

LICENSING SUB COMMITTEE (SEV'S)

TUESDAY, 19TH NOVEMBER, 2013

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

16 Election of Chair

RESOLVED – Councillor G Hussain was elected as Chair for the duration of the meeting.

Present at the hearing were

For Silks

Mr Anthony Lyons, Kuits Solicitors – solicitor representing the applicant
M Cunningham - manager and DPS

Objector

Rowena Hall – on behalf of the Director of City Development, Leeds City Council.

Observers

Mr P Whur
Mr P Gourlay
Thomas Chiang
Sam Lee
Mercourios Makrinakis

17 Appeals Against Refusal of Inspection of Documents

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

18 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, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual

19 Late Items

No formal late items of business were added to the agenda for the meeting. 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.

20 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

21 "Silks" Application for the Renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds, LS1 4SP

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 renewal of a Sex Establishment Licence. The application was made by Red Carpet Leisure (Leeds) Limited, 199 Roundhay Road, Leeds, LS8 5AN relating to the premises known as 'Silks', 2 Sovereign Place, Leeds. The ground and first 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
- Appearance/advertising material
- Site plan

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 27 objections and one letter of support.

Members noted that only one 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 other objectors.

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 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 introduced the Report of the Head of Licensing and Registration.

The Sub Committee then heard from Mr Lyons on behalf of the applicant whose presentation included the following points:

That the management of the establishment were experienced. He said that 'Silks' had traded since 2008, the premises having previously traded as Rembrandts, and that the capacity of the venue was 100 people. Over the course of a busy evening between 200 and 250 people could pass through.

Confirmation was provided that 49 dancers were on the books and that on a typical Saturday evening 25 dancers would be working, further that no dancers are fined as per the clubs policy.

He said that lap dancing was a lawful activity, subject to regulation and that objection could not be made on moral grounds. It was put to the Sub Committee that Silks had complied with all regulations and policy issued nationally and locally.

Mr Lyons said that the location of 'Silks' was policy compliant in that it was not near to any relevant locations other than the train station and that only a very small proportion of station users passed the club. The venue also being a significant distance from other similar establishments. Further to this and due to the location being tucked away it was considered by Mr Lyons that the venue would not survive merely as a bar.

There was 29 staff apart from the dancers. There were at least 2 doormen on duty every night in line with the Policy. He said that if the licence was not granted it would lead to loss of livelihood for people.

The licence had been granted last year. Aware just because they have a licence not assured of renewal. In the absence of any change the fact that they have been in existence as a lap dancing venue for some time should be given due weight.

Mr Lyons commented on the objections received.

Mr Lyons addressed two letters of objection from the nearby apartment blocks located at Waterman Place and Granary Wharf, stressing that it would be impossible to even see the venue from these locations. The bus stop on Neville Street was raised with Mr Lyons informing the Committee that the last bus for Wakefield leaves at 9.16pm and for Huddersfield at 10.16pm. He also said that it was not possible to see the bus stops from the club or the club from the bus stops.

Mr Lyons commented that since September 2012 the branding of Silks has been toned down to ensure that the club is not visually intrusive.

With regards to the objection from the Director of City Development Mr Lyons pointed out that the proposed public green space development near Sovereign Street had not yet commenced and was unlikely to happen within the next year and that in any case the development could not be seen from Silks. Furthermore Mr Lyons argued that he considered it would be unlikely that the development would be in public use after 10pm.

He said that there did not appear to be any impact on inward investment in the area due to the presence of the premises.

The space planned was not dissimilar to City Square or Millennium Square, a nice space. He said it was green space not a park.

If there were an argument about the development it was premature; that it would be harsh to suffer a refusal for something planned in the future

The Sub Committee heard from Rowena Hall representing the Director of City Development:

Ms Hall outlined the reasons for the objection to the application which principally centred about the inappropriate location of Silks in light of the approved city centre green space development close to Sovereign Street which would see the venue face onto the development. Furthermore that the green space would be a high quality development used by many people, both during the day and in the evening. She said it was a new facility open to the public 24 hours a day; it would hold public events; includes a new green space which is the first in the city for a number of years and would be a leisure space used by families. She said the development comprised the new KPMG plot and two other development plots, the second one potential for restaurants and residences; it would provide a link to the shopping areas in Leeds.

Going past silks would be a main path into the new development.

She said the new south entrance railway station was to be delivered in 2014.

Members proceeded to ask questions about the application and the objection from City Development with particular regard to Leeds as a child friendly city.

Members asked questions about and established the likely date for the completion of the public green space development near Sovereign Street. Ms Hall indicated that work on the development was due to commence in August 2014 and would take about eight months to complete. Members further sought to establish the impact Silks would have on the green space.

Members also asked questions about how people were made aware of Silks and at what times the venue was most busy.

The impact on residential developments on the vicinity of Sovereign Street was considered by Members.

Finally Members asked further questions about the smoking policy for dancers and how they got home following the closure of the venue.

Mr Lyons went on to summarise the application stressing that he considered the objection form City Development to be premature. Further that if Silks was not granted a licence the livelihoods of many people would be affected. To deny continuity of trade and employment would be disproportionate. Today the space where the proposed development is planned is an uneven surface car park. Would be an opportunity next year if the licence were granted to debate more fully.

RESOLVED –

- a) To note the contents of both the written and verbal submissions
- b) To obtain sight of the Executive Board report and minutes relating to the proposed development; to share this with the applicant's representative for any further comment he wished to make prior to further consideration of the application by the Sub Committee.
- c) 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 heard. 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 matters, It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process