

Licensing Sub-Committee

Tuesday, 19th April, 2016

PRESENT: Councillor J Dunn in the Chair

Councillors N Buckley and G Hussain

198 Election of the Chair

RESOLVED – Councillor Dunn was elected Chair for the meeting.

199 Appeals Against Refusal of Inspection of Documents

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

200 Exempt Information - Possible Exclusion of the Press and Public

Members of the public attended the hearing as observers. The Sub Committee expressed a preference for all of the meeting to be held in public, however as some information in the agenda was marked as exempt from publication,

RESOLVED – That if necessary, 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 designated as exempt 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 so designated as follows:-

(a) Appendix B to the report referenced in Minute No 203 is designated as exempt from publication in accordance with paragraph 10.4 (1, 2 & 3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information which relates to individuals, is likely to reveal the identity of an individual and relates to the business affairs of any particular person. As a consequence it is considered that the public interest in maintaining the content of Appendix B as exempt outweighs the public interest in disclosing the information.

201 Late Items

No formal late items of business were added to the agenda, however Members were in receipt of an additional document submitted on behalf of the applicant – witness statement of E Morris dated 13th April 2016 (minute 203 refers)

202 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

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

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for the

renewal of a sex establishment licence for the premises known as Silks, 2 Sovereign Place, Leeds, LS1 4SP in order to provide sexual entertainment in the form of lap dancing for the hours currently operated (22:00hrs until 04:00hrs Sunday to Thursday and 22:00hrs until 05:00hrs Friday and Saturday).

Should the application be granted, the Sub Committee was also requested to consider granting approval of the external appearance of the premises and all advertising material used to promote the business (as set out at appendix D and E of the submitted report).

The report provided a brief overview of the licensable history of the premises, including information on the planning permission granted in January 2016 to alter the frontage of the premises and change the day-time use of the ground floor area to trade as a nail bar, allowing retention of the sexual entertainment venue operation at night.

The report included a copy of the application form submitted by the applicant and the following documents submitted in support of the application:

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

The report included five objections and one letter in support of the application submitted by members of the public and also referenced the LCC Statement of Licensing Policy along with the options for action available to the Sub Committee to consider.

Members noted receipt of an additional witness statement submitted on behalf of the applicant – however as not all Members had had the opportunity to read the statement, the Sub Committee paused to allow Members to read the document.

Mr A Lyons represented the applicants, Red Carpet Leisure Ltd, at the hearing. He was accompanied by M Cunningham (Manager), and E Morris (Director). Six members of the public attended to observe the hearing.

Mr Lyons referenced the previous Sub Committee decisions in respect of licence renewals and a site visit undertaken in 2015. Mr Lyons recalled concerns raised in 2015 by LCC Department of City Development in respect of the location of the premises near to a planned city park and described the current development of the area, including access arrangements near to the premises. He also noted that no representation had been submitted by the Department to this current renewal application.

Mr Lyons also recalled the Sub Committees' comments in 2015 regarding the use of the premises during day-time hours, bearing in mind the proposals for a city park nearby. Mr Lyons outlined the applicants' undertaking to establish

a nail bar within the premises which would open during the day. Plans of the proposed use were contained within the report and Mr Lyons explained the permanent and temporary structural changes required to achieve the daytime use, including changes to the facade and external appearance of the premises. Planning permission and agreement from the landlord of the building had been secured.

Turning to the 5 letters of representation submitted in response to the renewal application, Mr Lyons commented that the letters did not raise concerns specific to Silks. The letters made similar references to relevant legislation, the Licensing Policy and also urged a zero tolerance stance in respect of lap dancing bars – in effect seeking an amendment to the Licensing Policy. Mr Lyons suggested that concerns about the existing Licensing Policy should be raised at the appropriate time when the Policy was being reviewed. Additionally, he drew Member's attention to the contents of the additional witness statement submitted prior to the hearing by the applicant which responded to the contents of the letters of representation.

In conclusion, Mr Lyons invited Members to consider renewing the licence for 12 months. He reiterated that no representations to the renewal application had been received from either West Yorkshire Police (WYP) or British Transport Police (BTP). No criticism had been levied at the premises management during the previous year. Regular visits undertaken by the Licensing Authority had not raised any concerns. He also referenced Condition 50 of the existing License and confirmed that Silks did not operate a fining system for dancers - which had previously been an area of concern for the Licensing Authority across the SEV businesses.

In response to questions from the Sub Committee, the following information was discussed:

- Clarity on how the two uses of the building would be advertised was provided
- Details of how the appearance of the premises would be managed in terms of changing from the day-time use to night-time use
- Details of how the internal structure of the premises would be managed and altered between the day-time to night-time use
- The proposed nail bar would close at 18:00 hours, with the SEV use opening at 22:00 hours
- Whether the proposed alterations to accommodate the nail bar day-time use could be achieved more quickly than the three month development period proposed
- Whether immigration status checks were undertaken when staff commenced working at the Silks SEV premises

Additionally, the Sub Committee noted that the conditions on the licence would require amendment to reflect the alterations to the building facade, should the renewal application be granted.

The Sub Committee carefully considered the application for the renewal of the licence, having regard to the Leeds SEV Statement of Licensing Policy 2013, the relevant legislation and Guidance and all the documentation before them,

including the application and supplementary documents, the letters of objection and the letter of support submitted by members of the public. Members also had regard to the verbal submissions made on behalf of the applicant at the hearing.

The Sub Committee noted that no representations had been received from WYP or BTP, and no representation had been submitted by LCC City Development.

Turning to the contents of the five letters of objection, the Sub Committee felt that these made general comments and did not raise issues specific to the Silks premises.

Members noted the proposed daytime use of the premises as a nail bar and the assurance provided by the applicant to undertake the development of this proposal.

Finally, the Sub Committee considered the steps it could take in respect of SEV renewal applications, noting that a licence could be granted for a period of up to 12 months.

RESOLVED - That the application for the renewal of the SEV licence in respect of Silks, 2 Sovereign Place, Leeds, be granted for 12 months

In considering and granting the application, Members felt that this licence fell within the limit of 4 such licences for the City.

In granting the renewal, the Sub Committee took the opportunity to amend Condition No. 24 and Condition No. 51 on the licence so that they were consistent with current operation of the premises:

- Staff will not verbally tout
- Staff will not direct potential customers to vehicles associated with Silks which could transport potential customers to the premises

Finally, Members noted that although the development of the daytime nail bar use could not be added as a condition on the licence, the Premise Licence Holders' undertaking to establish and deliver the nail bar would be reviewed at the time of annual renewal of the SEV licence in 12 months' time.

At the conclusion of the hearing, Mr Lyons directed Members' attention to Conditions 56 and 57 of the current SEV licence pertaining to the external appearance of the premises. He was advised that amendments to these conditions could be dealt with once the refurbishment works to accommodate the nail bar were complete. This would require consideration at a further Sub Committee hearing but may not incur an additional application fee