



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 25TH JUNE, 2013 AT 10.00 AM

MEMBERSHIP

Councillors

K Bruce - Rothwell;
N Buckley - Alwoodley;
R Charwood (Chair) - Moortown;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
M Harland - Kippax and Methley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

Helen Gray
247 4355

A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|--|---------|
| 1 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be disclosure to them of exempt information</p> | |

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|---|---------|
| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES</p> <p>To approve the minutes of the last meeting held on 4th June 2013</p> | 1 - 4 |
| 7 | | | <p>LAW COMMISSION INTERIM REPORT "REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICE"</p> <p>To consider the report of the Head of Licensing and Registration providing information on the publication of the interim report of the Law Commission on "Reforming the law of Taxi and Private Hire service" and highlighting the key issues contained in the interim proposals</p> <p>(Report attached)</p> | 5 - 14 |

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|---|-----------|
| 8 | | | <p>EXECUTIVE PRIVATE HIRE VEHICLES POLICY AND LICENCE CONDITION IN RELATING TO PRICE AT POINT OF FIRST LICENSING</p> <p>To consider the report of the Head of Licensing and Registration responding to issues raised by the Licensing Committee at the meeting held 15th January 2013 in respect of the price threshold for Executive Private Hire saloon vehicles and including information on the consultation undertaken between the Licensing Committee Working Group and the Executive Private Hire Operators</p> <p>(Report attached)</p> | 15 - 28 |
| 9 | | | <p>SEX ESTABLISHMENT LICENSING POLICY</p> <p>To consider the report of the Head of Licensing and Registration presenting the draft Sex Establishment Licensing Policy for consideration prior to the referral of the document to the Executive Board for approval. The report also sets out the response to the public consultation undertaken</p> <p>(Report attached)</p> | 29 - 134 |
| 10 | | | <p>LICENSING COMMITTEE WORK PROGRAMME FOR THE 2013/14 MUNICIPAL YEAR</p> <p>To note the contents of the Licensing Work Programme for the 2013/14 Municipal Year and to discuss any other relevant matters of interest falling within the remit of the Committee which could be included in the Programme</p> <p>(Copy attached)</p> | 135 - 140 |
| 11 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 23rd July 2013 at 10:00 am</p> | |

Agenda Item 6

Licensing Committee

Tuesday, 4th June, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, M Harland,
G Hussain, G Hyde, A Khan, P Latty,
B Selby and C Townsley

1 Chair's Opening Remarks

Councillor Charlwood welcomed all present to this, the first meeting of the new Municipal Year. The Chair noted that this would be the last Committee meeting that Mrs G Marshall, Legal Advisor to the Committee, would attend as she was leaving the Authority to take up a new post. The Committee expressed their best wishes to Mrs Marshall for the future.

2 Late Items

The Chair accepted the minutes of the Licensing (Large Casino) Committee held on 13th, 14th and 17th May 2013 respectively as late items of business onto the agenda for the meeting. The minutes had not been available at the time of agenda despatch as they had required formal comment and clearance from Legal Services and the Chair of the Committee. Copies of the minutes had been circulated to Members prior to the Committee meeting and had been published on 28th May 2013 (minute 5a) refers)

3 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest

4 Apologies for Absence

Apologies for absence were received from Councillor Wilkinson

5 Minutes

RESOLVED – That the minutes of the following meetings be approved as a correct record

- a) 13th, 14th and 17th May 2013 (Large Casino process)
- b) 14th May 2013 (ordinary meeting)

6 Matters Arising

Minute 116 – Members noted that arrangements were being made to hold the first meeting of the Hackney Carriage and Private Hire Driver Licence (length of issue of licences) Working Group. Initial meetings would be just for Members; however the Trade had indicated they welcomed the opportunity to participate in subsequent meetings of the working group

(Councillor Khan joined the meeting at this point)

7 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2013/2014 municipal year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the Annual Council meeting on 20 May 2013;
- To appoint the licensing sub-committees for the 2013/2014 municipal year and to approve their terms of reference; and
- to approve the delegation of functions to Officers as appropriate

Members commented on and made amendments to the proposed membership of the sub committees as set out in Appendix 2 of the report.

Additionally, one Member highlighted the amount of work undertaken by those members of the Committee who had dealt with the Large Casino licence process and commented on the Members' Allowance scheme. General discussion followed on the adequacy of the additional allowance one-off payment relative to the time spent on the applications and Members received clarification on the role of the Independent Remuneration Panel in setting the allowance.

The Committee also commented on the role of Members as council employees or office holders, the implications of the minimum wage legislation on the Members' Allowance Scheme and recent discussions in respect of Councillors' pension schemes. Councillor Buckley expressed his view that Councillors were not employees of the Council and therefore the minimum wage rule did not apply, furthermore he would find it personally difficult to explain to his constituents in the current economic climate that he had sought to secure additional payment.

RESOLVED –

- a) That the terms of reference of the Licensing Committee as approved by full Council on 20 May 2013 as shown at Appendix 1
- b) That the five licensing sub-committees hearings required under the 2003 and 2005 Acts be established with the following memberships
 - A Councillors Bruce, Downes and Gettings
 - B Councillors Dunn, Buckley and G Hussain
 - C Councillors Townsley, Harland and Hyde
 - D Councillors Hanley, P Latty and Selby
 - E Councillors Charlwood, Wilkinson and Khan
- c) That approval be given to the terms of reference for the licensing sub-committees as set out in Appendix 3 of the report
- d) That approval be given to the delegation of licensing functions to the Assistant Chief Executive (Customers and Communities) as shown in Appendix 4 of the report.

8 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report setting out the draft Procedure Rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought approval for the Rules to be adopted in order to govern committee procedure. The report also highlighted the Code of Practice

for the Determination of Licensing Matters, previously approved by Standards Committee but now within the remit of the Committee to determine.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice. It was noted that since the report had been dispatched there had been further discussions which had amended the proposals. It was now proposed that the compulsory training for new Members would consist of an introduction to licensing and a session on bias and pre-determination. For existing and new members there would be one compulsory update session per year. That would constitute the prescribed training under Article 8A. Additional briefings and training sessions would continue to be offered which would not be compulsory.

