

Licensing Sub-Committee

Monday, 4th August, 2014

PRESENT: Councillor M Harland in the Chair

Councillors A Khan and G Wilkinson

26 Election of the Chair

RESOLVED – Councillor Harland was elected Chair for the duration of the hearing.

27 Appeals Against Refusal of Inspection of Documents

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

28 Exempt Information - Possible Exclusion of the Press and Public

Under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and under the provisions of Access to Information Procedure Rule 10.4 (1, 2, 3) Appendix B was designated as exempt information.

A reporter from the Yorkshire Evening Post was present at the hearing however, the Sub Committee did not specifically discuss the exempt information therefore there was no reason to exclude the reporter from any parts of the hearing.

29 Late Items

There were no formal late items. However, supplementary information had been sent to all parties prior to the hearing.

30 Declarations of Disclosable Pecuniary Interests

Councillor Khan disclosed that he had been part of the working party that had approved the Licensing of Sex Establishments Statement of Licensing Policy.

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

Present at the hearing were

For Silks

Mr Tony Lyons, Kuits Solicitors - solicitor representing the applicant

Elizabeth Morris, Director of Red Carpet Leisure (Leeds) Ltd

Maria Cunningham, Manager and Designated Premises Supervisor of Silks

Eina Kosma – Interior designer and planner for Silks

For City Development

Christine Addison, Chief Asset Management and Regeneration Officer on behalf of Martin Farrington Director of City Development

Observers

Mary Cooney

Jane Cash

Press
Yorkshire Evening Post

Members considered the renewal of a sex establishment licence for the provision of sexual entertainment in the form of lap dancing.

The renewal application was for 'Silks', which operates from 2 Sovereign Place, Leeds LS1 4SP. The current licence was issued for a period of eight months, expiring on 30th June 2014, pending the commencement of redevelopment works to the area.

The applicant was seeking to further renew the licence as the works, which included the creation of open green space, have not yet commenced.

The officer from the Licensing Entertainment Section outlined the application to the Sub-Committee providing background information as set out at paragraph 2.0 of the submitted report.

The Licensing Sub-Committee were informed that at the previous renewal hearing for Silks on 19th November 2013 the Council's Development Department had set out their objection to the renewal application. The grounds for that objection were that the area was subject to a redevelopment programme which included the provision of an open green space. Members had heard in November 2013 that the redevelopment programme was not set to commence imminently and therefore the renewal application for Silks was approved until 4.00am on 30th June 2014.

The licensing officer informed Members that one of the options available to them included being able to renew the licence for 12 months or less if they were so minded.

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

Silks had been operating as a lap dancing bar for approaching 6 years without any concerns to responsible authorities.

Mr Lyons drew Members attention to the Licensing of Sex Establishments Statement of Licensing Policy highlighting that the overriding principle of the policy states that each SEV application shall be determined on individual merits.

Mr Lyons also referred to and quoted from the 'Amplified Reasons for Decision' that had been published in relation to Wildcats and Deep Blue in refusing to renew their SEV licences and which included commentary on Silks.

Members were informed that Silks currently operates;
10:00pm until 4:00am Sunday to Thursday

10:00pm until 5:00am Friday and Saturday

Silks has the benefit of an alcohol premises licence. Friday and Saturday nights are the busiest with up to 300 customers entering the premises. The Committee were informed that Silks has 25 staff, and 30 dancers.

The public notice advertising the application was displayed at the premises and in the local press, with no objections being received from women's groups, ward councillors, or the police.

Mr Lyons referred the Committee to Appendix F of the submitted report, the letter from the Director of City Development. Mr Lyons highlighted the first paragraph of the letter saying that in his view the objection had been based on moral grounds. Moral objections cannot be taken into account in the consideration of SEV applications.

Mr Lyons continued to address the issues raised in the Director of City Development's letter. He stated that as Silks does not open until 10:00pm the activities of the premises would not conflict with the use of Sovereign Square as a child and family friendly space.

