations received and the generic nature of these.
- the mixed-use nature of the surrounding area and the absence of representations from these businesses to the application.
- the proposed operating hours and that these were unlikely to overlap with office workers; shoppers or people travelling by train, in view of the proximity of the premises to the railway station and that the late night nature of the venue was not likely to be at odds with the Council’s Child Friendly City policy.
- the suitability of this location for a sexual entertainment venue and the figures and percentages contained in the Citizen’s Panel survey on this matter.
- Mr Nicolson was called as a witness by Mr Coen and answered questions in relation to his report.

In response to questions from the Sub-Committee, Mr Coen provided information on the following matters:

- the number of dancers at the club; the rest/welfare facilities made available to the dancers and the arrangements for their safe transport home.
- the policy of allowing dancers to smoke outside the premises and the dress code for dancers when taking a cigarette break outside the premises.
- the clientele profile of Deep Blue’s customers and the numbers attending throughout the week.
- the customer code of conduct and that monitoring of private dances did take place.
- the security measures taken to prevent under 25s entering the premises and the recording of incidents.
- the advertising literature provided with the application. It was noted that the applicant had not submitted examples of literature to accompany the application.
- clarification of the nature of the contraventions of the licence which had been revealed in a recent enforcement visit and the action taken to resolve these matters.

In summing up Mr Coen emphasised: in relation to Leeds being a child friendly city, that most if not all children, were at home in bed when the premises were open; the premises were well run and managed; they were a good neighbour; The Queens Hotel and Network Rail were close but hadn’t objected; by 10pm people would have arrived or departed from the station.

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 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