

LICENSING SUB COMMITTEE (SEV'S)

TUESDAY, 19TH NOVEMBER, 2013

PRESENT: Councillor G Hussain, A Khan and
C Townsley

11 Election of Chair

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

Present at the hearing were:

For Liberté

Mr J Skeens – solicitor representing the applicant
Ms Manuela Bianca Haruta – Director of TRL Promotions Ltd and designated premises supervisor
Ms Jodie Schulman – General Manager
Mr Thomas Chiang – Member of Staff
Mr Tom Ryan – Member of Staff

Observers

Mr P Whur
Mr P Gourlay
Mr Makrinakis

12 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. 15 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 individuals and those people would not reasonably expect their personal information or discussions thereon to be in the public domain.

13 Late items

No formal late items of business were added to the agenda for the meeting. It was noted that Appendix H of the submitted report referred to the standard conditions of the previous Sexual Entertainment Venues Licensing 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 on 1 September 2013 was circulated at the meeting

14 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

15 Liberte - Application for the renewal of a sex establishment licence for Liberte - 10 York Place LS1

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 TRL Promotions Limited, Suite 2 Chapel Allerton House, 114 Harrogate Road Leeds LS7 4NY, relating to the premises known as ‘Liberté’, 10 York Place LS1 2DS. The basement and ground floor were to be covered under the provisions of the licence, with proposed hours of operation of 22:00 hours until 04:00 hours Sunday to Thursday and 22:00 hours 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
- 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), 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.

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

The Sub-Committee heard from Mr Skeens on behalf of the applicant who presented the application. Mr Skeens referred to further documentation which had been submitted in support of the application.

The Licensing Officer advised that although a report prepared by a Chartered Town Planner had been received within the timescale for receipt of additional information, a further submission on behalf of the applicant had been received outside of this timescale. Whilst the report of Murdoch Associates, Chartered Town Planners was circulated to Members for their consideration, the Sub-Committee requested a short adjournment of the hearing to enable them to discuss whether to accept the further written information which had been submitted to Licensing Officers by the applicant.

Following the adjournment the Sub-Committee's Legal Adviser stated that Members had resolved not to accept the further written information the applicant sought to submit but that reference to the information could be made as part of the applicant's case to the Sub-Committee.

Mr Skeens continued to present the application and provided information which included:

- the length of operation of the premises as a lap dancing venue
- 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
- that the fines policy had been withdrawn
- the external appearance of the club, which could be regarded as being very discreet
- the representations received and that these were not site specific in relation to Liberté and related more to policy matters
- the mixed-use nature of the surrounding area and the absence of representations from these businesses to the application

- the location of the premises and that these were not sited close to any of the areas regarded as sensitive in the Policy
- the proposed opening hours and that there would be little overlap with other businesses in the immediate vicinity, with the exception of a few restaurants and bars

In response to questions from the Sub-Committee, Mr Skeens 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 number of customers attending the premises during the week
- confirmation that the fining policy had been abandoned
- 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

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