In addition Members noted that there may be a requirement to identify further compulsory training for specific types of hearing such as that provided during the last municipal year for the Casino application. Such training would be identified in any report brought to Members regarding the arrangements for dealing with such matters at which point Members would be asked to consider whether it should be compulsory

RESOLVED –

- a) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- b) That approval be given to the contents of the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the report and that the Committee agree to follow the Code
- c) To approve the arrangements for the prescribed training programme.

9 Licensing Roundup

The Head of Licensing and Registration submitted a report on the challenges and changes dealt with by the Licensing Authority during the previous twelve months encompassing the work of the both the Taxi and Private Hire Licensing Section and the Entertainment Licensing Sections.

The Committee also noted the matters included within the report which were likely to be dealt with during the coming year.

RESOLVED – That the contents of the report be noted

10 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 25th June 2013 at 10.00 am

This page is intentionally left blank

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25 June 2013

Subject: Law Commission interim report “Reforming the law of Taxi and Private Hire Service”

| | |
|--|---|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Summary of main issues

1. Members will recall the Law Commission undertook national consultation during 2012 regarding reforming the law of Taxi and Private Hire. Officers prepared a detailed response to the list of provisional proposals and questions which was submitted to the Law Commission following consultation with the Licensing Committee.

2. That response took into account the views of Members. The Taxi & Private Hire trade were advised that they should make their own separate response to the consultation.

3. The Law Commission has now produced its interim proposals prior to preparing a draft Bill at the end of 2013 and is not inviting further consultation at this stage.

4. Whilst there are strong indicators of reform or ‘no change’ in some of the proposals there is also insufficient information or detail to enable accurate comment for Members until the draft parliamentary bill is produced in late 2013.

5. The Law Commission summary of the main issues has been prepared at **Appendix 1.**

Recommendations

6. That Members note the report and make any observations they consider appropriate in the circumstances.

1 Purpose of this report

- 1.1 To inform Members of the publication and key issues outlined in the interim proposals of the Law Commission on reforming the law of Taxi and Private Hire service.

2 Background information

- 2.1 The primary existing Hackney Carriage legislation dates back to 1847, with a variety of supplementary Acts in-between. The most relevant Act is the Local Government (Miscellaneous Provisions) Act 1976 which was brought into effect to deal with a previously unlicensed private hire service. The 1976 Act also updated legislation around hackney carriages (although it cannot be described as recent).
- 2.2 There have been frustrations around the various Acts which have not always mixed well with changes in society and developing technology. There are opposing views around the country on what shape reform should take, even between licensing officers. The constant pressure for reform from a variety of sources has resulted in the Law Commission undertaking the first stage of review.
- 2.3 The consultation paper at the time set out the regulatory and licensing framework and used all of the interactions with the existing legislation to highlight proposals with the law and the case for reform. The paper then addressed provisional proposals for reform across the whole of the key functions of licensing regulation and considers consumer benefits and the removal of some business restrictions as key factors.
- 2.4 The consultation has now completed, the Law Commission has considered the responses received, and has produced this interim statement in advance of finalising proposals to draft new legislation later this year.

3 Main issues

- 3.1 The full interim statement of the Law Commission is attached at **Appendix 1**. It is very difficult to assess the full impact of the proposals, although some, for example the deregulation of the Private Hire trade, will be far reaching, not only in how a Private Hire service is provided to the public but also the role of the Local Authority and significant challenges for enforcement activity.
- 3.2 The Law Commission propose there will be national driver and vehicle standards for the taxi and private hire industry there would remain some local authority control in terms of being able to regulate the numbers of taxis and deal with signage. Taxi services would also remain very local and, as now, would only be able to rank and respond to 'hailings' (flag downs) within the licensing district.

- 3.3 The Law Commission report also seeks to introduce “tougher powers” to enable enforcement officers to stop and impound licensed vehicles and also issue fixed penalty tickets for certain offences yet to be defined.
- 3.4 Currently, if there is a legal challenge to any licensing conditions it would go to full judicial review but it is proposed to change that, so such challenges could be heard on a simplified basis before a District Judge in a County Court. Licensing decision appeals would be heard in the Magistrates Court.
- 3.5 The impact on how these proposals would affect the Licensing Committee cannot be yet assessed and similarly the enforcement function in how the Authority would deal with offending drivers or vehicles from outside of the district is unknown or how the local Authority can influence or express its concerns. The next steps are that the Law Commission will present a draft Bill to the Government towards the end of 2013, but the events after that cannot be predicted.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 At this time there is no further consultation to take place but when further information is made public Officers will provide an update report for Licensing Committee.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Any Equality, Diversity, Cohesion or Integration matters will need to be considered by the Law Commission before they finalise their proposals.

4.3 Council Policies and City Priorities

- 4.3.1 Council policies and city priorities will be considered when more information has been presented by the Law Commission so that a more comprehensive impact assessment can be prepared.

4.4 Resources and Value for Money

- 4.4.1 At this stage there are no resource or value for money issues as this is an information report only.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 At this time there are no issues that can be comprehensively addressed either in terms of the scope of the Licensing Committee or the impact upon currently licensed services.

4.6 Risk Management

- 4.6.1 No formal response is required from Leeds City Council at this time, but Officers will further report to the Licensing Committee when they have more information.

5 Conclusions

- 5.1 It seems some of the proposals would have significant effect on the Private hire service provision, the role of the Council in decision making on local issues, enforcement issues and other implications, there is insufficient information available at this time to brief Elected Members further.

6 Recommendations

- 6.1 That Members note the report and make any observations they consider appropriate in the circumstances.

7 Background documents

Law Commission Interim Statement – Taxi & Private Hire

<http://www.lawcom.gov.uk> (see A-Z of projects>taxi & private hire service)

This page is intentionally left blank

TAXI AND PRIVATE HIRE

LAW COMMISSION INTERIM STATEMENT

INTRODUCTION

1. In July 2011 the Law Commission started working on the project to review of the law relating to the regulation of taxis and private hire vehicles. We opened a four month consultation period in May 2012, outlining provisional proposals and questions, with a view to publishing a final report and draft Bill at the end of this year. Once we publish the draft Bill, it is up to government whether to accept our recommendations. We will publish our final report and a draft Bill at the end of 2013.
2. This is not a further consultation nor does this document include our analysis of the responses received. Our discussion of the responses and our reasoning will be published in the final report. This is an interim document outlining the key decisions we have reached. It is not normal practice for the Law Commission to publish any indication of its preferred policy at this point; however, we recognise that many stakeholders are concerned about possible changes to taxi and private hire licensing laws. We appreciate that waiting until the end of this year for our conclusions to be published is a long time. That is why we have decided to depart from our usual procedure and publish our thinking at this interim stage.
3. This deliberately short paper gives an indication of what will be contained in the proposed Law Commission draft Bill. We publish this alongside the responses we received during consultation. It should be stressed that this document is an interim statement and not our final report, and we will continue working on developing policy alongside Parliamentary counsel until the end of the year. It is important to be aware that our final recommendations might differ as a result of that process from those set out here. We continue to work to the government's deadline of December 2013 for our final report and draft Bill, but we would take this opportunity to stress that our recommendations cannot change the law, and the decision whether to accept the proposed policy rests with the government.

