

Licensing Sub-Committee

Tuesday, 2nd December, 2014

PRESENT: Councillor M Harland in the Chair

Councillors A Khan and C Townsley

70 Election of the Chair

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

71 Appeals Against Refusal of Inspection of Documents

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

72 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 submitted reports 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 submitted reports referred to in Minute No's 6 and 7 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and 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.

73 Late Items

No formal late items of business were added to the agenda for the meeting, however a supplementary document relating to agenda item 6 – application in respect of “Liberté” - had been supplied by the applicant and had been despatched to members prior to the hearing (Minute No.6 refers).

74 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interest were made.

75 Application for the Renewal of a Sex Establishment Licence for Liberte, 10 York Place, Leeds, LS1 2DS

The Licensing Sub-Committee considered a report of the Head of Licensing and Registration on an application made under Section 2 (Schedule 3) of the Local Government (Miscellaneous Provisions) Act 1982, as amended, for the grant of a sex establishment licence. The application was made by TRL Promotions Limited, Suite 2 Chapel Allerton House, 114 Harrogate Road Leeds LS7 4NY, relating to the premises known as 'Liberté', 10 York Place LS1 2DS. The basement 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
- 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) and Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005), 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 one objection and Members noted that the objector would be heard following the submission of the applicant.

Present at the hearing were:

For Liberté

Mr J Skeens – solicitor representing the applicant

Ms Mary Hennesy – trainee solicitor representing the applicant

Ms Manuela Bianca Haruta – Director of TRL Promotions Ltd and designated premises supervisor at Liberté

Mr Suhel Mohmed – General Manager

Mr Smith - Objector

At the outset it was clarified that two of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013.

The members confirmed that they all came to deal with this application with an open mind.

The Sub-Committee heard from Mr Skeens on behalf of the applicant who presented the application. The application and provided information which included:

- That the number of CCTV cameras at the premises totalled 20 currently but that would be increased to 22 following an upgrade to the system;
- That in line with the Sub Committee's requests additional cameras would be fitted at the entrance to the toilets and at the head of the internal corridor approaching the toilets;
- Noting the objection received which was a general objection with moral concerns and highlighted that a decision to renew the licence could not be made on moral grounds;
- Addressing the issue of a 17 year old female working as a flyer distributor as detailed at appendix H of the submitted report. It was highlighted that "id" had been provided but that better procedures are now in place including requesting "id" that is tied to an address;
- Addressing the issue of out of date consent badges worn by distributors of flyers as highlighted in appendix H (1)(c) of the submitted report it was confirmed that this was an oversight and that in the future Liberté management would ensure all out of date badges are destroyed;
- Highlighting the robust policy in place and the training received by staff distributing flyers;
- That the club was happy to only distribute flyers in streets that the sub Committee considered appropriate and that they would be happy to distribute flyers from 10:30pm onwards in the Sub-Committee so required
- The importance of the employment generated by having staff to distribute flyers and that a total of ten staff working in teams of 2 would be monitored by a supervisor
- Two members of staff who distributed flyers addressed the Sub Committee informing Members of the value they placed on the work they did.

In response to questions from the Sub-Committee, Mr Skeens provided information about how flyers were distributed by staff employed by the club

The Sub-Committee heard from the objector, Mr Smith. Mr Smith said that he had witnessed flyers being distributed before 9pm and that flyers were often found lying on the street in the morning. Mr Smith also referred to the possible feelings of intimidation when walking past a SEV late in the evening. It was also submitted that a children's charitable organisation had its offices close to Liberté's premises.

It was confirmed to Members that there had only been one objection received.

The Sub-Committee had regard to the Policy, adopted by Leeds City Council. The Sub-Committee retained the mandatory and discretionary grounds open to it to refuse any application for a licence, or impose appropriate conditions. The LCC Statement of Licensing Policy contained standard conditions which

the Sub-Committee could choose to impose, or add to or vary at the time a licence was granted, should it choose to grant a licence.

In reaching the decision 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 Applicant, including any supplemental information.
- 5 The objection 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).

RESOLVED –

- a) To note the contents of both the written and verbal submissions
- b) To grant the application for renewal for 12 months from 1 October 2014 to remain in place until midnight on 30 September 2015 subject to the following conditions:
 - A maximum of 10 badges to be issued for staff distributing flyers;
 - That a uniform to be worn to only feature the name of the premises and “promo team”;
 - That all promotion material refer to “Gentleman’s club” as opposed to “Lap dancing club”; and
 - That CCTV be located in the at the entrance to the toilets and at the head of the internal corridor.

