

# Public Document Pack

Agenda Item 12 – Minutes of the Licensing SEV Hearings that were not available at the time of the agenda despatch.

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# Agenda Item 12



Councillors

## Legal & Democratic Services

Governance Services

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Our Ref:

Your Ref:

13 January 2014

Dear Councillor

## COUNCIL – 15th JANUARY 2014

Please find attached for your attention the following information which will be considered at Council next week:-

Item 12 Minutes of the Licensing SEV Hearings that were not available at the time of the agenda despatch.

Please attach these papers to your agenda for the meeting.

Many thanks.

Yours sincerely

**Kevin Tomkinson**  
Principal Governance Officer





## LICENSING SUB COMMITTEE (SEV'S)

MONDAY, 18TH NOVEMBER, 2013

**PRESENT:** Councillor: G Hussain, A Khan and  
C Townsley

### 1 Election of Chair

**RESOLVED** – Councillor G Hussain was elected Chair for the duration of the hearing

Present at the hearing were:

#### For Purple Door

Mr John Coen, Ford & Warren – solicitor representing the applicant

Ms R MacIntosh - observer

Mr J Adshead - observer

Mr M Nicholson – Witness/Chartered Surveyor

Mr M Hartley - observer

Mr S Tredigo - manager and DPS

Mr R Monty –manager

Mr M Makrinakis - Assistant Manager

Mr N Quadrini – Director of Ruby May 2

#### Observers

Mr P Whur

Mr P Gourlay

### 2 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 report 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 report referred to in Minute No. 5 in terms of 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.

### **3 Late Items**

No formal late items of business were added to the agenda for the meeting, however a supplementary document relating to agenda item 5 – application in respect of “Purple Door” - had been supplied by the applicant and had been despatched to members prior to the hearing (Minute No.5 refers).

It was noted that Appendix H of the submitted report referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy (“the Policy”) adopted in September 2013 was circulated at the meeting.

### **4 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest

### **5 "Purple Door" - 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 and 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 ground 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
- Fines policy
- Pricing policy
- Trade Union Details
- Chartered Surveyors report (despatched after the agenda)
- Appearance/advertising material
- Site plan

Members also had access to an A3 city centre map showing the location of the premises.

Appendix B of the report was exempt from publication under Access to Information Procedure Rule 10.4 (1, 2 & 3), however the Sub Committee resolved not to specifically discuss the exempt information to allow the hearing to be held in public.

The application attracted a total of 25 objections and one letter of support.

Members noted that none of the objectors attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors

The Sub Committee said that the renewal application would be considered having regard to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013. The conditions within the revised Policy were contained in Appendix H. It was noted that the existing conditions for the current licence granted under the former policy were also included within the report

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

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

In the first instance the Sub Committee sought to clarify two matters:

1. The fines policy – a copy of which was included within the application
2. Planning permission – as the report indicated the premises first received permission to trade as a licensed venue in 2005 but the application stated the venue had traded for more than ten years

The Sub Committee heard from Mr Coen on behalf of the applicant who addressed the following points:

1. Fines policy – the fines policy was submitted in accordance with the existing conditions on the current premises licence. He confirmed that the fines policy had been discontinued, as per the requirements of the Policy
2. Planning permission – the venue had traded prior to 2005 under the auspices of the 1964 Act for alcohol licensing and had been trading in excess of 10 years for alcohol and sexual entertainment

Mr Coen then addressed the application in detail, the key themes being:

- The experience of the management team
- The fact that the application had not attracted representation from West Yorkshire Police, therefore he suggested the venue did not raise concerns of being associated with crime and disorder and/or anti-social behaviour
- The fact that the application had not attracted representation from LCC Environmental Protection Team, therefore he suggested the venue was not associated with noise or nuisance

Enforcement – those matters raised during the enforcement visit on 25/10/13 had been resolved

Addressing the Policy, Mr Coen noted the suggested cap of four SEVS within the city centre and the list of locations deemed inappropriate for such venues. He noted that York Place was not included within the list of inappropriate locations.

Mr Coen suggested that there were no mandatory grounds by which the sub committee could reject the application, and none in respect of discretionary grounds as the applicant had not previously been convicted and the business was not carried on for the benefit of anyone else.

Mr Coen outlined the contents of independent Chartered Surveyors report of the premises and venue, solicited by the applicant. The Sub Committee heard from Mr Nicholson, the report author, who highlighted his experience as a chartered surveyor working closely with the licensed trade. Members noted his findings in respect of the locality, appearance and layout of the venue, the opening hours of the venue and his suggestion that the operating hours of the venue would not conflict with the day time uses in the locality.

Returning to the Policy, Mr Coen referred to the findings of the Citizen's Panel and the Council Policy in respect of Leeds as a Child Friendly City – Mr Coen posed the question, whether every premises in the city therefore had to be child friendly. He suggested not, that there must be licensed premises which supported the diversity of the licensed offer

Turning to the objections received, Mr Coen stated that none submitted were specific to the Purple Door venue. He indicated that the fact that none of the businesses or residents in the locality had submitted a representation. He suggested that Purple Door was a good neighbour, quiet and unobtrusive and that the premises were well run with due consideration.

Additionally, he noted comments within some of the letters of objection that there were links between such venues and crime and disorder and/or anti-social behaviour. Mr Coen refuted these comments in respect of Purple Door; he suggested that this was a perceived link, with no evidence to support it – as WYP (West Yorkshire Police) had not submitted a representation.