THE CONSULTATION

4. The consultation attracted over 3000 written responses from a wide range of stakeholders, including taxi drivers and private hire operators, licensing officers, disability groups, specialist consultants, trade unions and the police. We attended consultation meetings and events over a period of four months. We attended 84 meetings across England and Wales, many of which attracted large-scale attendance, including conferences and meetings organised by taxi associations and trades unions representing taxi drivers, the Institute of Licensing and the National Association of Licensing and Enforcement Officers, trade associations and councillors, as well as a two day road show at an exhibition event, organised by the National Private Hire Association. The Private Hire and Taxi Monthly magazine undertook a significant survey based on our provisional proposals, with over 800 responses. We were also assisted by some very helpful discussions with experts in the field, including an advisory group and an expert legal panel on plying for hire.

REFORM TO TAXI AND PRIVATE HIRE LAW

Retaining a two-tier system

5. The two-tier system, distinguishing between taxis on the one hand, and private hire vehicles on the other, should remain. Only taxis should be allowed to pick passengers up from hails or at ranks. Private hire vehicles should only be able to pick up passengers if pre-booked through a licensed operator. When requested, operators should be required to give passengers the price of the journey up-front, as is already the case in London. London should be covered by the reforms, which we think give enough flexibility to allow for the significant differences in its taxi and private hire markets. We suggest moving away from the out-dated concept of plying for hire and use instead a more modern definition of the limits to the way private hire services may be offered, using the concept of pre-booking (which would be statutorily defined) through a licensed operator.

Quantity controls

6. We no longer recommend abolishing quantity controls. We initially proposed that local authorities should lose the ability to limit the number of taxis licensed in their area on the basis of economic theory, whereby the market could be left to determine the appropriate number of vehicles. The weight of evidence received during consultation and further comparative research have led us to change this key recommendation in order to allow licensing authorities to limit taxi numbers should they wish to do so.
7. We propose that in any areas where the licensing authority chooses to implement new quantity restrictions, vehicle licences would not be transferrable, meaning that licences would not have a saleable value. In areas that already have quantity restrictions, transfers would continue (and therefore licences could still have a value), but we will recommend that the Secretary of State and Welsh Ministers should consider the future of licence transfers.

Who and what would be covered by licensing?

8. During consultation many stakeholders complained about vehicles operating at the fringes of licensing, or outside of licensing altogether. Pedicabs and stretch limousines are two examples that we recommend bringing clearly within the scope of taxi and private hire regulation, such that they may be controlled as necessary.
9. We recommend that wedding and funeral cars should continue to be exempted from licensing. Our provisional recommendation in respect of the wedding and funeral car exemption raised unparalleled concern among members of these trades, although licensing authorities and the police agreed that the current exemption could cause problems. On balance, we have concluded that there are valid arguments to keep the exclusion from licensing in primary legislation.

Standard-setting

10. Our provisional proposals for national safety standards for both taxi and private hire services proved popular and we maintain this recommendation. We think that the Secretary of State and Welsh Ministers should have the power to set standards in relation to safety, accessibility and enforcement.

Local standards for taxis

11. We also suggested that in respect of taxis, local authorities should retain their ability to impose additional conditions on top of national standards, and this too proved uncontroversial. Taxis would continue to only be able to be flagged down and use ranks in their licensing area, but would still be free to take pre-bookings elsewhere.

National standards for private hire services

12. We continue to recommend that only national standards should apply to private hire services. We appreciate the concerns of those who thought that local knowledge tests and signage should be retained, but think that appropriate national standards, including driver training, and vehicle signage, can address these concerns, alongside added customer protection through up-front pricing requirements for private hire journeys.

Cross-border

13. It would remain the case that taxis would only be allowed to pick up passengers in their own area (unless they had a pre-booking). However, we will recommend freeing up cross-border working for private hire services. Operators would no longer be limited to using drivers and vehicles from their own area; nor would they be restricted to only inviting or accepting bookings within that same licensing area. Under no circumstances would a private hire vehicle be allowed to pick up a passenger without a pre-booking with a valid operator.

Operators, taxi radio circuits and intermediaries

14. We support the retention of private hire operator licensing, but recommend a tighter definition that would only cover dispatch functions. We suggest that requiring a licence for the mere acceptance or invitation of bookings (as under current law) is unnecessary and creates grey areas around smartphone applications, aggregator websites and other intermediaries. We recommend that intermediaries should only be liable if acting in the course of business, and if they assist in the provision of an unlicensed journey. We do not propose to extend licensing to taxi radio circuits.

Equality and accessibility

15. We regard the Secretary of State and Welsh Ministers' powers to set standards to promote accessibility as striking the right balance between local and national control.
16. Stakeholders highlighted the problem of drivers avoiding disabled passengers through ignoring their hails. In order to help address this problem, we recommend clarifying compellability, combining it with a new duty to stop in certain circumstances. In addition, taxi legislation should make it clear that drivers are not allowed to charge passengers more for the time it takes them to board the vehicle, reflecting the Department for Transport best practice guidance. Provisions to make complaints procedures more accessible can also be particularly valuable to empower disabled users. We will continue to recommend that all drivers should undergo disability awareness training.

Enforcement

17. Consultees were very concerned about enforcement – both that the current system was being insufficiently enforced, and that our proposals for opening up cross-border activities of private hire vehicles would increase the practical difficulties in information sharing and licence fee allocation. We recommend introducing a range of tougher powers for licensing officers, including the ability to stop licensed vehicles, impounding and fixed penalty schemes. We also recommend that such powers should apply in respect of out-of-area vehicles. We also recommend clarifying the scope of the touting offence and reinforcing licensing officers' powers in dealing with it.

