

Licensing Sub-Committee

Tuesday, 5th December, 2023

PRESENT: Councillor R Downes in the Chair

Councillors S Hamilton and T Hinchcliffe

1 Election of the Chair

RESOLVED – To elect Cllr Downes as 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

There were no exempt items.

4 Late Items

There were no formal late items. However, there was supplementary information in relation to:

- Agenda Item 7 - Application for the Renewal of a Sex Establishment Licence for Purple Door, 5 York Place, Leeds, LS1 2DR and
- Agenda Item 8 - Applications for the Transfer of Premises Licence and the Variation of Premises Licence to specify an individual as Designated Premises Supervisor for Baba Jaga 2, 12-14 Strathmore Drive, Harehills, Leeds, LS9 6AB.

These had been published and circulated to all parties.

5 Declaration of Interests

No declarations of interests were made at the meeting.

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

The report of the Chief Officer, Elections and Regulatory, requested Members' consideration on the renewal of a Sex Establishment Licence for the provision of sexual entertainment in the form of lap dancing. The application was made by TRL Promotions Ltd., for a premises to operate under the name of Liberte at 10 York Place, Leeds, LS1 2DS.

In attendance for the hearing were:

- Luke Elford, John Gaunt & Partners – Applicant's representative
- Manuela Haruta, Director of TRL Promotions Ltd – Applicant
- Susan Duckworth, Officer from Entertainment Licensing

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application:

- The hours of operation are to remain as existing:
 - 22:00hrs until 04:00hrs Sunday to Thursday
 - 22:00hrs until 05:00hrs Friday and Saturday
- A copy of the application was appended to the submitted report at Appendix B.
- Members were advised that additional documents were attached to the report at Appendix C, which included:
 - Dancers Welfare Pack

- Dancers Code of Conduct
- Customers Code of Conduct
- Pricing Policy
- Trade Union Details.
- Members were requested to consider the external appearance and all methods of advertising. Photographs of the external appearance were attached at Appendix D. It was noted that the appearance of the premises would remain as existing.
- The application had attracted a representation from Entertainment Licensing suggesting revised conditions replace the existing conditions on the licence. A review of the conditions in consultation with the existing Sexual Entertainment Venues identified out of date, redundant and in some cases unworkable conditions. Copies of the representation and the revised conditions were appended to the report at Appendix E.
- No other representations had been received.

The applicant's representative provided the Sub-Committee with the following information:

- TRL Promotions Ltd. have held the licence at the premises since 2012.
- It was the view that the representation brought by the Licensing Team was a sensible suggestion for the Sexual Entertainment Venues. There had been good work between the venue and the team, which had come up with sensible, appropriate, and proportionate conditions for performers in the 21st Century.
- It was noted that web links to Leeds Women's Aid would be part of the standard conditions.

The officer from Entertainment Licensing informed the Sub-Committee that this was not an objection; more of a letter to consider updating the conditions.

The Team had worked with the Sexual Entertainment Venues suggesting updates, which included:

- Electronic documents
- Conditions that were easier to comply with and enforce.
- CCTV updates
- Price lists were to be provided on entry to the premises.
- Pre work checks to be undertaken including DBS checks and right to work checks, this was to protect the workers and the venues.
- There were also rules around no touching and what is and is not allowed.

It was the view that these revised conditions are more up to date and sensible. It was also the suggestion that the dancers should be able to access links to Leeds Women's Aid should they require it.

Answering questions from the Members the Sub-Committee were provided with the following information:

- The conditions had not been reviewed in 10 years. The policy has not changed, including the recommendation that Sexual Entertainment Venues

should be restricted to the city centre and there should be no more than 4 venues.

- The same conditions will be offered to all the venues as their licences come up for renewal.
- Where the dancers first language is not English the conditions can be translated into the dancer's language as appropriate.

The Sub-Committee were of the view that the suggested conditions were sensible, and it was good that should the dancers require it they could be steered towards other services if necessary.

RESOLVED – To grant the licence as applied for with the new standard conditions and to approve the external appearance of the premises.

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

The report of the Chief Officer, Elections and Regulatory, requested Members' consideration for the renewal of a sex establishment licence for the provision of sexual entertainment in the form of lap dancing. The application was made by Ruby May (2) Limited, for a premises to operate under the name of Purple Door, 5 York Place, Leeds, LS1 2DR.