In conclusion, Mr Coen reiterated that, in the absence of representations specific to this venue, that Purple Door was a well-run venue which had traded during the last 12 months under the new style licence without issue. The venue was not a source of crime and disorder and/or anti-social behaviour and finally, that York Place was not included within the list of inappropriate locations for such a venue

In response to Members questions the following information was provided:

- Confirmed that other business/hotels were nearby, but that as this was a city centre venue, there would be a number of other businesses nearby.
- Mr Nicholson confirmed he had undertaken his visit to the premise on 5/11/13 after the enforcement visit of 25/10/13.



- The venue operated a Challenge 21/25 policy, but challenges under this policy were minimal and occurred only once or twice per month.
- SIUA registered door staff were located at the entrance to the premises – on street level and operated the challenge policy.
- The drugs safe had remained operational in that deposits could be made – whilst the venue's copy of the key was lost. The applicant confirmed that WYP would have been able to gain access to the safe. A new drugs safe had been purchased.

**RESOLVED –**

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of a Sex Establishment Licences authorising the activity of sexual entertainment to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public would be excluded from those proceedings 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. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process



## LICENSING SUB COMMITTEE (SEV'S)

MONDAY, 18TH NOVEMBER, 2013

**PRESENT:** Councillors: G Hussain, A Khan and  
C Townsley

### 6 Election of Chair

**RESOLVED** – That Councillor G Hussain be elected Chair for the duration of the hearing

Present at the hearing were:

#### **For Deep Blue**

Mr J Coen – Ford and Warren – solicitor  
representing the applicant  
Ms R MacIntosh – observer  
Mr N Quadrini – Director of Ruby May (1) Limited  
Mr Nicholson – Witness/Chartered Surveyor  
Mr I Benosenko – observer  
Mr J Adshead – observer  
Mr T Hooper – relief manager of the premises  
Mr M Hartley – designated premises supervisor  
Mr Makrinakis – observer

#### **Observers**

Mr P Whur  
Mr P Gourlay  
Mr C Rees-Gay

### 7 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 report 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 report referred to in Minute No. 10 of 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

individuals and those people would not reasonably expect their personal information or discussions thereon to be in the public domain

## **8 Late items**

No formal late items of business were added to the agenda for the meeting. However a supplementary document relating to agenda item 5 – application in respect of Deep Blue - had been supplied by the applicant and had been despatched to Members prior to the hearing (Minute No. 10 refers) It was noted that Appendix H of the report of the Head of Licensing and Registration referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy (“the Policy”) which came into effect on 1 September 2013 was circulated at the meeting.

## **9 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

## **10 "Deep Blue" Application for the Renewal of a Sex Establishment Licence for Deep Blue, 36 Wellington Street, Leeds, LS1 2DE**

The Licensing Sub-Committee considered a report of the Head of Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, for the renewal of a sex establishment licence. The application was made by Ruby May Holdings (1) Limited of Unit 40 Friar House, Low Friar Street, Newcastle NE1 5UF, relating to the premises known as 'Deep Blue', 36 Wellington Street LS1 2DE. The basement level, ground floor and first floor 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 to 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
- Fines Policy
- Pricing Policy
- Trade Union details
- Chartered Surveyor's report (despatched after the agenda)
- 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 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, 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 a total of 25 objections and one letter of support.

Members noted that none of the objectors had attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors.

The Sub Committee said that the renewal application would be considered having regard to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013. The conditions within the revised Policy were contained in Appendix H. It was noted that the existing conditions for the current licence granted under the former policy were also included within the report.

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy. It was noted that one Member had visited Deep Blue, as part of that Working Group.

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

The Legal Adviser, having outlined the procedure for the hearing, indicated that the Sub Committee sought clarity from the applicant's presentation on the following issues:

- How long the venue had traded as a lap dancing venue
- Issues arising from any compliance visits
- Clarity on whether any fining policy existed
- The number of dancers and the number of customers attending the venue

The Licensing officer presented the report of the Head of Licensing and Registration.

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

- the length of operation of the premises as a lap dancing venue.
- the lack of representations to the application from West Yorkshire Police or the Council's Environmental Protection Team or any responsible authority.
- that the compliance matters raised on a recent enforcement visit had now been resolved, with Licensing Officers being satisfied on the measures taken to address these.
- the experience of the management team running the premises.
- that the fines policy had been withdrawn.

- the external appearance of the club, which could be regarded as “opaque” and “discreet”.
- the representations received and the generic nature of these.
- the mixed-use nature of the surrounding area and the absence of representations from these businesses to the application.
- the proposed operating hours and that these were unlikely to overlap with office workers; shoppers or people travelling by train, in view of the proximity of the premises to the railway station and that the late night nature of the venue was not likely to be at odds with the Council's Child Friendly City policy.
- the suitability of this location for a sexual entertainment venue and the figures and percentages contained in the Citizen's Panel survey on this matter.
- Mr Nicolson was called as a witness by Mr Coen and answered questions in relation to his report.

In response to questions from the Sub-Committee, Mr Coen provided information on the following matters:

- the number of dancers at the club; the rest/welfare facilities made available to the dancers and the arrangements for their safe transport home.
- the policy of allowing dancers to smoke outside the premises and the dress code for dancers when taking a cigarette break outside the premises.
- the clientele profile of Deep Blue's customers and the numbers attending throughout the week.
- the customer code of conduct and that monitoring of private dances did take place.
- the security measures taken to prevent under 25s entering the premises and the recording of incidents.
- the advertising literature provided with the application. It was noted that the applicant had not submitted examples of literature to accompany the application.
- clarification of the nature of the contraventions of the licence which had been revealed in a recent enforcement visit and the action taken to resolve these matters.