Hearings and appeals

18. Magistrates' courts would continue to hear appeals in respect of licensing decisions. We think it should be easier to challenge local taxi conditions. We therefore recommend a simplified judicial review procedure in the County Court, akin to procedures that exist in relation to some housing challenges.

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25 June 2013

Subject: Executive Private Hire Vehicles Policy and Licence Condition relating to price at point of first licensing

| | |
|--|---|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Summary of main issues

1. This is a follow up report originating from the Taxi & Private Hire Licensing Policy review report presented to Licensing Committee on 15 January 2013.
2. An issue arising from the consultation and highlighted at Committee resulted in the Licensing Committee agreeing to form a working group to consider the pricing condition upon Executive Private Hire saloon vehicles.
3. The working group met and consulted with trade representatives and subsequently presented alternative options to the licensed Executive Private Hire Operators.
4. The working group considered the additional consultation feedback and after discussion decided that the recommendation at 6.1 should be the preferred option for full Committee to approve.

Recommendations

5. That Licensing Committee approve the recommendation of the working group that the relevant pre-condition attached to the grant of an Executive Private Hire saloon vehicle should be:

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £39,000 at the point of first registration. That

retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glasses Guide'.

and

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 1 year old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

6. That the approved pre-conditions attached to the grant of an Executive Private Hire saloon vehicle and the conditions upon such a licence shall apply with immediate effect to Executive Private Hire saloon vehicle licensing applications after the date of approval by the Licensing Committee.
7. That those Executive Private Hire saloon vehicles licensed under the existing policy will not be adversely affected by the introduction of this policy and will continue to be licensed under the terms of the previous policy.
8. That the approved Executive Private Hire vehicle saloon pre-conditions attached to the grant of a Executive Private Hire saloon vehicle licence and the conditions upon such a licence next be reviewed in 2018 and every five years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

1 Purpose of this report

- 1.1 To respond to the issues raised at Licensing Committee on 15 January 2013 in respect of the price threshold for Executive Private Hire saloon vehicles contained within the pre-conditions to the Licensing of such a vehicle.
- 1.2 Inform Members of the further consultation that has taken place between the Licensing working group and licensed Executive Private Hire Operators leading to the recommendation of the working group to the Licensing Committee.

2 Background information

- 2.1 Taxi & Private Hire Licensing is carrying out a full review of all the policies and pre-conditions relating to the Private Hire and Hackney Carriage trade. Following consultation those policies and pre-conditions are being presented to the Licensing Committee to consider and determine.

- 2.2 The existing pre-condition to licensing an Executive Private Hire saloon vehicle is:-

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £45,000 at the point of first registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glasses Guide'.

The existing pre-condition in respect of the age criteria for an Executive Private Hire saloon vehicle is:-

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 2 years old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

- 2.3 The 'lifetime' age criteria policy for standard Private Hire saloon vehicles is applied to Executive Private Hire saloon vehicles also and is set out below:-

INSPECTION POLICY FOR LICENSED VEHICLES SEEKING TO BE RE-LICENSED BEYOND 7 YEARS

A currently licensed vehicle may continue to be re-licensed beyond 7 years from the date of first registration providing that it is:-

- In suitable mechanical condition
- Safe
- Comfortable

and meets all licensing conditions. This will be determined by a formal inspection by an Authorised Officer of the Taxi and Private Hire Licensing Section.

It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiry of the vehicle licence, allowing sufficient time for both the inspection and any remedial work to be completed prior to the expiry date.

2.4 The policy and conditions relating to Executive Private Hire saloon vehicles was considered by Elected Members on 15 January 2013 and they heard the issues around the price threshold for Executive Private Hire saloon vehicles. Elected Members decided a working group should be formed to further consider the price threshold issue.

2.5 The working group invited all the licensed Executive Private Hire Operators to a consultation meeting and heard the views of those attending. The working group of Elected Members decided to offer two alternative proposals to the existing pre-conditions price threshold for the Executive Private Hire trade to consider and asked Officers to consult on those proposals.

2.6 The proposals were:

Proposal 1

Type of Vehicle

- The Executive vehicle will have an **initial retail value of not less than £39,000 at the point of first registration**. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP-Black Book' or 'Glasses Guide'.

Age Criteria

- The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document. An Executive vehicle will only be accepted for licensing if the date of first registration is **less than 1 year old from the date of first application**.

Proposal 2

- The Executive vehicle will have an **initial retail value of not less than £45,000 at the point of first registration**. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP-Black Book' or 'Glasses Guide'.
- The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document. An Executive vehicle will only be accepted for licensing if the date of first registration is **less than 3 years old from the date of first application**.

- 2.7 The anonymized consultation responses in full are at **Appendix 1**.
- 2.8 A summary of the anonymized responses and the preferred option of each Executive Private Hire Operator is at **Appendix 2**.
- 2.9 Elected Members of the working group considered all of the issues, which are included in the 'main issues' and reached the recommendation presented to the Licensing Committee at 6.1.

3 Main issues

- 3.1 The Council is able to place appropriate pre-conditions prior to the grant of Private Hire vehicle and the issue.
- 3.2 The private hire industry has for some considerable time offered two levels of service to customers; standard private hire, of which there are 104 licensed operators with the Authority, or Executive Private Hire of which there are 6 licensed Operators.
- 3.3 Since first licensing Executive Private Hire vehicles Members have recognised the clear distinction between the two types of services and sought to demonstrate that by imposing a vehicle pricing threshold that emphasises and distinguishes the Executive Private Hire service from standard Private Hire.
- 3.4 Private Hire service providers have a business choice of either operating a business providing a standard saloon vehicle for bookings or an Executive style saloon vehicle. If the preferred business option is an Executive style saloon vehicle then both the full Licensing & Regulatory Panel in November 2007 and the working group making the recommendation in this report have demonstrated there must be a clear distinction between the two licensing groups. That distinction has been drawn by setting a price threshold which draws a line between the two types of licensed vehicle.
- 3.5 Throughout the working group meetings there was discussion concerning whether to set a monetary threshold or a threshold by way of vehicle specification. It was considered by Elected Members that the vehicle specification method had flaws; for example a range of standard family saloon vehicles could contain a similar specification (leather upholstery, tinted windows, heated seats, blue tooth, air conditioning, electric reclining seats etc, etc.) as a top of the range executive vehicle but it would not by any measure be considered an executive vehicle.
- 3.6 The preferred and more precise method was the monetary threshold, using price to draw a clearer distinction. Elected Members focused on the viewpoint of which vehicles might reasonably be considered to cross over to an executive style of vehicle from family or business saloons. The distinction was agreed on the BMW 5 series which might reasonably be considered to be an entry level into the every day understanding of an executive vehicle. The price band of £39,000 accommodates the higher range of BMW 5 series and Mercedes E Class but also creates the important differential between other

models of BMW and Mercedes which might be used as standard private Hire vehicles or standard family saloon vehicles.

