

LICENSING SUB COMMITTEE (SEV'S)

FRIDAY, 22ND NOVEMBER, 2013

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

28 Election of Chair

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

Present at the hearing were:

Wildcats

Mr P Whur – solicitor representing the applicant
Mr C Rees-Gay - observer
Mr P Gourlay – Designated premises Supervisor
Ms C Wilkinson – Assistant Manager
Ms M Gohlami – Deputy Manager
Mr T Sproxton – Deputy Manager
Mr J Anderson – Witness
Ms E Neuteboom – Witness
Mr R Etchells – Witness

Objectors/Public observers

Ms K Russell - SARSVAL
Ms S McNeill – SARSVAL
Mr B Smith - Objector

Mr M Makrinakis – observer
Mr N Quadrini-observer
Mr Q Kean – observer

29 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 32 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.

30 Late Item

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 Wildcats - had been supplied by the applicant and had been despatched to members prior to the hearing (Minute No.32 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

31 Declarations of Disclosable Pecuniary Interests

There were no declarations of pecuniary interests, however Councillor Hussain indicated that, now the members of public were present in the meeting room, he recognised one of the objectors as a former work colleague, but stated that he had not seen her for some time.

32 Application for the Renewal of a Sex Establishment Licence for Wildcats, 149-155 the Headrow, Leeds, LS1 5RB

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 Bean Leisure Trading A Limited, 153-155 The Headrow, Leeds LS1 5RB relating to the premises known as ‘Wildcats’ located at 149-155 The Headrow, Leeds LS1 5RB. The lower ground floor, ground floor and first floor were proposed to be covered under the provisions of the licence with 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:

- Dancers Welfare Policy
- Dancers Code of Conduct
- Customers Code of Conduct
- Fines Policy
- Pricing policy
- Trade Union Details

Members also had access to an A3 city centre map showing the location of the premises. The Sub Committee also received A1 colour photographs

displayed by the applicant at the hearing – which duplicated those included within the application documents - for ease of reference

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 26 objections and one e-mail of support. It was noted that the supplemental information submitted by the Applicant contained two letters of support and their own survey.

Members noted that not all of the objectors attended the hearing and therefore resolved to consider their written objections and proceed in their absence.

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 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

Mr Whur made an application to increase the length of time for his submission on behalf of the applicant by another 15 minutes. The Sub Committee adjourned for a short while to consider this application and resolved to grant an extension of the time period from 45 minutes to 60 minutes, and for parity, the objectors were offered the same amount of time for their representations.

The Licensing Officer presented the report and clarified the full address of the premises to which the application referred.

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

- The experience of the current management team within the licensed trade and specifically in the management of lap dancing venues.
- The personal commitment made by the manager to the venue and future business plan.
- The club directly employed 35 members of staff and had 150 dancers on its books with 40 dancers in attendance on a busy night.
- The fact that this venue was the only lap dancing venue in Leeds to have sought and been granted bespoke planning permission for the purpose of this type of entertainment.
- The cessation of the dancers' fines policy. Furthermore, the floor fee levied at the start of an evening to dancers had been removed. A levy would only be charged at the close of an evening, to ensure that none of the dancers were out of pocket.
- The customer demographic.
- That no compliance issues had been raised whilst the premises operated under the current management team.
- That this management team enjoyed good working relationships with West Yorkshire Police.
- That no objections to the renewal application had been received from neighbour businesses.

Mr Whur then turned to address the location of the premises and reported that in preparation for the hearing, all those premises deemed "sensitive" within the Statement of Licensing Policy had been visited and photographs taken. A1 size photographs were displayed for reference. Mr Whur stated that no signage would feature on Wildcats premises. Referring to the photographs showing the view of the premises from the Town Hall/Art Gallery, he suggested that the premises were not visible. He noted that a lot of the objections referred to pedestrian movement around and past the premises in daytime; and stated that with the removal of the external signage, no offence would be caused. He also noted the number of "to let" signs in the vicinity, highlighting the difficulty for lease and use of buildings in the area.

Internal layout plans in A1 size were displayed for reference. Mr Whur highlighted that the inclusion of an internal lobby would prevent an inadvertent view of the interior and entertainment. Improvements were intended to the booths including a CCTV viewing area on an elevated position to be staffed at all times. Mr Whur also outlined the facilities available to staff – including separate smoking area to ensure dancers and patrons did not mix outside the premises.