In attendance at the meeting were:

- Sarah Smith, Sintons Law – Applicant's Representative
- Nicholas Quadrini, Director of Ruby May (2) Ltd – Applicant
- Carl Copeland, Manager
- Marcus Quadrini – observing
- Susan Duckworth, Officer from Entertainment Licensing

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application to the Sub-Committee providing the following information:

- The hours of operation are to remain as existing:
 - 22:00hrs until 04:00hrs Sunday to Thursday
 - 22:00hrs until 05:00hrs Friday and Saturday
- A copy of the application was appended to the submitted report at Appendix B.
- Members were advised that additional documents were attached to the report at Appendix C, which included:
 - Dancers Welfare Pack
 - Dancers Code of Conduct
 - Customers Code of Conduct
 - Pricing Policy
 - Trade Union Details.
- Members were requested to consider the external appearance and all methods of advertising. Photographs of the external appearance were

attached at Appendix D. It was noted that the appearance of the premises would remain the same as when the licence was last renewed.

- The application had attracted a representation from Entertainment Licensing suggesting revised conditions replace the existing conditions on the licence. A review of the conditions in consultation with the existing Sexual Entertainment Venues identified out of date, redundant and in some cases unworkable conditions. Copies of the representation and the revised conditions were appended to the report at Appendix E.
- No other representations had been received.

The applicant's representative provided the Sub-Committee with the following information:

- This application is for a renewal of the licence only.
- Purple Door is one of the longest established Sexual Entertainment Venues in Leeds, and since 2012 has held a Sexual Establishment Licence.
- There are no changes to the external appearance of the premises and no internal changes.
- Purple Door does not use vehicles to attract customers.
- Purple Door is approving of the changes made to the conditions and have updated the dancer's welfare pack following discussions with Entertainment Licensing.
- The locality of the venue has not changed and there is a mix of offices, residences and restaurants in the area.
- The operation of Purple Door is tried and tested and works well. The number of customers has decreased slightly due to covid.
- The new conditions will make documents and practices much clearer and simpler.
- No concerns had been raised with the premises.

The officer from Entertainment Licensing informed the Sub-Committee that this was not an objection; more of a letter to consider updating the conditions.

The Team had worked with the Sexual Entertainment Venues suggesting updates, which included:

- Electronic documents
- Conditions that were easier to comply with and enforce.
- CCTV updates
- Price lists were to be provided on entry to the premises.
- Pre work checks to be undertaken including DBS checks right to work checks, this was to protect the workers and the venues.
- There were also rules around no touching and what is and is not allowed.

It was the view that these revised conditions are more up to date and sensible. It was also the suggestion that the dancers should be able to access links to Leeds Women's Aid should they require it.

Responding to questions from Members the Sub-Committee were provided with the following information:

- It was noted that the welfare of the dancers was important to Purple Door, and they already provide contacts for trade unions. Information for Leeds Women's Aid would be added to the welfare pack. It was agreed that this was a good idea.
- Contracts and welfare packs could be made available in the dancer's first language. However, most of the dancers have good English as they do converse with customers.

RESOLVED – To grant the licence as applied for with the new standard conditions and to approve the external appearance of the premises.

8 Applications for the Transfer of Premises Licence and the Variation of Premises Licence to specify an individual as Designated Premise Supervisor for Baba Jaga 2, 12 - 14 Strathmore Drive, Harehills, Leeds, LS9 6AB

- The report of the Chief Officer, Elections and Regulatory, requested Members' consideration in relation to two applications received by the Licensing Authority in respect of Baba Jaga 2, 12-14 Strathmore Drive, Harehills, Leeds, LS9 6AB; an application to transfer the premises licence and an application to vary the licence to specify an individual as the designated premises supervisor (DPS).

In attendance for this hearing were:

- Patrick Robson, John Gaunt & Partners – Applicant's representative
- Nabaz Ibrahim Karim – Applicant
- PC Andy Clifford – West Yorkshire Police
- PC Haywood – West Yorkshire Police

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the applications providing the following information:

- An application to transfer the licence was made to appoint Gusto Market Mini Ltd. as the licence holder. A copy of the application to transfer the licence was attached to the report at Appendix B.
- An application to vary the licence was made to specify Nabaz Ibrahim Karim as the DPS. A copy of the application to vary the licence to specify an individual as the DPS was attached to the report at Appendix C.
- Members were advised that the licence is currently subject to review proceedings, and these may be referred to during the hearing. Further information in relation to this was set out at Paragraph 2: Licence History. The most recent history relating to the review were highlighted at Paragraphs 2.4, 2.5, 2.6 and 2.7 of the submitted report.
- Representations had been received from West Yorkshire Police and a copy of the objection notice was appended to the report at Appendix D in respect of

the transfer application and Appendix E in respect of the application to change the premises supervisor.

- The options available to Members for both applications were highlighted at Paragraph 6.2 of the report.