- 3.7 Members should be aware that the proposed price threshold is significantly relaxed by allowing vehicle to be licensed up to one year after first registration. The dip in prices in the period can be significant. Applicants are not asked to produce receipts to show they have actually paid £39,000, they only have to demonstrate that was the showroom value of the vehicle at the point of first purchase (whoever may have purchased it) as quoted in the industry's standard retail guides. That leaves open the opportunity for negotiating prices down or 'trading in'. That price remains a constant in the 'CAP- Black book' or 'Glasses Guide'.
- 3.8 In order that existing licensed Executive Private Hire saloon vehicle operators would not be adversely affected by the introduction of a new policy, Members could consider that the introduction of the recommendation at 6.1 and 6.2 should not apply to those vehicles currently licensed and that they would still be subject to the existing pre-conditions and conditions.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation was initially undertaken for 3 months between 13 July 2012 and 5 October 2012. Results of this consultation were previously reported to committee on 15 January 2013. Following this, further consultation took place between Elected Members of the working group and licensed Executive Private Hire Operators from 25 February 2013 and 13 May 2013. Details of the outcome of the later consultation exercise is attached at **Appendices A and B**.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no adverse issues raised by the proposals.

4.3 Council policies and City Priorities

- 4.3.1 The Taxi & Private Hire Licensing policies create the principles the Council will use to exercise its functions, mainly under the Local Government (Miscellaneous Provisions) Act 1976, but also under other associated Acts of Parliament. Applicants for licences are expected to read the policy before making their application and the Council will refer to the policy when making its decisions.

- 4.3.2 The Taxi & Private Hire Licensing policies contribute to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people will have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment

- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

4.3.3 The Taxi & Private Hire Licensing policies contribute to the following city priorities:

Best city ... for communities

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 There are no adverse or beneficial cost impacts to the Council in this policy.

4.5 Legal Implications, Access to Information and Call In

4.5.1 By virtue of Section 55 (3) Local Government (Miscellaneous Provisions) Act 1976 the local Authority can place conditions upon a Private Hire Operator licence as they may consider necessary. By Section 48 of the same Act the local Authority may attach to the grant of a vehicle licence such conditions as they may consider reasonably necessary.

4.6 Risk Management

There are no risks to the Authority associated with this policy other than the exercising of a legal challenge by any Operator effected.

5 Conclusions

5.1 That Elected Members of the working group have again decided there should be a clear distinction between standard and Executive Private Hire saloon vehicles which should be by way of a monetary threshold as set out at recommendation 6.1.

5.2 The recommendations of the working group is set in today's economic environment and sets a price threshold which takes that need for a clear distinction into account.

6 Recommendations

6.1 Licensing Committee approve the recommendation of the working group that the relevant pre-condition attached to the grant of an Executive Private Hire saloon vehicle should be:

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £39,000 at the point of first registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glasses Guide'.

and

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 1 year old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

- 6.2 That the approved pre-conditions attached to the grant of an Executive Private Hire saloon vehicle and the conditions upon such a licence shall apply with immediate effect to Executive Private Hire saloon vehicle licensing applications after the date of approval by the Licensing Committee.
- 6.3 That those Executive Private Hire saloon vehicle licensed under the existing policy will not be adversely affected by the introduction of this policy and will continue to be licensed under the terms of the previous policy.
- 6.4 That the approved Executive Private Hire vehicle saloon pre-conditions attached to the grant of a Executive Private Hire saloon vehicle licence and the conditions upon such a licence next be reviewed in 2018 and every five years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

7 Background documents

Consultation responses

Response 1

Hello #####

I would prefer to go with Proposal 2.

Response 2

Dear #####

We have considered the proposals and feel strongly that the 2 proposal do not address the key issue of the high value of vehicle cost at new. The lowering of the Value to £39 k is totally impractical as there is such a significant jump from executive standard ranging from £30k cars to luxury cars ranging from £50k plus that £39k has no measure of relevance.

The proposal to change the time from 2 years to 3 years would then mean that a vehicle then has to be changed at 5 years leaving an operation life span of 2 years before the vehicle then needs replacing. Notwithstanding the option to extend under the exception vehicle conditions this would not make operational sense and have absolutely no impact on public safety.

The reason that Executive cars was placed under licensing law was passenger safety and we agree with CRB checks and other safeguards. Unfortunately Leeds Licensing policy has had the opposite effect because the high price criteria of the cars has driven all the other companies operating in Leeds underground. Over one hundred companies were invited to the initial consultation meeting with Leeds and only three operate under Leeds Licensing. The rest operate without CRB etc because they find Leeds rules unrealistic.

The arguments put forward by officers at our recent meeting were false. They said that some private hire companies now owned Mercedes e class cars, this is irrelevant to the safety of the citizens of Leeds as both Executive Private Hire and Standard Private Hire are covered by stringent conditions. The decision by one private hire company to add a small number of black Mercedes cars to add to the fleet that operates out of Leeds and Bradford Airport should be applauded. It cannot be used as a factor in crippling executive private hire operators with unreasonable costs.

Executive operators cannot operate as private hire, we have different rules, different licences, different badges. Equally, private hire operators would have no success as executive hire because they are covered with the ph stickers and would not be attractive to executive customers. All the arguments put forward by licensing officers were not relevant in any way.

We believe that a bottom price of £30,000 from new up to 12 months is the right one, our customers would not use our services if they thought the cars used were not executive cars. There are no other safety issues relevant to the price. There are high standard BMWs, Mercs etc available new from £30,000.