In summing up Mr Coen emphasised: in relation to Leeds being a child friendly city, that most if not all children, were at home in bed when the premises were open; the premises were well run and managed; they were a good neighbour; The Queens Hotel and Network Rail were close but hadn't objected; by 10pm people would have arrived or departed from the station.

#### **RESOLVED –**

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of Sex Establishment Licences authorising the activity of sexual entertainment

to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public would be excluded from those proceedings 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. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process





**LICENSING SUB COMMITTEE (SEV'S)**

**TUESDAY, 19TH NOVEMBER, 2013**

**PRESENT:** Councillor G Hussain, A Khan and  
C Townsley

**11 Election of Chair**

**RESOLVED** - That Councillor G Hussain be elected Chair for the duration of the hearing

Present at the hearing were:

**For Liberté**

Mr J Skeens – solicitor representing the applicant  
Ms Manuela Bianca Haruta – Director of TRL Promotions Ltd and  
designated premises supervisor  
Ms Jodie Schulman – General Manager  
Mr Thomas Chiang – Member of Staff  
Mr Tom Ryan – Member of Staff

**Observers**

Mr P Whur  
Mr P Gourlay  
Mr Makrinakis

**12 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 report 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 report referred to in Minute No. 15 in terms of 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 individuals and those people would not reasonably expect their personal information or discussions thereon to be in the public domain.

### **13 Late items**

No formal late items of business were added to the agenda for the meeting. It was noted that Appendix H of the submitted report referred to the standard conditions of the previous Sexual Entertainment Venues Licensing Policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy ("the Policy") adopted on 1 September 2013 was circulated at the meeting

### **14 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **15 Liberte - Application for the renewal of a sex establishment licence for Liberte - 10 York Place LS1**

The Licensing Sub-Committee considered a report of the Head of Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, for the renewal 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 ground 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
- Fines Policy
- 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 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), 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 a total of 25 objections and one letter of support.

Members noted that none of the objectors had attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors.

The Sub Committee said that the renewal application would be considered having regard to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013. The conditions within the revised Policy were contained in Appendix H. It was noted that the existing conditions for the current licence granted under the former policy were also included within the report.

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

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. Mr Skeens referred to further documentation which had been submitted in support of the application.

The Licensing Officer advised that although a report prepared by a Chartered Town Planner had been received within the timescale for receipt of additional information, a further submission on behalf of the applicant had been received outside of this timescale. Whilst the report of Murdoch Associates, Chartered Town Planners was circulated to Members for their consideration, the Sub-Committee requested a short adjournment of the hearing to enable them to discuss whether to accept the further written information which had been submitted to Licensing Officers by the applicant.

Following the adjournment the Sub-Committee's Legal Adviser stated that Members had resolved not to accept the further written information the applicant sought to submit but that reference to the information could be made as part of the applicant's case to the Sub-Committee.

Mr Skeens continued to present the application and provided information which included:

- the length of operation of the premises as a lap dancing venue
- that the compliance matters raised on a recent enforcement visit had now been resolved, with Licensing Officers being satisfied on the measures taken to address these
- that the fines policy had been withdrawn
- the external appearance of the club, which could be regarded as being very discreet
- the representations received and that these were not site specific in relation to Liberté and related more to policy matters
- the mixed-use nature of the surrounding area and the absence of representations from these businesses to the application

- the location of the premises and that these were not sited close to any of the areas regarded as sensitive in the Policy
- the proposed opening hours and that there would be little overlap with other businesses in the immediate vicinity, with the exception of a few restaurants and bars

In response to questions from the Sub-Committee, Mr Skeens provided information on the following matters:

- the number of dancers at the club; the rest/welfare facilities made available to the dancers and the arrangements for their safe transport home
- the number of customers attending the premises during the week
- confirmation that the fining policy had been abandoned
- clarification of the nature of the contraventions of the licence which had been revealed in a recent enforcement visit and the action taken to resolve these matters

#### **RESOLVED –**

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of a Sex Establishment Licences authorising the activity of sexual entertainment to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public would be excluded from those proceedings 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. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process

**LICENSING SUB COMMITTEE (SEV'S)**

**TUESDAY, 19TH NOVEMBER, 2013**

**PRESENT:** Councillors: G Hussain, A Khan and  
C Townsley

**16 Election of Chair**

**RESOLVED** – Councillor G Hussain was elected as Chair for the duration of the meeting.

Present at the hearing were

**For Silks**

Mr Anthony Lyons, Kuits Solicitors – solicitor representing the applicant  
M Cunningham - manager and DPS

**Objector**

Rowena Hall – on behalf of the Director of City Development, Leeds City Council.

**Observers**

Mr P Whur  
Mr P Gourlay  
Thomas Chiang  
Sam Lee  
Mercourios Makrinakis

**17 Appeals Against Refusal of Inspection of Documents**

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

**18 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 report 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, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual

## **19 Late Items**

No formal late items of business were added to the agenda for the meeting. It was noted that Appendix H of the report of the Head of Licensing and Registration referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy ("the Policy") which came into effect on 1 September 2013 was circulated at the meeting.

## **20 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

## **21 "Silks" Application for the Renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds, LS1 4SP**

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 Red Carpet Leisure (Leeds) Limited, 199 Roundhay Road, Leeds, LS8 5AN relating to the premises known as 'Silks', 2 Sovereign Place, Leeds. The ground 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
- Fines policy
- Pricing policy
- Trade Union Details
- Appearance/advertising material
- Site plan

Appendix B of the report was exempt from publication under Access to Information Procedure Rule 10.4 (1, 2 & 3) however the Sub Committee resolved not to specifically discuss the exempt information to allow the hearing to be held in public.

