

Licensing Sub-Committee

Tuesday, 28th November, 2017

PRESENT: Councillor G Wilkinson in the Chair

Councillors M Harland and A Khan

1 Election of the Chair

RESOLVED – Councillor G Wilkinson was elected Chair of the meeting.

2 Appeals Against Refusal of Inspection of Documents

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

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of those parts 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 so designated as follows:-

- (a) Appendix B of the report referred to in minute 7 (Premises known as Liberté) under the provisions of Access to Information Procedure Rules 10.4 (1, 2 & 3), and on the grounds that it is not in the public interest to disclose the contents as the information relates to an individual and that person would not reasonably expect their personal information or discussions therein to be in the public domain.
- (b) Appendix B of the report referred to in minute 8 (premises known as Purple Door) under the provisions of Access to Information Procedure Rules 10.4 (1, 2 & 3), and on the grounds that it is not in the public interest to disclose the contents as the information relates to an individual and that person would not reasonably expect their personal information or discussions therein to be in the public domain.
- (c) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules.

4 Late Items

No formal late items of business were added to the agenda.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interest were made.

6 Sex Establishment Licence for Premises at, 25 Crown Street, Leeds, LS2 7DA - Application for Change of Name and Approval of Advertising Material and External Signage

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application submitted by Tokyo Industries (Lincoln York Hull) Limited in respect of premises currently known as “Black Orchid”

and located at 25 Crown Street, Leeds LS2. The applicant sought consideration of two matters –

- Approval for the change of name of the premises to “Whiskey Down”
- Approval for related advertising material including the external signage used to promote the business.

The premises benefitted from a Sex Establishment Licence granted on 14th March 2017 for 12 months. Appendix A of the report contained example advertising materials. Following discussions between the Applicant’s representative and the Licensing Authority, revised examples of advertising materials were supplied by the Applicant and these were supplied to Members at the meeting.

No representations to the application had been received.

Mr Aaron Mellor, Managing Director, attended the meeting and made representation on behalf of the applicant. Several observers also attended the hearing.

Mr Mellor explained that during the course of refurbishment, it had been decided to change the style of the venue. The applicant sought to remove the stigma attached to the SEV club by moving the focus away from the Sexual Entertainment Venue entertainment activities and towards the venue being more of a gentleman’s whiskey club. The premises would now focus on two distinct areas – one area to accommodate a quiet bar, for drinks and meetings; and a second area designated for providing entertainment permitted under the SEV licence.

In response to Members queries, Mr Mellor provided the following information:

- Although the applicant liked the tagline “Superluxe Playground” within the sample advertising material, the applicant would consider using other wording, including simply “Gentleman’s Club”, having regard to the Sub Committees preference. The Sub Committee noted the alternate straplines offered
- The applicant had provided a variety of formats for the marketing material, including draft leaflets, business cards, flyers and wristbands as this was the first time they had been asked for this level of detail.
- The intention was to market the venue as a whiskey bar, patrons would not have to purchase a lap dance.
- Reference to provision of a user code entitling patrons to free taxi/private hire transport to the venue had been withdrawn and removed from the marketing materials as this was not permitted under the licence
- Clarified the difference between the proposed entry passes – an ‘Industry Pass’ was aimed at patrons of the venue who also worked in the licensing trade and around Call Lane; the VIP pass would be aimed at other patrons who may attend and/or hold meetings at the venue.

The Licensing Sub-Committee carefully considered the report having regard to the Statement of Licensing Policy for Sex Establishments. Members noted that no representations had been submitted to the application. The Sub Committee also had regard to the submissions made by Mr Mellor at the

hearing; the material supplied in respect of the external appearance/advertising information contained in Appendix A (revised); and the applicant's offer to accept revised wording to the tagline.

RESOLVED – That, in respect of the premises located at 25 Crown Street, Leeds LS2 7DA, to grant the application in the following terms:

- a) To agree to the change of name to “Whiskey Down”
- b) That having regard to the applicant's offer to accept revised wording to the advertising tagline, the wording “Superluxe Playground” to be **removed** from all advertising material used to promote the business (including external signage) and be replaced with “Gentleman's Club”.
- c) That, subject to the amendment in b) above; all advertising material using the new name “Whiskey Down” including the external signage be approved

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

The Head of Elections, Licensing and Registration submitted a report 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 for premises known as Liberté, 10 York Place, Leeds LS1. The current licence was renewed in 2016 for a period of 12 months and had expired on the 30th September 2017. The application was made by TRL Promotions Ltd.