We have with all our dealings with Administration Officers, Counter Staff, Garage and Inspectors found all to be a pleasure to deal with. On the issue of Value I have to say that I am now beginning

to feel that we are being bullied and victimized over this issue. The policy has so far forced virtually all our competition underground or has simply put other business's out of business as the conditions and threat of prosecution have been unacceptable. All at a time when the Council has done nothing as it promised to do in the first meetings to take unlawful operators to court.

After our meeting last week and the admission by Mr Broster that the consultation process was finished in 2007 with time constraints. I have looked at the process and am concerned that the policy of vehicle values we have been forced to follow may not be legal or for the following reasons.

The consultation process was flawed as the time scales did not allow for proper consideration of objections to the value proposed. We had one meeting on the 18th October and a further meeting on the 2nd November 2007. It was not possible to consider the points raised on the 2nd November 2007 for 2 reasons. firstly no minutes of this meeting have been received. Secondly as the Licensing and Regulatory Panel met to approve the conditions on the 7th November it would not have been possible to include submission's into the briefing pack issued to Council Members for that meeting as these have to be issued at least 5 days in advance of meetings.

More importantly than concerns over the consultation process I would like to establish how the conditions relating to monetary value are legal when there is no list of approved vehicles and when values were not included in the details submitted to the Council on the 7th November 2007. I would welcome clarification on when the policy has been approved by the Council and at what stage it became law.

Conditions attached to pre conditions to Private Hire Executive Vehicle Licence (Appendix 8 Page 51) as voted on by Councillors on the 7th November 2007.

1. TYPE OF VEHICLE

(a) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the

level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near

side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film

applied to any window on the vehicle is not permitted.

(b) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural

distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)²

(c) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition

including continued compliance with Condition 1(b) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made

within the duration of the licence without the prior written approval of the Council.

(d) (i) Fire Extinguisher – Saloon Vehicles / People Carriers

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3.3

(ii) Fire Extinguisher – Wheelchair Accessible Vehicles

In the case of wheelchair accessible minibus two fire extinguishers shall be carried at all times in the vehicle. This fire extinguisher(s) shall be 2 litre foam (AFFF) giving a minimum 5A/70B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the vehicle in a position that is easily accessible to potential users and location signs must be fitted. All fire extinguishers should conform to British Standards EN3.

(e) The vehicle shall carry at all times a fully equipped first aid kit which will contain:

- Guidance on First Aid Leaflet
- 10 x Non Alcoholic Wipes (Single)
- Conforming Bandage 7.5cm x 4.5m stretched
- 2 x Non Woven Triangular Bandage 96 x 96
- Safety Pins x 12

Page 51

- Medium Blunt/Blunt Stainless Steel Scissors 5”
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent

position within the boot area of the vehicle for ease of use by the driver or passengers.

(f) Only those vehicles which are on the Council’s ‘Approved List of Executive Vehicles’ will be accepted for licensing.

2. AGE CRITERIA

(a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5

document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less

than 2 years from the date of application. The vehicles must be licensed for use within one month from the

date of application.

(b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to

be re-licensed for up to 5 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the

Taxi and Private Hire Licensing Section’s last working day of the month of expiry of the licence.

Any break

in the licence will result in part (a) of this Condition coming into effect.

Appendix 13 page 73 does not make reference to the value of vehicles either.

I look forward to your response to the above concerns.

Response 3

HI #####

Many thanks for your e-mail.

I do have quite strong views on this subject and have in the past tried to put my case across, with no resolution.

I think that the thresholds for Executive Private hire pricing structure in Leeds is way out of line with other authorities in the UK through experience. Although I welcome the fact that Executive private hire should be a higher threshold than standard private hire, I think they are still too high for operators to run vehicles within these margins. I work alongside many Operators nationwide including London companies which run under the PCO (Public Carriage Office) <http://www.pco-licence.com/#!rent-or-buy/c1kvx> and their criteria works for over 49.000 (Forty Nine Thousand) Standard and Executive operators who run under private hire. Each vehicle, either standard or Executive (Not minicabs) display a disc in the rear and front windows of their vehicles telling the general public that they are private hire. The customer can then define whether they wish to hire for example a Toyota Avensis or a Mercedes "S" Class.

I do not want to get involved in the politics of the council rules and regulations as I personally feel that the feelings of the Operators in this matter will NOT win over the authorities decision.

Kind regards

Response 4

I would go with proposal 2.

Executive Hire conditions – Working Group – Responses

| Operators name | Summary of response | Which option | | |
|---|--|--------------|----------|--|
| | | Option 1 | Option 2 | Other |
| Licensed Executive Hire Operator | <p>We have considered the proposals and feel strongly that the 2 proposal do not address the key issue of the high value of vehicle cost at new. The lowering of the Value to £39 k is totally impractical as there is such a significant jump from executive standard ranging from £30k cars to luxury cars ranging from £50k plus that £39k has no measure of relevance.</p> <p>We believe that a bottom price of £30,000 from new up to 12 months is the right one, our customers would not use our services if they thought the cars used were not executive cars. There are no other safety issues relevant to the price. There are high standard BMWs, Mercs etc available new from £30,000.</p> | | | Neither bottom price of £30,000 from new up to 12 months |
| Licensed Executive Hire Operator | I would prefer to go with Proposal 2. | | Yes | |
| Licensed Executive Hire Operator | <p>I think that the thresholds for Executive Private hire pricing structure in Leeds is way out of line with other authorities in the UK through experience. Although I welcome the fact that Executive private hire should be a higher threshold than standard private hire, I think they are still too high for operators to run vehicles within these margins. I work alongside many Operators nationwide including London companies which run under the PCO (Public Carriage Office) http://www.pco-licence.com/#!rent-or-buy/c1kvx and their criteria works for over 49,000 (Forty Nine Thousand) Standard and Executive operators who run under private hire. Each vehicle, either standard or Executive (Not minicabs) display a disc in the rear and front windows of their vehicles telling the general public that they are private hire. The customer can then define whether they wish to hire for example a Toyota Avensis or a Mercedes "S" Class.</p> <p>I do not want to get involved in the politics of the council rules and regulations as I personally feel that the feelings of the Operators in this matter will NOT win over the authorities decision.</p> | | | Neither |