The application attracted a total of 27 objections and one letter of support.

Members noted that only one of the objectors attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the other objectors.

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

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

The Legal Adviser, having outlined the procedure for the hearing, indicated that the Sub Committee sought clarity from the applicant's presentation on the following issues:

- How long the venue had traded as a lap dancing venue
- Issues arising from any compliance visits
- Clarity on whether any fining policy existed
- The number of dancers and the number of customers attending the venue

The Licensing Officer introduced the Report of the Head of Licensing and Registration.

The Sub Committee then heard from Mr Lyons on behalf of the applicant whose presentation included the following points:

That the management of the establishment were experienced. He said that 'Silks' had traded since 2008, the premises having previously traded as Rembrandts, and that the capacity of the venue was 100 people. Over the course of a busy evening between 200 and 250 people could pass through.

Confirmation was provided that 49 dancers were on the books and that on a typical Saturday evening 25 dancers would be working, further that no dancers are fined as per the clubs policy.

He said that lap dancing was a lawful activity, subject to regulation and that objection could not be made on moral grounds. It was put to the Sub Committee that Silks had complied with all regulations and policy issued nationally and locally.

Mr Lyons said that the location of 'Silks' was policy compliant in that it was not near to any relevant locations other than the train station and that only a very small proportion of station users passed the club. The venue also being a significant distance from other similar establishments. Further to this and due to the location being tucked away it was considered by Mr Lyons that the venue would not survive merely as a bar.

There was 29 staff apart from the dancers. There were at least 2 doormen on duty every night in line with the Policy. He said that if the licence was not granted it would lead to loss of livelihood for people.



The licence had been granted last year. Aware just because they have a licence not assured of renewal. In the absence of any change the fact that they have been in existence as a lap dancing venue for some time should be given due weight.

Mr Lyons commented on the objections received.

Mr Lyons addressed two letters of objection from the nearby apartment blocks located at Waterman Place and Granary Wharf, stressing that it would be impossible to even see the venue from these locations. The bus stop on Neville Street was raised with Mr Lyons informing the Committee that the last bus for Wakefield leaves at 9.16pm and for Huddersfield at 10.16pm. He also said that it was not possible to see the bus stops from the club or the club from the bus stops.

Mr Lyons commented that since September 2012 the branding of Silks has been toned down to ensure that the club is not visually intrusive.

With regards to the objection from the Director of City Development Mr Lyons pointed out that the proposed public green space development near Sovereign Street had not yet commenced and was unlikely to happen within the next year and that in any case the development could not be seen from Silks. Furthermore Mr Lyons argued that he considered it would be unlikely that the development would be in public use after 10pm.

He said that there did not appear to be any impact on inward investment in the area due to the presence of the premises.

The space planned was not dissimilar to City Square or Millennium Square, a nice space. He said it was green space not a park.

If there were an argument about the development it was premature; that it would be harsh to suffer a refusal for something planned in the future

The Sub Committee heard from Rowena Hall representing the Director of City Development:

Ms Hall outlined the reasons for the objection to the application which principally centred about the inappropriate location of Silks in light of the approved city centre green space development close to Sovereign Street which would see the venue face onto the development. Furthermore that the green space would be a high quality development used by many people, both during the day and in the evening. She said it was a new facility open to the public 24 hours a day; it would hold public events; includes a new green space which is the first in the city for a number of years and would be a leisure space used by families. She said the development comprised the new KPMG plot and two other development plots, the second one potential for restaurants and residences; it would provide a link to the shopping areas in Leeds.



Going past silks would be a main path into the new development.

She said the new south entrance railway station was to be delivered in 2014.

Members proceeded to ask questions about the application and the objection from City Development with particular regard to Leeds as a child friendly city.

Members asked questions about and established the likely date for the completion of the public green space development near Sovereign Street. Ms Hall indicated that work on the development was due to commence in August 2014 and would take about eight months to complete. Members further sought to establish the impact Silks would have on the green space.

Members also asked questions about how people were made aware of Silks and at what times the venue was most busy.

The impact on residential developments on the vicinity of Sovereign Street was considered by Members.

Finally Members asked further questions about the smoking policy for dancers and how they got home following the closure of the venue.

Mr Lyons went on to summarise the application stressing that he considered the objection from City Development to be premature. Further that if Silks was not granted a licence the livelihoods of many people would be affected. To deny continuity of trade and employment would be disproportionate. Today the space where the proposed development is planned is an uneven surface car park. Would be an opportunity next year if the licence were granted to debate more fully.

#### **RESOLVED –**

- a) To note the contents of both the written and verbal submissions
- b) To obtain sight of the Executive Board report and minutes relating to the proposed development; to share this with the applicant's representative for any further comment he wished to make prior to further consideration of the application by the Sub Committee.
- c) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of a Sex Establishment Licences authorising the activity of sexual entertainment to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been heard. The press and public would be excluded from those proceedings as it is in the public interest to allow the Members to have full and frank debate on the matters, It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process



**LICENSING SUB COMMITTEE (SEV'S)**

**THURSDAY, 21ST NOVEMBER, 2013**

**PRESENT:** Councillor: G Hussain, A Khan and  
C Townsley

**22 Election of Chair**

**RESOLVED** – That Councillor G Hussain be elected as Chair for the duration of the meeting.

The following were present at the hearing:

**For Red Leopard:**

Miss Roth, Kher Solicitors  
Mr D Marriner, Manager  
Ms S Levine, Designated Premises Supervisor  
Mr G Snape, Consultant

**Observers:**

Mr Whur  
Mr Gourlay  
Mr Makrinakis  
Mr Chang  
Mr Lee  
Mr Keane  
Mr Hartley

**23 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**24 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 report 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 report referred to in Minute No. 27 in terms of

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.

