

LICENSING SUB COMMITTEE (SEV'S)

THURSDAY, 21ST NOVEMBER, 2013

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

22 Election of Chair

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

The following were present at the hearing:

For Red Leopard:

Miss Roth, Kher Solicitors
Mr D Marriner, Manager
Ms S Levine, Designated Premises Supervisor
Mr G Snape, Consultant

Observers:

Mr Whur
Mr Gourlay
Mr Makrinakis
Mr Chang
Mr Lee
Mr Keane
Mr Hartley

23 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

24 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. 27 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.

25 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

26 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

27 Application for the Renewal of a Sex Establishment Licence for Red Leopard, Jubilee Hotel 163-167 The Headrow 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 Fellmore Limited, Jubilee Chambers, 163-167 The Headrow, Leeds, LS1 2QS relating to the premises known as ‘The Red Leopard, 163-167 The Headrow, Leeds. The basement level, ground floor and first 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 Council’s Licensing of Sex Establishments – Statement of Licensing 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.

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

Miss Roth acting on behalf of the applicant, referred to additional information that had been prepared in relation to the application and requested that this information be accepted by the Sub-Committee. The Sub-Committee requested a short adjournment to the hearing to consider the request. .

Following the adjournment, Members resolved not to accept the further information that the applicant sought to submit but that reference could be made to those documents as part of the applicant's submission to the Sub-Committee.

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

At the outset of her presentation, Miss Roth informed the Sub-Committee of proposed changes to operation at the premises. Ms Roth was advised any decision could only be based on the application in front of the Sub-Committee and any future arrangements would be subject to a further application and not relevant in the consideration of this application.

Miss Roth continued to present the application and provided the following information:

- Future arrangements would no longer involve the use of the ground floor of the premises and external signage would be removable.
- The applicant was a long standing tenant of the Jubilee Chambers and had twelve and a half years of their lease left with no break clause.
- The applicant had operated from the premises since 2004 and during that time there had been no instances of crime or disorder connected with the premises reported.
- There were currently approximately 20 people employed and a further 70 people indirectly employed including 25 dancers.
- Signage at the premises had been approved by Leeds City Council in 2004 and future signage would be removable and not visible during the day.
- There were no nearby residential properties and no offices nearby that were open at the same time as the premises.
- The current front façade had blacked out windows – these could be offered for use to the Council for advertising. There were no inappropriate images displayed on the exterior of the premises
- The applicant was prepared to adhere to Council Policy and had previously demonstrated this with investment in complying with current policy.
- There was a zero tolerance on drugs at the premises and the applicant worked with the Police regarding drug enforcement.
- With reference to objections regarding schools, colleges and places of worship, it was emphasised that the club only operated between the hours of 22:00 and 04:00 and therefore outside of the opening hours of premises with sensitive uses.
- Reference was made to policies operated within the club with regards to dancer's welfare and safe transport home.
- Proposed future changes would move the entrance to the premises away from the front of the building facing the Town Hall.
- The Sub-Committee was informed that should the application be refused, the applicant would seek a Judicial Review.

In response to Members comments and questions, the following issues were discussed:

- There were designated smoking areas for customers at the front of the premises and for staff at the side. Future arrangements would not have customers on public outside areas to the front of the premises.
- Ladies events were held at the premises on a monthly basis and it was proposed that these would become fortnightly events.
- Staff and customers could be dropped off to the premises side entrance away from the Headrow.
- The premises operated the Challenge 25 policy and no longer promoted student events.
- The applicant was willing to make changes to enable removable signage, use of side entrance in recognition of concerns and objections raised.
- The premises were not used for any other purpose.

- Staff used taxis to travel home and the club had a contract with a local firm.
- Issues relating to implementation of the club's policy regarding disciplinary measures.
- Marketing of the premises – leaflets would still be distributed within the permitted zone.
- The proposal to move the entrance to the side of the premises had been submitted with the current application. Other proposed amendments which included the removable signage and only using the first floor of the premises would have to be considered in future.

Miss Roth was invited to summarise on behalf of the applicant and repeated much of the above.

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.