Appendix 2

| Operators name | Summary of response | Which option | | |
|---|--|--------------|----------|-----------------------------|
| | | Option 1 | Option 2 | Other |
| | | | | |
| Licensed Executive Hire Operator | I would go with proposal 2. | | Yes | |
| Licensed Executive Hire Operator | No preference either way. Currently running a people carrier. | | | No preference |
| Licensed Executive Hire Operator | Keen to prevent 'cowboys' from entering the executive trade. Keep it as it is. | | | Keep the condition as it is |

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25th June 2013

Subject: Sex Establishment Licensing Policy

| | | |
|---|------------------------------|--|
| Are specific electoral Wards affected? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | | |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number: | | |
| Appendix number: | | |

Summary of main issues

1. The Council adopted the ability to licence lap dancing clubs and other premises which provide sexual entertainment in the same regime as sex shops and sex cinemas in January 2011. At the same time the council adopted a Statement of Licensing Policy to guide applicants.
2. Following the initial licensing of seven lap dancing clubs as sex establishments in June 2012, the council undertook to review the policy to ensure it still met the needs of the people of Leeds.
3. Licensing Committee formed a working group of Members and officers to review the policy. A draft policy was submitted for public consultation from 18th March to 26th April. The responses are detailed in this report.

Recommendations

4. That Licensing Committee consider the responses to the public consultation and the recommendation from the Working Group.
5. That Licensing Committee consider the draft policy and refer it to Executive Board for approval, with the policy coming into effect on 1st September 2013.

1 Purpose of this report

- 1.1 To present for consideration of Licensing Committee this report as the response to the public consultation.
- 1.2 To present the draft policy for consideration (appendix 1) and referral to Executive Board for approval.

2 Background information

- 2.1 In 2010 the Government introduced a new category of sex establishment called a "sexual entertainment venue". This reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues. The intention was to give local people greater say over the number and location of lapdancing clubs in their area.
- 2.2 In January 2011 the Council made a resolution to adopt the provisions of Sch 3 of the Local Government (Miscellaneous Provisions) Act as amended by the Policing and Crime Act 2009, effective from 1st October 2011.
- 2.2 Licensing Committee formed a cross party working group, which developed a licensing policy and after public consultation it was adopted with effect from October 2011. This policy provided guidance to Licensing Committee when it determined the first grant of the sex establishment licences for the city's seven existing sexual entertainment venues.
- 2.3 Following the initial grant of the seven licences Licensing Committee brought forward the review of the policy, standard conditions and applications forms.

3 Main issues

Review of the Policy

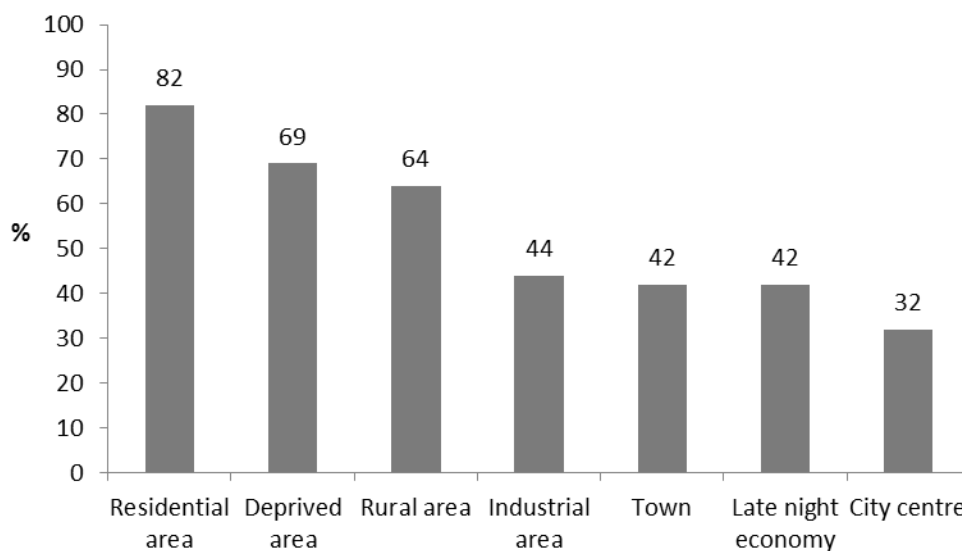
- 3.1 In July 2012 the Licensing Committee formed a working group to review the policy to ensure it still met the needs of the people of Leeds and, with lessons learned from the first licence applications, was fit for purpose for the future.
- 3.2 The group has heard from a range of people interested in the licensing of sex establishments:
 - Rosie Campbell, Researcher, University of Leeds
 - Pauline Ellis, Equality Unit
 - Rosie Robinson Boardman, OBJECT
 - Arwen Strudwick, Domestic Violence Unit
 - Sara Robertson, Child Friendly Officer
 - Sgt Andrew Pollard, West Yorkshire Police (Child Sex Exploitation)
 - Sgt Martin Mynard, West Yorkshire Police (City Centre NPT)
- 3.3 The working group undertook site visits to two of the lap dancing clubs to see them working in operation and also undertook a walking tour of the city centre to see the premises in context with the night time environment. This gave the group the opportunity to talk directly to the managers about the day to day operation of the clubs.

- 3.4 In this context the working group has reviewed the existing policy, standard conditions and application forms. The working group recommended that further research was undertaken to establish if there are localities within Leeds that are unsuitable locations for sexual entertainment venues.
- 3.5 A survey was sent to the Citizen’s Panel in January to establish if there are any localities in Leeds that the people of Leeds think are unsuitable, and if there is a preferred number of lap dancing clubs that the people of Leeds think is a suitable number.

Citizen’s Panel

- 3.6 The citizen’s panel results provided some clear guidance to working group about locations and numbers. The survey had 1847 responses which is a response rate of 46%.
- 3.7 Respondents were asked to state how far they agreed or disagreed that it was **not** acceptable to site SEVs in different broad types of location.