Mr Lyons also highlighted that KPMG had not objected to the application.

He considered that the objection of the Director of City Development was premature. Work is due to start in September 2014 with a planned completion date of June 2015. Mr Lyons said that Silks could possibly trade until June 2015 and work on the development would not be compromised.

Mr Lyons circulated documents to Members with plans and photos of the current state of and the proposed development site. Mr Lyons spoke to the circulated documents indicating specific parts of the development including car parks and proposed routes to link the south and the north of the city centre.

Mr Lyons, on behalf of the applicant, offered to make a number of changes to the façade of the premises, painting it a pale green so as to blend in with the proposed site. The premises would be anonymised and the name would appear on an illuminated sign which would only be switched on during licensed hours. He informed the panel that work for the proposed changes would be undertaken within 6 months.

Mr Lyons also spoke about the four trees that are situated in front of the premises which screen the premises from the proposed open space.

In response to questions from the panel they were informed that

- All staff were part-time working 2-3 nights per week they included bar staff, booth operators, cleaners and door staff
- The manager was full-time
- There were 25 dancers during the week with 30 dancers on a weekend

- Doors to Silks open at 10:00pm:- most customers have drinks and stay at the premises a couple of hours
- Monday's are quiet with only a few customers

On questions relating to the safety of the dancers the Committee were informed dancers usually park on waste land close to the premises. The car park has no lighting but has an attendant.

The two door staff employed by Silks watched the dancers as they leave the premises and get into their cars.

The Committee were informed that Silks was policy compliant with no fines for the dancers.

In relation to a question on disabled access the Members were informed that there was access via the emergency exit on Neville Street to the ground floor.

The Sub-Committee heard from Ms Addison representing the Director of City Development.

Ms Addison informed the panel that the objections to the renewal application had been brought by the Director of City Development and the Executive Member for Transport and the Economy.

Ms Addison informed the Committee that the objection was not on moral grounds but on character of locality and that the area should be considered as a sensitive.

Members were informed that Sovereign Square was to be the location for restaurants and cafes onto green space.

The development of KPMG is due to be completed on 22nd August 2014. Consultation between City Development and Bruntwood was taking place to look at future development in the area.

The programme aims to spend £2.5m developing Sovereign Square with the focus on families and children with a planned water feature for children and adults. It is planned that the space will be open 24 hours a day.

The programme is due to start on 15th September 2014 with completion on the 5th June 2015.

Use of the new space would be encouraged to be similar in use to Millennium Square and City Square which had been listed as sensitive sites.

Sovereign Square would have disabled access and the trees in front of Silks would be removed. Members were also informed that the trees suggested as a screen outside Silks were not evergreen.

Members were informed that circumstances would change when the southern entrance to the station was completed to provide a thoroughfare from Neville Street.

The officer informed the Committee that the whole of the South Bank was to be developed and that the area should be considered a sensitive area due to the use as a park, 24 hour opening and focused on being child friendly.

In response to questions from the Committee they were informed that Phase 1 would start on 15th September 2014 but there were no exact dates for the commencement of work on Phase 1a.

Mr Lyons was shown a copy of the plan which was related to the tender documents for the development area. Mr Lyons was of the view that there were no definite plans put forward and that the use of the space was not currently listed as sensitive.

Mr Lyons told the Committee that Silks would like to continue trading alongside the new development. He asked the Committee to consider renewal for a limited period if they were of the view that it was not appropriate to renew for 12 months. Silks were willing to change the façade.

RESOLVED – That the Licensing Sub-Committee carefully considered the report and the information submitted. Along with the information provided at the hearing by the applicant's representative and taking into consideration the objections of the Director of City Development.

The Committee granted the renewal of the licence until 5:00am Sunday 31st May 2015.

Conditions to be imposed for Silks to anonymise the façade of the premises by the end of November 2014.