Under the provisions of Access to Information Procedure Rules 10.4 (1, 2 &3) Appendix B of the report was deemed to be exempt from publication. Appendix C contained a number of operating policies employed at the premises submitted in support of the application along with photographs of the external appearance of the premises.

The Sub Committee noted receipt of one letter of objection from Support After Rape & Sexual Violence Leeds (SARSVL). As no one from SARSVL attended the hearing, the Sub Committee resolved to proceed in their absence and take the written representation into account.

It was noted that no other representations had been submitted to the renewal application. Additionally, no complaints about the premises had been reported during the previous 12 months.

Mr J Skeens represented the applicant at the meeting. Mr S Mohamed and Ms M Haruta were also in attendance along with several observers.

Mr Skeens explained that this application to renew the licence was exactly the same as the one submitted and approved in 2016. Additionally, the advertisement materials and the external appearance of the premises were unchanged since 2016. In respect of the letter of representation received, Mr Skeens commented that this covered much the same information as the SARSVL letter submitted to the renewal application made in 2016.

The Sub Committee having carefully read the application; considered the written submissions contained in the report and those made by Mr Skeens on

behalf of the applicant at the hearing alongside the Council's own Statement of Licensing Policy for Sex Establishments.

RESOLVED – To grant the renewal application as requested. To clarify:

- The Sex Establishment Licence shall run for one year, expiring on 30th September 2018
- The hours of operation are 22:00 until 04:00 hours Sunday to Thursday and 22:00 until 05:00 hours Friday & Saturday
- Approval is given to the external appearance of the premises and all advertising material used to promote the business as set out in Appendix D of the report
- The Conditions as set out in Appendix G shall be incorporated in to the Licence

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

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 for premises known as Purple Door, 5 York Place, Leeds LS1. The application was made by Ruby May (2) Ltd. The current licence was renewed for a period of 12 months and had expired on the 30th September 2017.

Appendix B of the report was exempt from publication under the provisions of Access to Information Procedure Rules 10.4 (1, 2 & 3). The applicant also submitted a number of operating policies for the premises as part of the application (Appendix C) and plans and photographs showing the external appearance of the premises were submitted as Appendix D of the report.

The Sub Committee noted receipt of one letter of objection from Support After Rape & Sexual Violence Leeds (SARSVL) attached as Appendix F to the report. No one from SARSVL attended the hearing and the Sub Committee resolved to proceed in their absence and take the written representation into account.

It was noted that no other representations had been submitted to the renewal application. Additionally, no issues had been reported about the premises had been reported during the previous 12 months.

Mr R Arnot represented the applicant at the meeting. Mr N Quadrini, and Mr C Copeland were also in attendance along with several observers.

Mr Arnot stated that 'Purple Door' was the longest established SEV in Leeds and had operated at this location for 20 years. He reported that no changes had been made to the premises since the previous successful annual renewal of the licence in 2016. Referring to that part of the Statement of Licensing Policy which considered the proximity of SEVs to properties with sensitive uses or in sensitive locations, Mr Arnot reported that there had been no change to the locality around the premises.

Mr Arnot then addressed the content of the letter of representation received from SARSVL to this renewal application, commenting that this was the same as the letter submitted to the renewal application made in 2016 and was a standard letter submitted by the organisation to any application for a sex establishment licence.

The Sub Committee having carefully read the application; considered the written submissions contained in the report and those made by Mr Arnot on behalf of the applicant at the hearing; alongside the Councils own Statement of Licensing Policy for Sex Establishments.

RESOLVED – To grant the renewal application as requested. To clarify:

- The Sex Establishment Licence shall run for one year, expiring on 30th September 2018
- The hours of operation are 22:00 until 04:00 hours Sunday to Thursday and 22:00 until 05:00 hours Friday & Saturday
- Approval is given to the external appearance of the premises and all advertising material used to promote the business as set out in Appendix D of the submitted report
- The Conditions as set out in Appendix G shall be incorporated in to the Licence