## **25 Late Items**

No formal late items of business were added to the agenda for the meeting. It was noted that Appendix H of the report of the Head of Licensing and Registration referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy ("the Policy") which came into effect on 1 September 2013 was circulated at the meeting

## **26 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

## **27 Application for the Renewal of a Sex Establishment Licence for Red Leopard, Jubilee Hotel 163-167 The Headrow LS1**

The Licensing Sub-Committee considered a report of the Head of Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, for the renewal of a sex establishment licence. The application was made by Fellmore Limited, Jubilee Chambers, 163-167 The Headrow, Leeds, LS1 2QS relating to the premises known as 'The Red Leopard, 163-167 The Headrow, Leeds. The basement level, ground floor 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
- Fines Policy
- 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) 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 a total of 25 objections and one letter of support.

Members noted that none of the objectors had attended the hearing and therefore resolved to consider the written objections contained within the documents before them and proceed in the absence of the objectors.

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

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

The Legal Adviser, having outlined the procedure for the hearing, indicated that the Sub Committee sought clarity from the applicant's presentation on the following issues:

- How long the venue had traded as a lap dancing venue
- Issues arising from any compliance visits
- Clarity on whether any fining policy existed
- The number of dancers and the number of customers attending the venue

Miss Roth acting on behalf of the applicant, referred to additional information that had been prepared in relation to the application and requested that this information be accepted by the Sub-Committee. The Sub-Committee requested a short adjournment to the hearing to consider the request. .

Following the adjournment, Members resolved not to accept the further information that the applicant sought to submit but that reference could be made to those documents as part of the applicant's submission to the Sub-Committee.

The Licensing Officer presented the report of the Head of Licensing and Registration.

At the outset of her presentation, Miss Roth informed the Sub-Committee of proposed changes to operation at the premises. Ms Roth was advised any decision could only be based on the application in front of the Sub-Committee and any future arrangements would be subject to a further application and not relevant in the consideration of this application.

Miss Roth continued to present the application and provided the following information:

- Future arrangements would no longer involve the use of the ground floor of the premises and external signage would be removable.
- The applicant was a long standing tenant of the Jubilee Chambers and had twelve and a half years of their lease left with no break clause.
- The applicant had operated from the premises since 2004 and during that time there had been no instances of crime or disorder connected with the premises reported.
- There were currently approximately 20 people employed and a further 70 people indirectly employed including 25 dancers.
- Signage at the premises had been approved by Leeds City Council in 2004 and future signage would be removable and not visible during the day.
- There were no nearby residential properties and no offices nearby that were open at the same time as the premises.
- The current front façade had blacked out windows – these could be offered for use to the Council for advertising. There were no inappropriate images displayed on the exterior of the premises
- The applicant was prepared to adhere to Council Policy and had previously demonstrated this with investment in complying with current policy.
- There was a zero tolerance on drugs at the premises and the applicant worked with the Police regarding drug enforcement.
- With reference to objections regarding schools, colleges and places of worship, it was emphasised that the club only operated between the hours of 22:00 and 04:00 and therefore outside of the opening hours of premises with sensitive uses.
- Reference was made to policies operated within the club with regards to dancer's welfare and safe transport home.
- Proposed future changes would move the entrance to the premises away from the front of the building facing the Town Hall.
- The Sub-Committee was informed that should the application be refused, the applicant would seek a Judicial Review.

In response to Members comments and questions, the following issues were discussed:

- There were designated smoking areas for customers at the front of the premises and for staff at the side. Future arrangements would not have customers on public outside areas to the front of the premises.
- Ladies events were held at the premises on a monthly basis and it was proposed that these would become fortnightly events.
- Staff and customers could be dropped off to the premises side entrance away from the Headrow.
- The premises operated the Challenge 25 policy and no longer promoted student events.
- The applicant was willing to make changes to enable removable signage, use of side entrance in recognition of concerns and objections raised.
- The premises were not used for any other purpose.

- Staff used taxis to travel home and the club had a contract with a local firm.
- Issues relating to implementation of the club's policy regarding disciplinary measures.
- Marketing of the premises – leaflets would still be distributed within the permitted zone.
- The proposal to move the entrance to the side of the premises had been submitted with the current application. Other proposed amendments which included the removable signage and only using the first floor of the premises would have to be considered in future.

Miss Roth was invited to summarise on behalf of the applicant and repeated much of the above.

#### **RESOLVED –**

- a) To note the contents of both the written and verbal submissions
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of a Sex Establishment Licences authorising the activity of sexual entertainment to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public would be excluded from those proceedings 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. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process.





## LICENSING SUB COMMITTEE (SEV'S)

FRIDAY, 22ND NOVEMBER, 2013

**PRESENT:** Councillor: G Hussain, A Khan and  
C Townsley

### 28 Election of Chair

**RESOLVED** – Councillor G Hussain was elected Chair for the duration of the of the meeting

Present at the hearing were:

#### **Wildcats**

Mr P Whur – solicitor representing the applicant  
Mr C Rees-Gay - observer  
Mr P Gourlay – Designated premises Supervisor  
Ms C Wilkinson – Assistant Manager  
Ms M Gohlami – Deputy Manager  
Mr T Sproxton – Deputy Manager  
Mr J Anderson – Witness  
Ms E Neuteboom – Witness  
Mr R Etchells – Witness

#### **Objectors/Public observers**

Ms K Russell - SARSVAL  
Ms S McNeill – SARSVAL  
Mr B Smith - Objector

Mr M Makrinakis – observer  
Mr N Quadrini-observer  
Mr Q Kean – observer

### 29 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 report 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 report, referred to in Minute 32 in terms of 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.