Mr Whur introduced an offer made by Mr Gourlay in respect of the opening hours – to open later in the evening at 23:00 hours in order to reduce the perceived conflict between patrons and non-night time economy users. The applicant also outlined a request to open for an additional hour longer into the following morning. The offer was instead of opening hours 22.00 to 4.00 Sunday to Thursday and 22.00 to 5.00am Friday and Saturday, to open from 23.00 to 5.00am Sunday to Thursday and 23.00 to 6.00am Friday and Saturdays. Mr Gourlay also offered to increase the minimum entry age from 18 to 21.

Mr Whur introduced several witnesses:

- Ms Wilkinson, manager, who provided information on her experience in the licensed trade, dancers welfare and demographic.
- Mr Anderson, who provided information on the covert investigation he undertook at the premises and outlined his findings (included in the additional document bundle).
- Mr Etchells, who provided comment on the Policy, the consultation undertaken with the Citizens Panel to inform the Policy; and his own assessment of the night time economy in Leeds.

Mr Whur referred to the revised Statement of Licensing Policy and highlighted key areas where he suggested the premises satisfied the requirements of the Policy. Mr Whur referred to the representations submitted and commented that there were fewer representations received this year than last year and those that were received this year were largely generic to all six applications to be heard by the Sub Committee. He reiterated that there was no evidence to link incidents of crime and disorder to the premises which had operated under the auspices of the new Licence during the last 12 months with no issues being raised by West Yorkshire Police. Mr Whur maintained that nothing had changed over the last 12 months in terms of the physical locality. Mr Whur dealt with specific issues arising from the written representations including the contents of the Lilith report, images of women, the appearance of the premises, hours of operation and impact on the daytime use of the locality.

In response to questions from the Sub Committee, the applicants provided further information relating to:

- Recruitment of dancers
- Future advertising for the venue
- The availability of facilities for disabled patrons
- The patron demographic and numbers of patrons per week
- The arrangements for patrons leaving the premises through the use of a bespoke taxi rank and transport arrangements home for dancers
- The requirements of the planning permission in respect of window display
- That promotions (such as student nights) were not used at the venue
- Compliance issues

In conclusion, Mr Whur reiterated the impact the failure to renew the licence would have on the Leeds economy in respect of the loss of livelihoods, he considered the location of the premises and definition of “near sensitive premises” and reiterated that nothing had changed since in terms of location since the initial new style licence had been granted in 2012.

The Sub Committee then heard from Ms S McNeill on behalf of SARSVAL who rejected Mr Whur’s comment that the representation submitted by SARSVAL had been on moral grounds. Ms McNeill stated the objection was made having regard to the contents of the Equalities Act in respect of discrimination, harassment and victimisation. SARSVAL had submitted the

representation in support of those affected by sexual violence and concluded that such a venue transformed routine matters, ie walking routes.

The Sub Committee then heard from Mr Smith who addressed the comments within his written submission in respect of the impact of such venues on Leeds, the welfare of the dancers and specifically the location of Wildcats. He reported an incident where his daughter, walking past the venue after work, had felt harassed.

Prior to summing up, the Sub Committee received clarification that all compliance issues had been dealt with and the amendment to the hours of operation now proposed by the applicant at the hearing, if approved, could be dealt with through conditions added to the Licence, should the application be granted.

The applicants were then afforded the opportunity to sum-up having heard from the objectors. Mr Whur directed the Sub Committee to pages 106-107 of the applicant's submission and consideration of the Provision of Services Regulations 2009 in respect of Authorisation Schemes – under which the grant/renewal of a licence falls. Mr Whur highlighted those matters discussed in detail already, particularly drawing attention to:

- The improved terms and conditions for dancers
- The proposed amended signage
- That other premises had a bigger impact on their locality
- The decision of the Sub Committee in 2012 to grant the Licence and the considerable weight that would be needed to ignore that decision. He suggested that this weight was not put before Members in the objections received to this renewal application
- That Wildcats were legal, licenced, regulated and conditioned

In conclusion, Mr Whur suggested it would be disproportionate and irrational to refuse this renewal application. He urged the Sub Committee to consider real concerns, balanced against those concerns which were perceived by objectors.

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.