76 Application for the Renewal of a Sex Establishment Licence for Purple Door, 5 York Place, Leeds, LS1 2DR

The Licensing Sub Committee considered the report of the Head of Licensing and Registration on an application made under Section 2 (Schedule 3) of the Local Government (Miscellaneous Provisions) Act 1982 for the renewal of a Sex Establishment Licence. The application was made by Ruby May (2) Limited, Unit 40 Low Friar House, Lower Friar Street, Newcastle Upon Tyne, NE1 5UF relating to the premises known as ‘Purple Door’, 5 York Place, Leeds. The basement and first floors are to be covered under the provisions of the licence with proposed 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 which Members considered during their deliberations:

Dancers Welfare Policy
Dancers Code of Conduct
Customers Code of Conduct
Pricing policy

Trade Union Details

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) and Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005), 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 one objection and Members noted that the objector would be heard following the submission of the applicant.

Present at the hearing were

Mr Arnott, – solicitor representing the applicant
Mr Quadrini – Director of Ruby May 2
Mr Benosenko – Manager

Mr Smith – Objector

At the outset it was clarified that two of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013.

The members confirmed that they all came to deal with this application with an open mind.

The Sub-Committee heard from Mr Arnott on behalf of the applicant who presented the application and provided information which included:

- Information about the club being a well-run long established venue which had at all times co-operated with West Yorkshire Police and Leeds City Council;
- That the venue did not operate as a bar and was therefore not open till after 10:00pm. The Sub-Committee were also informed about the number of customers that frequent the venue in an average week, the type of customers and also the charging structure upon entry to the venue.
- The security at the club was described to the Sub-Committee and also the vetting process that takes place before entry. All customers being informed of the clubs policies and procedures.
- The CCTV arrangements at the club were described to the Sub-Committee including where they are placed and how they are monitored.

- The arrangements for dancers arriving and leaving the club were described. Also the Sub-Committee were informed of the facilities for dancers to rest and working terms and conditions that dancers are required to comply with;
- That no objections had been received from West Yorkshire Police and that they have had no issues or concerns about the venue;
- That in relation to the distribution of flyers the club would support any conditions required by Leeds City Council and that training to all staff promoting the club with flyers is provided;

In addressing the objection received Mr Arnott highlighted that a decision on whether to renew the licence or not cannot be taken on moral grounds and that there was demand and support for the club continuing to trade. Mr Arnott stressed that the club is well run and managed.

In response to Members questions the following information was provided:

That a smoking area for dancers was provided by the venue and that there was no interaction between dancers and customers. That the area where the club is located is primarily an office quarter where all other commercial activity is finished by 5pm and which is not on a main thoroughfare. Further that when starting to work at the venue dancers are put on a three-month probation to assess if they were suitable for the role.

In relation to the Policy, the issue of locality and proximity to areas and premises with sensitive uses Mr Arnott referred to the amplified reasons given in 2013 in relation to Deep Blue and noted that then Purple Door had been regarded as being in the least sensitive area. He noted that nothing had changed over the last 12 months and so that observation remained valid.

The Sub Committee then heard from the objector Mr Smith who provided the following information:

- The concern that Park Square is in close proximity to the venue and that the surrounding area contains many buildings of interest to the public;
- That there were a large number of flats located close by to the venue and the possibility that more could be built in the future;
- It was also submitted that a children's charitable organisation had its offices close to the premises; and
- That flyers promoting the venue were often found on streets in the vicinity of the premises in the morning.

The Sub Committee had regard to the Policy, adopted by Leeds City Council.

The Sub Committee retained the mandatory and discretionary grounds open to it to refuse any application for a licence, or to impose appropriate conditions. The LCC Statement of Licensing Policy contained standard conditions which the Sub

Committee could choose to impose, or add to or vary at the time a licence was granted, should it choose to grant a licence.

In reaching the decision 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 Applicant, including any supplemental information.
- 5 The objection received.
- 6 Local knowledge including local issues and cultural sensitivities (as referred to in paragraph 8.25 of the Policy).

RESOLVED –

- a) To note the contents of both the written and verbal submissions
- b) To grant the application for renewal for 12 months from 1 October 2014 to remain in place until midnight on 30 September 2015 subject to the following conditions:

- A maximum of 10 badges to be issued for staff distributing flyers
- That a uniform to be worn to only feature the name of the premises and “promo team”.
- That all promotion material refer to “Gentleman’s club” as opposed to “Lap dancing club”.
- That the existing canopy attached to the premises carries no promotional images or material on it.