### **30 Late Item**

No formal late items of business were added to the agenda for the meeting, however a supplementary document relating to agenda item 5 – application in respect of Wildcats - had been supplied by the applicant and had been despatched to members prior to the hearing (Minute No.32 refers). It was noted that Appendix H of the report of the Head of Licensing and Registration referred to the standard conditions of the previous Sex Establishment policy and for the avoidance of doubt, a replacement Appendix H which related to the Licensing of Sex Establishments Statement of Licensing Policy (“the Policy”) which came into effect on 1 September 2013 was circulated at the meeting

### **31 Declarations of Disclosable Pecuniary Interests**

There were no declarations of pecuniary interests, however Councillor Hussain indicated that, now the members of public were present in the meeting room, he recognised one of the objectors as a former work colleague, but stated that he had not seen her for some time.

### **32 Application for the Renewal of a Sex Establishment Licence for Wildcats, 149-155 the Headrow, Leeds, LS1 5RB**

The Licensing Sub Committee considered the report of the Head of Licensing and Registration on an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the renewal of a Sex Establishment Licence. The application was made by Bean Leisure Trading A Limited, 153-155 The Headrow, Leeds LS1 5RB relating to the premises known as ‘Wildcats’ located at 149-155 The Headrow, Leeds LS1 5RB. The lower ground floor, ground floor and first floor were proposed to be covered under the provisions of the licence with 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:

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

Members also had access to an A3 city centre map showing the location of the premises. The Sub Committee also received A1 colour photographs

displayed by the applicant at the hearing – which duplicated those included within the application documents - for ease of reference

Appendix B of the report was exempt from publication under Access to Information Procedure Rule 10.4 (1, 2 & 3), however the Sub Committee resolved not to specifically discuss the exempt information to allow the hearing to be held in public.

The application attracted a total of 26 objections and one e-mail of support. It was noted that the supplemental information submitted by the Applicant contained two letters of support and their own survey.

Members noted that not all of the objectors attended the hearing and therefore resolved to consider their written objections and proceed in their absence.

The Sub Committee said that the renewal application would be considered having regard to the revised Statement of Licensing Policy adopted by the Council which came into force on 01 09 2013. The conditions within the revised Policy were contained in Appendix H. It was noted that the existing conditions for the current licence granted under the former policy were also included within the report

At the outset it was clarified that one of the members of the Sub Committee had been on the working group of the Licensing Committee in relation to the new Policy.

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

The Legal Adviser, having outlined the procedure for the hearing, indicated that the Sub Committee sought clarity from the applicant's presentation on the following issues:

- How long the venue had traded as a lap dancing venue
- Issues arising from any compliance visits
- Clarity on whether any fining policy existed
- The number of dancers and the number of customers attending the venue

Mr Whur made an application to increase the length of time for his submission on behalf of the applicant by another 15 minutes. The Sub Committee adjourned for a short while to consider this application and resolved to grant an extension of the time period from 45 minutes to 60 minutes, and for parity, the objectors were offered the same amount of time for their representations.

The Licensing Officer presented the report and clarified the full address of the premises to which the application referred.

Mr Whur then addressed the application in detail, the key themes being:

- The experience of the current management team within the licensed trade and specifically in the management of lap dancing venues.
- The personal commitment made by the manager to the venue and future business plan.
- The club directly employed 35 members of staff and had 150 dancers on its books with 40 dancers in attendance on a busy night.
- The fact that this venue was the only lap dancing venue in Leeds to have sought and been granted bespoke planning permission for the purpose of this type of entertainment.
- The cessation of the dancers' fines policy. Furthermore, the floor fee levied at the start of an evening to dancers had been removed. A levy would only be charged at the close of an evening, to ensure that none of the dancers were out of pocket.
- The customer demographic.
- That no compliance issues had been raised whilst the premises operated under the current management team.
- That this management team enjoyed good working relationships with West Yorkshire Police.
- That no objections to the renewal application had been received from neighbour businesses.

Mr Whur then turned to address the location of the premises and reported that in preparation for the hearing, all those premises deemed "sensitive" within the Statement of Licensing Policy had been visited and photographs taken. A1 size photographs were displayed for reference. Mr Whur stated that no signage would feature on Wildcats premises. Referring to the photographs showing the view of the premises from the Town Hall/Art Gallery, he suggested that the premises were not visible. He noted that a lot of the objections referred to pedestrian movement around and past the premises in daytime; and stated that with the removal of the external signage, no offence would be caused. He also noted the number of "to let" signs in the vicinity, highlighting the difficulty for lease and use of buildings in the area.

Internal layout plans in A1 size were displayed for reference. Mr Whur highlighted that the inclusion of an internal lobby would prevent an inadvertent view of the interior and entertainment. Improvements were intended to the booths including a CCTV viewing area on an elevated position to be staffed at all times. Mr Whur also outlined the facilities available to staff – including separate smoking area to ensure dancers and patrons did not mix outside the premises.