The applicant's representative addressed the Sub-Committee providing the following information:

- Mr Karim had worked in London at Costcutter, although his family live in Middlesbrough. He hoped to bring his family to live in Leeds. It was noted that Mr Karim's daughter has health issues.
- Mr Karim had been given a personal licence by Southwark Local Authority whilst working in London.
- Mr Karim also worked in Northampton at a convenience store called D-Lite and Monopol. It was noted that no issues had been raised by Northampton Police and that Mr Karim had an unblemished track record.
- Mr Karim had met Mr Rashka as he had sold him a car through the Copart Online Auction. He had not met him prior to this. It was noted that there was a paper trail of the car sale.
- Through a friend Mr Karim had heard that a shop was being sold in Harehills and it was cheap as the owner Mr Rashka had a new wife and wished to be with her. It was what Mr Karim had been looking for, so he agreed to purchase it at a low price but take on all the debt for stock etc.
- It was noted that the review by the Police pre-dated Mr Karim purchasing the shop. Mr Karim was not aware of the issues until the review letter arrived on 18th October, whilst he was still in London. He contacted Mr Rashka to enquire what was happening, to be told there were some issues but no big deal. Mr Karim agreed the purchase and instructed a solicitor to register his purchase with HMRC. Shortly after the takeover, the Licensing Authority issued a closure notice. Mr Karim's solicitor contacted the police as they had requested the closure and was told that the premises could open but could not sell tobacco and alcohol. Mr Karim said that he was 'shell-shocked' and would not have bought the shop if he had known.
- Mr Karim was still trying to progress the lease but had been conversing with the wife of the leaseholder who had informed Mr Karim that her husband, also Mr Karim was not in the country but was due back soon. It was noted that the lease was due to be signed on 5th December as Mr Karim, the leaseholder was now back in the country. The Sub-Committee was informed that Mr Karim, the applicant, and Mr Karim, the leaseholder were not related.
- It was noted that the Leeds Anti-Social Behaviour Team (LASBT) had pushed for a closure order, but this had now been withdrawn. No representation had been put forward for this hearing by LASBT. Members were advised that previously there had been issues with anti-social behaviour but since Mr Karim had taken over the premises there had been no issues.
- A Mr Mohammadzada had been an employee of Mr Rashka and Mr Karim had kept him on to assist with the takeover of the premises. He is no longer employed by Mr Karim.
- Mr Robson said there was no evidence that Mr Karim was engaged in any criminal activity, and he was a legitimate businessman.

West Yorkshire Police provided a chronology of events for the Sub-Committee to clarify the position.

The Police informed the Sub-committee that Mr Karim, the leaseholder, had not been out of the country but had been in prison and was due to be released on 5th December. That Mr Karim is the owner of the building.

In this area of the city organised crime gangs operate and would not want to lose these premises for the sale of illicit tobacco and alcohol.

It was the view of the Police that Mr Karim, the applicant, should have taken due diligence in checking the business prior to purchasing.

Responding to questions from the Members the following information was provided:

- It was noted that HMRC had seized all stock of illicit tobacco and alcohol. Mr Karim is currently not allowed to sell tobacco and alcohol.
- Mr Mohammadzada had received a transfer of shares, which the applicant was not aware of. Mr Mohammadzada had been a previous employee of Mr Rashka and the applicant had thought that his experience would be helpful. Mr Mohammadzada, when questioned by Mr Karim, had told him the truth and he had now left the employment at the premises as Mr Karim did not want him there to make trouble.
- Mr Karim said he had heard about the shop being for sale through a friend. In mid-August he had sold a vehicle to Mr Rashka via an online auction. This friend had been a friend of Mr Rashka.
- Mr Karim, the leaseholder had been in prison for 40 months.
- Harehills is known for organised crime gangs. Multiple agencies are trying to solve this problem. The Police said it was common for illicit tobacco and alcohol to be seized one day and replaced the next day. The gangs often use a tactic of bringing a new person in so they can keep their businesses. They have the resources to do this and will put pressure on the premises owner.
- It was noted that the transfer of a premises can happen in a short period of time.

Mr Karim told the Sub-Committee that this was the first time he had heard all the issues about the premises. He had been told that the leaseholder was in Iraq for six weeks. He was trying to follow the rules and contact with the landlord had been through a solicitor.

Members discussions included:

- The fact that due diligence had not been done by Mr Karim prior to taking over the premises.
- The landlord being released from prison and not in Iraq.
- There was no evidence to link the applicant with the previous issues.
- The applicant not being connected with the premises prior to the review.
- The applicant had asked Mr Mohammadzada to leave his employment.
- The Police can check the premises on a regular basis.

RESOLVED – To grant the application to transfer the premises licence to Gusto Market Mini Ltd. and to grant the application to vary the premises licence to specify Nabaz Ibrahim Karim as the designated premises supervisor.

The meeting concluded at 13:05