

LICENSING SUB COMMITTEE (SEV'S)

FRIDAY, 29TH NOVEMBER, 2013

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

33 Election of Chair

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

34 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of Inspection of Documents

35 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the press and public would be excluded from that part of the proceedings where Members deliberate the applications received in respect of the premises known as Liberté, Red Leopard, Purple Door, Silks, Deep Blue and Wildcats 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 applications had been dealt with at public hearings held between Monday 18th November and Friday 22nd November 2013 where members of the public had been advised that decisions on the applications would be made available once all applications for the renewal of a Sex Establishment Licence authorising the activity of sexual entertainment to be issued under Section 2 and Schedule 3 of the terms of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”)

36 Declarations of Disclosable Pecuniary Interests

There were no declarations of pecuniary interest

37 Applications for the Renewal of Sex Establishment Licences - Various Locations

The Sub Committee convened to deliberate on applications heard previously for the renewal of a Sex Establishment Licence authorising the activity of sexual entertainment for six premises located within Leeds City centre

Members confirmed at the outset of each individual hearing, that one of the Members of the Sub Committee had been on the Licensing Committee working group which had made recommendations in relation to the Council's Licensing of Sexual Establishments Statement of Licensing Policy (“the

Policy”). They also confirmed that all Members of the Sub Committee would consider all of the applications with open minds.

In reaching their decisions the Sub Committee considered and took into account all representations made, and all documentation submitted, including:

- 1 The reports from the Head of Licensing and Registration
- 2 The Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, and relevant guidance.
- 3 The Sex Establishment Statement of Licensing Policy
- 4 All information submitted by the Applicants, including any supplemental information.
- 5 The objections received and any letters in support
- 6 Local knowledge including local issues and cultural sensitivities (as referred to in paragraph 8.25 of the Policy).

The Sub Committee had regard to the following issues which were general to all six applications:

- Planning
- Policies and Codes of Conduct for Employees, dancers and customers
- Issues of non-compliance
- West Yorkshire Police
- Impact of the decisions to grant a licence in June 2012 in relation to these applications
- Objections
- Letter of Support
- The changes that had occurred since the grant of the initial licences in June 2012, including the approval of the Policy, Leeds being designated a child friendly city and the opening of Leeds Trinity and the Leeds Arena in March and July 2013 respectively

After lengthy deliberations the Sub Committee adjourned the meeting with a view to reconvening at a later date. It was agreed the meeting would re-convene on Tuesday 3rd December 2013 at 1.30pm.

Tuesday 3rd December 2013

The meeting re-convened

(Present Councillors; G Hussain, C Townsley and A Khan

RESOLVED – That the Sub Committee’s decision in relation to each application be as follows:-

Purple Door

The Sub Committee noted the very late letter received by the Head of Licensing and Registration on 28 November 2013 offering to adjust the opening hours of the premises.

The Sub Committee decided to grant the renewal of the licence in relation to Purple Door based on paragraph 7.17 of the Policy.

The Policy states at paragraph 7.17: “Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises were not near properties with sensitive uses or in sensitive locations”.

The cap of four premises in the Policy meant that the applicant’s premises fell within this number when compared with others and their closeness to sensitive locations.

The Sub Committee decided to grant the renewal of the licence for 12 months from 1 October 2013 to remain in place until midnight on 30 September 2014.

Deep Blue

The Sub Committee noted the very late letter received by the Head of Licensing and Registration on 28 November 2013 offering to adjust the opening hours of the premises.

The Sub Committee decided not to renew the licence in relation to Deep Blue on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: “Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations”.

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the

maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The Sub Committee's concern in relation to Deep Blue in particular was the close proximity to Leeds Railway Station; to City Square and its restaurants and bars; its location on a main road and close to bus stops.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) to the character of the relevant locality; or
- (ii) To the use to which any premises in the vicinity are put.

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13th December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.

Liberté

The Sub Committee decided to grant the renewal of the licence in relation to Liberté based on paragraph 7.17 of the Policy.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

The cap of four premises in the Policy meant that the applicant's premises fell within this number when compared with others and their closeness to sensitive locations.

The Sub Committee decided to grant the renewal of the licence for 12 months from 1 October 2013 to remain in place until midnight on 30 September 2014.

Silks

The Sub Committee considered the additional information requested by them following the hearing in relation to Silks, the Executive Board Report relating to the proposed development dated 6 November 2013 and associated minute of the same date. Also Mr Lyon's email of 26 November 2013 commenting on this additional information.

The Sub Committee decided to grant the renewal of the licence in relation to Silks but only up to 4am on the 30th June 2014.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises were not near properties with sensitive uses or in sensitive locations".

The Sub Committee decided that Silks fell within the maximum limit of 4 on the basis that they were currently in an area with a limited number of buildings with sensitive uses nearby. However they were sufficiently concerned about the proposed development as a sensitive location to limit the duration of the licence until the end of June 2014.

The decision to renew would take effect immediately; the new Standard Conditions attached to the Policy would take effect immediately. The licence would cease at 4am on 30th June 2014 unless an application to renew was made before the end of that licence and it is still to be determined.

Red Leopard

The Sub Committee decided not to renew the licence in relation to Red Leopard on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The concern in relation to Red Leopard was the number of buildings with sensitive uses nearby, and the density of such buildings within a small area.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) To the character of the relevant locality ;or
- (ii) To the use to which any premises in the vicinity are put

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13th December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.

Wildcats

The Sub Committee decided not to renew the licence in relation to Wildcats on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The concern in relation to Wildcats was the number of buildings with sensitive uses nearby, and the density of such buildings within a small area.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) To the character of the relevant locality; or
- (ii) To the use to which any premises in the vicinity are put

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13th December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.