Mr Whur introduced an offer made by Mr Gourlay in respect of the opening hours – to open later in the evening at 23:00 hours in order to reduce the perceived conflict between patrons and non-night time economy users. The applicant also outlined a request to open for an additional hour longer into the following morning. The offer was instead of opening hours 22.00 to 4.00 Sunday to Thursday and 22.00 to 5.00am Friday and Saturday, to open from 23.00 to 5.00am Sunday to Thursday and 23.00 to 6.00am Friday and Saturdays. Mr Gourlay also offered to increase the minimum entry age from 18 to 21.

Mr Whur introduced several witnesses:

- Ms Wilkinson, manager, who provided information on her experience in the licensed trade, dancers welfare and demographic.
- Mr Anderson, who provided information on the covert investigation he undertook at the premises and outlined his findings (included in the additional document bundle).
- Mr Etchells, who provided comment on the Policy, the consultation undertaken with the Citizens Panel to inform the Policy; and his own assessment of the night time economy in Leeds.

Mr Whur referred to the revised Statement of Licensing Policy and highlighted key areas where he suggested the premises satisfied the requirements of the Policy. Mr Whur referred to the representations submitted and commented that there were fewer representations received this year than last year and those that were received this year were largely generic to all six applications to be heard by the Sub Committee. He reiterated that there was no evidence to link incidents of crime and disorder to the premises which had operated under the auspices of the new Licence during the last 12 months with no issues being raised by West Yorkshire Police. Mr Whur maintained that nothing had changed over the last 12 months in terms of the physical locality. Mr Whur dealt with specific issues arising from the written representations including the contents of the Lilith report, images of women, the appearance of the premises, hours of operation and impact on the daytime use of the locality.

In response to questions from the Sub Committee, the applicants provided further information relating to:

- Recruitment of dancers
- Future advertising for the venue
- The availability of facilities for disabled patrons
- The patron demographic and numbers of patrons per week
- The arrangements for patrons leaving the premises through the use of a bespoke taxi rank and transport arrangements home for dancers
- The requirements of the planning permission in respect of window display
- That promotions (such as student nights) were not used at the venue
- Compliance issues

In conclusion, Mr Whur reiterated the impact the failure to renew the licence would have on the Leeds economy in respect of the loss of livelihoods, he considered the location of the premises and definition of "near sensitive premises" and reiterated that nothing had changed since in terms of location since the initial new style licence had been granted in 2012.

The Sub Committee then heard from Ms S McNeill on behalf of SARSVAL who rejected Mr Whur's comment that the representation submitted by SARSVAL had been on moral grounds. Ms McNeill stated the objection was made having regard to the contents of the Equalities Act in respect of discrimination, harassment and victimisation. SARSVAL had submitted the



representation in support of those affected by sexual violence and concluded that such a venue transformed routine matters, ie walking routes.

The Sub Committee then heard from Mr Smith who addressed the comments within his written submission in respect of the impact of such venues on Leeds, the welfare of the dancers and specifically the location of Wildcats. He reported an incident where his daughter, walking past the venue after work, had felt harassed.

Prior to summing up, the Sub Committee received clarification that all compliance issues had been dealt with and the amendment to the hours of operation now proposed by the applicant at the hearing, if approved, could be dealt with through conditions added to the Licence, should the application be granted.

The applicants were then afforded the opportunity to sum-up having heard from the objectors. Mr Whur directed the Sub Committee to pages 106-107 of the applicant's submission and consideration of the Provision of Services Regulations 2009 in respect of Authorisation Schemes – under which the grant/renewal of a licence falls. Mr Whur highlighted those matters discussed in detail already, particularly drawing attention to:

- The improved terms and conditions for dancers
- The proposed amended signage
- That other premises had a bigger impact on their locality
- The decision of the Sub Committee in 2012 to grant the Licence and the considerable weight that would be needed to ignore that decision. He suggested that this weight was not put before Members in the objections received to this renewal application
- That Wildcats were legal, licenced, regulated and conditioned

In conclusion, Mr Whur suggested it would be disproportionate and irrational to refuse this renewal application. He urged the Sub Committee to consider real concerns, balanced against those concerns which were perceived by objectors.

#### **RESOLVED –**

- a) To note the contents of both the written and verbal submissions.
- b) To note that the application will be further deliberated on at a date and time to be confirmed – once all applications for the renewal of Sex Establishment Licences authorising the activity of sexual entertainment to be issued under the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) had been dealt with. The press and public would be excluded from those proceedings 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. It was further noted that the decision of the Sub Committee would be made public at the end of the decision making process.

**LICENSING SUB COMMITTEE (SEV'S)**

**FRIDAY, 29TH NOVEMBER, 2013**

**PRESENT:** Councillor: G Hussain, A Khan and  
C Townsley

**33 Election of Chair**

**RESOLVED** – That Councillor G Hussain be elected Chair for the duration of the Meeting

**34 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of Inspection of Documents

**35 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the press and public would be excluded from that part of the proceedings where Members deliberate the applications received in respect of the premises known as Liberté, Red Leopard, Purple Door, Silks, Deep Blue and Wildcats 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. It was further noted that the applications had been dealt with at public hearings held between Monday 18<sup>th</sup> November and Friday 22<sup>nd</sup> November 2013 where members of the public had been advised that decisions on the applications would be made available once all applications for the renewal of a Sex Establishment Licence authorising the activity of sexual entertainment to be issued under Section 2 and Schedule 3 of the terms of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”)

**36 Declarations of Disclosable Pecuniary Interests**

There were no declarations of pecuniary interest

**37 Applications for the Renewal of Sex Establishment Licences - Various Locations**

The Sub Committee convened to deliberate on applications heard previously for the renewal of a Sex Establishment Licence authorising the activity of sexual entertainment for six premises located within Leeds City centre

Members confirmed at the outset of each individual hearing, that one of the Members of the Sub Committee had been on the Licensing Committee working group which had made recommendations in relation to the Council's Licensing of Sexual Establishments Statement of Licensing Policy (“the

Policy"). They also confirmed that all Members of the Sub Committee would consider all of the applications with open minds.

