

Licensing Sub-Committee

Tuesday, 25th April, 2017

PRESENT: Councillor J Dunn in the Chair

Councillors N Buckley and G Hussain

1 Election of the Chair

Councillor Dunn was elected Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

The Sub-Committee was advised that the main report for Agenda Item 6 – Application for the renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds contained an appendix with information which was considered to be exempt/confidential under Access to Procedure Rules 10.4 (1, 2 & 3) and that should this information be discussed, that press and public should be excluded from the hearing during that discussion.

However, on this occasion there were no members of the press or public present.

4 Late Items

There were no formal late items. However, there was supplementary information in relation to agenda item 6 – Silks, 2 Sovereign Place, Leeds. The supplementary information had been distributed to all parties prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application for the Renewal of a Sex Establishment Licence for Nice N Naughty, 164 Briggate, Leeds LS1 6LY

Members were requested to consider the report of the Head of Elections, Licensing, and Registration for the renewal of a sex establishment licence for a sex shop.

The Chair permitted additional documents which provided information and photographs of the premises and other premises owned by Nice N Naughty to be submitted to the hearing. The documents were distributed to all parties.

The application was made by Nice N Naughty Leisurewear Ltd, 127-129 Brook Street, Chester, CH1 3DU. The sex establishment licence was for their premises at 164 Briggate, Leeds, LS1 6LY.

Members were provided with a brief history of the premises, in which they noted that the premises had previously been known as Clone Zone before going into liquidation and transferring to Nice N Naughty.

Members noted that these premises had been licensed as a sex shop for many years. Members also noted that each year in February Nice N Naughty had successfully renewed their licence without objection.

It was noted that the Licensing Authority had received no objections from West Yorkshire Police. However, the Licensing Authority had received one objection. Councillor Mohammed Iqbal was present at the hearing.

The Licensing Sub Committee heard from Trish Murray the Operations Director of Nice N Naughty. Ms Murray informed the Members that Nice N Naughty had been trading for 17 years across different locations under the same name.

The Licensing Sub Committee heard that Nice N Naughty had traded from the premises in Leeds since 2009 when the company had obtained 5 shops which had gone into receivership.

Ms Murray explained that the brand had started in Chester in 1999 and they had changed the image of the adult retail stores, and now attracted a large number of female customers. She said that the brand had received a number of awards and accreditation for customer service.

Members were advised of the location of the shop on a main street close to Queens Court.

Ms Murray said that since taking over the premises they had worked with the Council to provide a discreet entrance, window displays were monitored and that the company had a strict Challenge 25 policy. This included not allowing children accompanied by adults to enter the shop.

Ms Murray explained that Nice N Naughty did have a website which offered post or click and collect service. However, their customers preferred to come into the shop and receive a face to face customer service. Members were informed that the internet business made up approximately 5-10 % of the business.

Members heard that the Leeds shop was one of the busiest stores for through the door sales with many customers returning. Members also heard that the company had good staff retention with one member of staff been employed since the opening of the store.

Councillor Iqbal addressed the Licensing Sub Committee explaining that he had no objection to people walking into the store or the items that were for sale. However, he did object to the name of the store.

Councillor Iqbal was of the view that the name was provocative and could be a cause of embarrassment for parents passing by with children.

Councillor Iqbal said that the Council's aim was to encourage more people into the city and he was of the opinion that the name went against the strategy for a child friendly city.

Members were informed by Councillor Iqbal that he was attending the hearing on behalf of the ward party where concerns had been raised in relation to the recent granting of a new licence for a sex establishment venue within the ward and the renewal of this premises licence for a sex shop.

Members discussed the following points:

- That no links could be made with the renewal of this licence and the recent granting of the sex establishment venue licence.
- Families who lived in the city centre did so usually for the vibrancy and liberalism that the city centre offered.
- The policy for sex establishment venues
- The possibility of a change of name

Ms Murray informed the Members that it would be difficult to change the name of the shop as it was not just a name but a national brand. She went on to say that the shop had controlled entry, was in keeping with the high street, did not have flashing neon signs and had received no objections to previous renewals.

RESOLVED – To grant the renewal of the sex establishment venue licence as applied for.

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

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

Members were informed that the renewal of the sex establishment licence was for the provision of sexual entertainment in the form of lap dancing. The current licence was renewed for a period of twelve months, expiring on 1st March 2017.

Members noted that the premises had held a licence under the Licensing Act 2003 for the provision of regulated entertainment and sale of alcohol since 13th March 2009 and that lap dancing had been held at the premises since that time.

The Members heard that upon renewal of the licence in 2015 the Licensing Sub Committee considered an objection from Leeds City Council's Department of Planning due to the development of a park. The objection related to the location of the sexual entertainment venue as not being an appropriate location close to a park.

Members were informed that Silks is located on the first and second floor of the building. At a suggestion by the Licensing Sub Committee at a previous hearing the applicant had found an alternative use for the ground floor unit during the day time economy, and the ground floor unit now operated as a nail bar.

Members noted that one objection had been received to this application and was attached at appendix F of the submitted report. It was also noted that no observations had been received from West Yorkshire Police in relation to this application.

Rebecca Ingram of Kuits Solicitors representing the applicant addressed the Sub-Committee. She informed the Members that Silks had been trading at these premises since 2009 and that Silks had been one of the sexual entertainment venues which had kept its licence when the policy changed in 2013, renewing its licence on an annual basis.

Ms Ingram informed the Members of the following points in relation to the objection that had been received:

- That the park is not routinely used by families in the evening
- The location of the premises is close to commercial premises such as KPMG, however, these are closed by the time Silks opens.
- The nearest property which could be classified as residential was a hotel.
- Policy considerations such as a reduction to zero licences was not a matter for this committee
- The premises did not conflict with the Council's Policy for being a child friendly city
- Nail bar is active during the day time with signage appertaining to the nail bar at the front of the premises. This unit is transformed at 10:00pm when Silks opens.
- The management of Silks have a zero tolerance of violence against women
- The management were not aware of any instances of rape reported by anyone who had connections with Silks or any customers. And were of the opinion that if such allegations had been made then there would be a representation from West Yorkshire Police.
- The premises always employ door staff who prevent customers from engaging in anti-social behaviour and make the area safer.
- The premises were well run with the employees' welfare and safety addressed with the use of CCTV throughout the premises
- Policies in place for customers and employees
- Believed that the objection to the renewal of the licence was relation to the type of business on a general and moral ground.

A Licensing Enforcement officer was present at the hearing and informed the Members that an unannounced high visibility inspection had recently taken place at the venue with Enforcement, Transport Police and HMO Immigration in attendance.

Members noted that the inspection had taken place at 10:30pm, during performance, at that time there had been two door supervisors on duty. It was also noted that sex establishment venues receive 1-2 high visibility inspections within a twelve month period.

Members were informed that CCTV was available from the past 31 days with a slight problem on that evenings recording which was addressed at the time. The officer said that there had also been a fault with the panic alarm however this had now been dealt with.

Members were advised that HMO Immigration had found some irregularities with some of the dancers. However, it was explained that this was nothing to do with Silks as the dancers are self-employed.

The officer advised Members that it was a positive endorsement for the club by Licensing Enforcement.

RESOLVED – Members approve the renewal of the sex establishment venue licence as applied for.