

## **Licensing Sub-Committee**

**Tuesday, 1st September, 2015**

**PRESENT:** Councillor J Dunn in the Chair

Councillors N Buckley and G Hussain

### **51 Election of the Chair**

**RESOLVED** – That Councillor Dunn be elected as Chair for the hearing.

### **52 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of that part of the agenda (agenda item 6 “Silks” Application for renewal of a Sex Establishment Licence) designated as exempt from publication in accordance with paragraph 10.4 (1, 2 and 3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the documents relate to an individual and include information which is likely to reveal the identity of an individual which that person would not ordinarily expect to be in the public domain. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, due to the impact that the disclosure of the information would have on the individual. (Minute 54 refers)

### **53 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests. Councillor G Hussain stated that he had previously sat on sub-committee hearings in relation to the licence at Silks and other Sexual Entertainment Venues.

### **54 Application for the renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds, LS1 4SP**

The report of the Head of Licensing and Registration presented an application for the renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds, LS1 4SP.

The Licensing Officer presented the application informing the sub-committee of the proposed hours of operation and history of previous applications and renewals.

The application had received an objection from Leeds City Council’s Development Department. Primary concerns related to the re-development of the surrounding area as a city park space. Further objections had also been submitted by local residents. There had also been late objections submitted which the sub-committee did not consider as they were outside the permitted period.

The following were in attendance at the hearing:

Philip Kolvin QC  
Darryl Butterworth – Licensing Consultant  
Rebecca Ingram – Solicitor  
Elizabeth Morris – Silks Owner

Maria Cunningham – Silks Designated Premises Supervisor

None of the objectors were in attendance.

Philip Kolvin QC addressed the sub-committee in support of the application. Issues highlighted included the following:

- The applicant wanted to propose a solution that would protect the livelihoods of the forty plus staff involved with Silks and would also meet the Council's policy requirements.
- It was not felt that the licence could be refused on any of the mandatory grounds and the only discretionary ground that could have any concern was in relation to the impact on the locality and due to the redevelopment of Sovereign Square. The main focus of the applicants submissions was on the impact of the use of Silks and the development of Sovereign Square and the recreational use of the area.
- Main use of Sovereign Square would be during the daytime when the premises were closed. It was proposed that the premises frontage could have an active use during the daytime such as a café or small retail with a discrete night time usage of the rear of the premises as a sexual entertainment venue, accessible by a single access door..
- There had been no objection to the renewal of the application from the Police, Licensing Authority or Ward Councillors.
- The applicant had tried to find an alternative location in the City but had been unable to find anything suitable.
- The premises were only open from 22:00 hours when Sovereign Square was unlikely to be used for any significant recreational purposes.
- Network Rail, as the owner of the premises, had not raised an objection to the licence or tenure of the building. They had also indicated that it would be preferable to have an active frontage use during the day.
- There was no impact as a sexual entertainment venue before 22:00 hours and then it was only a minimal impact with no illuminated signage at the premises.
- The premises were surrounded by major corporate organisations. There had not been any objections from any of these, with no suggestion that the premises were a blight on the area..
- As the Sovereign Square development was still some way from completion, it was suggested that a licence be granted for a period of four to six months to allow development of the proposals to bring the front part of the premises into an active daytime use.
- Although Silks is permitted to have an illuminated sign when the premises are open, the applicant does not use it at present.
- The premises did not directly face the Sovereign Square area and it was felt that the case against renewal due to this regeneration of the area was not compelling enough to refuse the granting of the licence.
- There had been a proactive response from the premises to previous concerns expressed about outdoor smoking areas and the parking of motorcycles. The applicant refuted the suggestion that anything more than dancing took place at Silks.

- In response to questions, Mr Butterworth offered the following observations made on an operational night at the premises:
  - The premises were generally attended by more mature customers in the 30 to 50 year old age range.
  - Alcohol was not the main purpose for people to visit and as a result there was not a problem with drunken behaviour. Alcohol was also priced at a premium at the venue.
  - Some normal night-time disturbance was observed in the area but none of this was connected to Silks. Silks had a positive impact on the immediate area as it kept some of the antisocial behaviour away due to the presence of door staff and customers.
  - Door staff at the premises kept the area immediately outside clean and tidy, including sweeping the area outside the front of the premise at the end of an evening.
- In response to questions from Members, the following was discussed:
  - The premises had around 300 customers on a busy evening, with approximately 50 in the premise at any one time.
  - The peak times of operation were usually between midnight and 02.00 hours.

The Licensing Sub-Committee carefully considered the application, the report, the representations made at the hearing and the representations made in objection to the application. Members noted the need to revoke or amend the following conditions:

- The condition *“The existing colour of the exterior of the premises to be changed from purple to light green”* is to be changed to *“the exterior of the premises shall remain light green”*.
- The following conditions remain:
  - *“During non-operating hours, i.e. at all those times when this licence is not in use, the premises will be anonymised. The signage must not be illuminated and there will be no other form of advertising including any reference to the name of the premises”*; and
  - *“During the permitted operating hours of the licence an illuminated sign bearing only the words “Silks – Gentleman’s Lounge” may be displayed.”*
- The condition *“The works to amend the premises to give effect to the above conditions must be completed by the end of November 2014”* is now revoked as it is a historical condition that is no longer applicable.

**RESOLVED** – That application for the renewal of the license in relation to Silks be granted until 05:00 hours on 1 March 2016.