In reaching their decisions 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 Applicants, including any supplemental information.
- 5 The objections 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).

The Sub Committee had regard to the following issues which were general to all six applications:

- Planning
- Policies and Codes of Conduct for Employees, dancers and customers
- Issues of non-compliance
- West Yorkshire Police
- Impact of the decisions to grant a licence in June 2012 in relation to these applications
- Objections
- Letter of Support
- The changes that had occurred since the grant of the initial licences in June 2012, including the approval of the Policy, Leeds being designated a child friendly city and the opening of Leeds Trinity and the Leeds Arena in March and July 2013 respectively

After lengthy deliberations the Sub Committee adjourned the meeting with a view to reconvening at a later date. It was agreed the meeting would re-convene on Tuesday 3<sup>rd</sup> December 2013 at 1.30pm.

### **Tuesday 3<sup>rd</sup> December 2013**

The meeting re-convened

Final Minutes



(Present Councillors; G Hussain, C Townsley and A Khan

**RESOLVED** – That the Sub Committee's decision in relation to each application be as follows:-

**Purple Door**

The Sub Committee noted the very late letter received by the Head of Licensing and Registration on 28 November 2013 offering to adjust the opening hours of the premises.

The Sub Committee decided to grant the renewal of the licence in relation to Purple Door based on paragraph 7.17 of the Policy.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises were not near properties with sensitive uses or in sensitive locations".

The cap of four premises in the Policy meant that the applicant's premises fell within this number when compared with others and their closeness to sensitive locations.

The Sub Committee decided to grant the renewal of the licence for 12 months from 1 October 2013 to remain in place until midnight on 30 September 2014.

**Deep Blue**

The Sub Committee noted the very late letter received by the Head of Licensing and Registration on 28 November 2013 offering to adjust the opening hours of the premises.

The Sub Committee decided not to renew the licence in relation to Deep Blue on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the

maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The Sub Committee's concern in relation to Deep Blue in particular was the close proximity to Leeds Railway Station; to City Square and its restaurants and bars; its location on a main road and close to bus stops.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) to the character of the relevant locality; or
- (ii) To the use to which any premises in the vicinity are put.

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13<sup>th</sup> December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.

### **Liberté**

The Sub Committee decided to grant the renewal of the licence in relation to Liberté based on paragraph 7.17 of the Policy.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

The cap of four premises in the Policy meant that the applicant's premises fell within this number when compared with others and their closeness to sensitive locations.

The Sub Committee decided to grant the renewal of the licence for 12 months from 1 October 2013 to remain in place until midnight on 30 September 2014.

### **Silks**

The Sub Committee considered the additional information requested by them following the hearing in relation to Silks, the Executive Board Report relating to the proposed development dated 6 November 2013 and associated minute of the same date. Also Mr Lyon's email of 26 November 2013 commenting on this additional information.

The Sub Committee decided to grant the renewal of the licence in relation to Silks but only up to 4am on the 30<sup>th</sup> June 2014.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises were not near properties with sensitive uses or in sensitive locations".

The Sub Committee decided that Silks fell within the maximum limit of 4 on the basis that they were currently in an area with a limited number of buildings with sensitive uses nearby. However they were sufficiently concerned about the proposed development as a sensitive location to limit the duration of the licence until the end of June 2014.

The decision to renew would take effect immediately; the new Standard Conditions attached to the Policy would take effect immediately. The licence would cease at 4am on 30<sup>th</sup> June 2014 unless an application to renew was made before the end of that licence and it is still to be determined.

### **Red Leopard**

The Sub Committee decided not to renew the licence in relation to Red Leopard on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The concern in relation to Red Leopard was the number of buildings with sensitive uses nearby, and the density of such buildings within a small area.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) To the character of the relevant locality ;or
- (ii) To the use to which any premises in the vicinity are put

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13<sup>th</sup> December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.

### **Wildcats**

The Sub Committee decided not to renew the licence in relation to Wildcats on the discretionary ground under Schedule 3 12(3) (c) of the Act that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Policy states at paragraph 7.17: "Taking into consideration all the matters mentioned in this section the appropriate number of SEVs (sexual entertainment venues) in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations".

In terms of ranking the Sub Committee found in applying the Policy that there were other premises which ranked above these premises as they were in less sensitive locations. In any event, and irrespective of the ranking, the Sub Committee was of the view that the premises were excluded from the maximum of four because of the location of these premises near to properties with sensitive uses or in sensitive locations.

The concern in relation to Wildcats was the number of buildings with sensitive uses nearby, and the density of such buildings within a small area.

Separately and independently of the above ground for refusal the Sub Committee decided not to renew the licence on the discretionary ground under Schedule 3 12(3)(d) of the Act that the grant or renewal of the licence would be inappropriate, having regard

- (i) To the character of the relevant locality; or
- (ii) To the use to which any premises in the vicinity are put

The Sub Committee decided that the decision not to renew the licence should take effect at 4am on Friday 13<sup>th</sup> December 2013 when the premises should cease operating as a sexual entertainment venue. The premises could continue to operate until this time but no later.