Fig 1: Those agreeing/strongly agreeing SEVS not acceptable in:



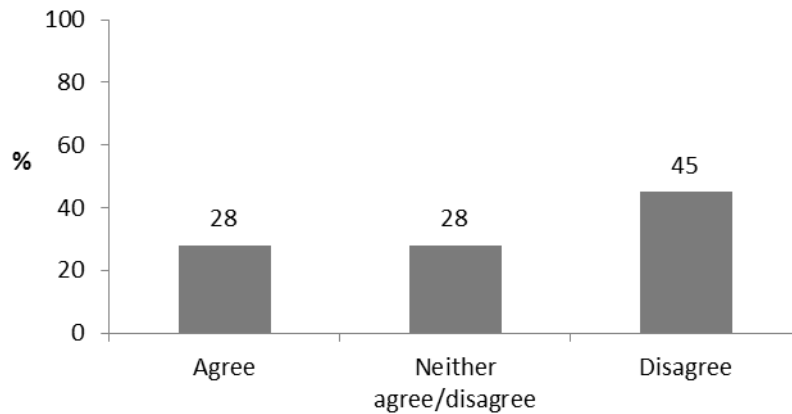
3.8 Clearly, placing SEVs in residential areas would be unacceptable to most respondents. More than half the respondents agreed to some extent that SEVS shouldn’t be sited in:

- Residential areas
- Deprived areas
- Rural areas

3.9 The city centre was the location with the lowest level of agreement, suggesting SEVs are seen as more acceptable in that location than others.

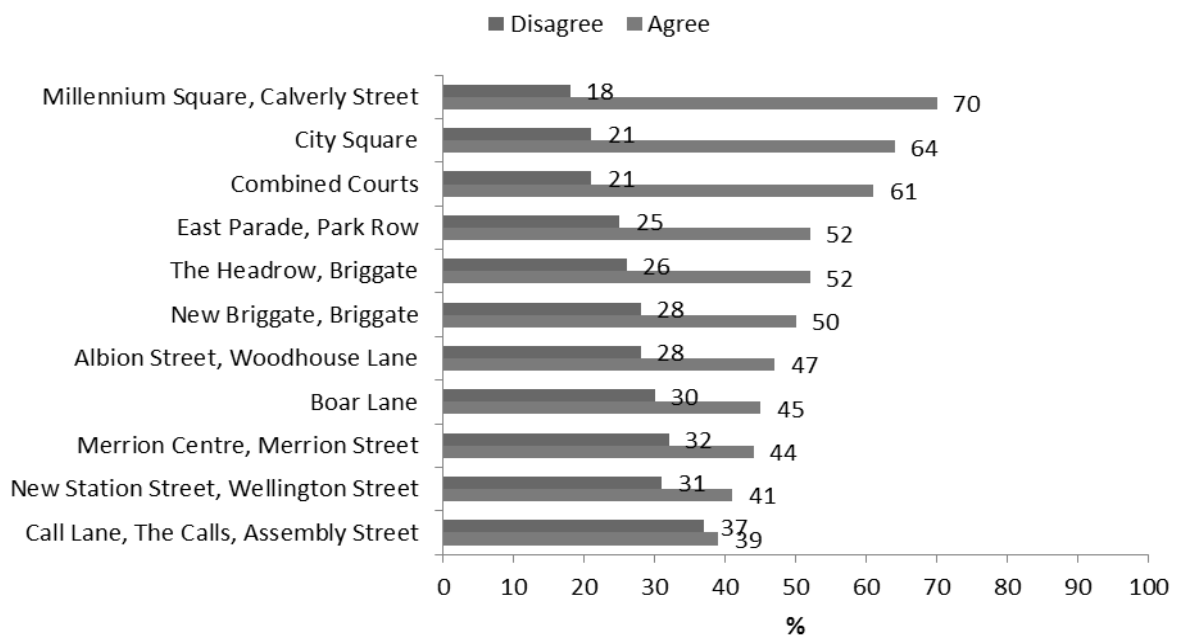
3.10 Around a quarter of respondents felt that it was not acceptable to have a SEV in **any** locality in Leeds, although 45% disagreed with this view.

Fig 2: Agreement/disagreement that it is not acceptable to have a SEV in **any** locality



3.11 Respondents were asked for their opinion on which parts of the city centre would **not** be acceptable locations for a lap dancing club.

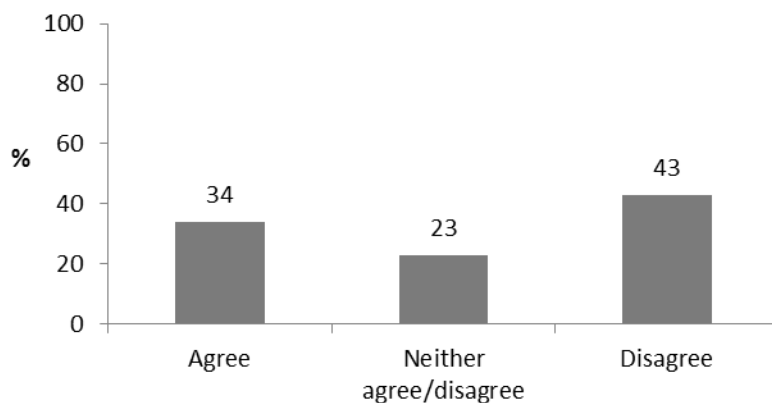
Fig 3: Those agreeing/disagreeing SEVs not acceptable in:



3.12 The areas most likely to be seen as not acceptable for SEVs were either prominent areas such as City Square or in the Civic Quarter (Millennium Sq, Combined Courts), or retail areas. There was a closer balance of opinion concerning the Calls area than for other locations.

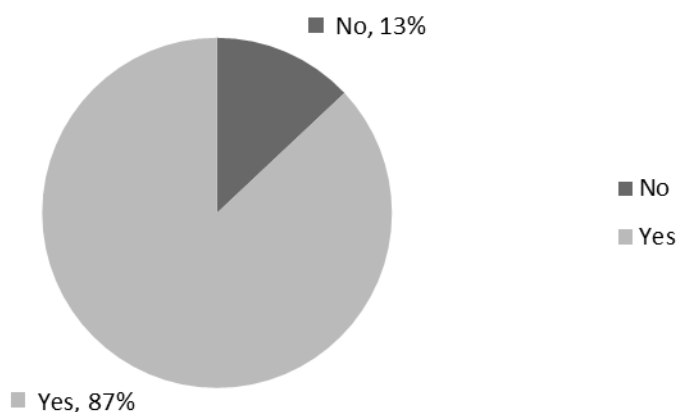
3.13 Respondents were also asked how far they agree or disagree that it would not be acceptable to have a SEV **anywhere** in the city centre. As Fig 4 shows, more respondents disagreed than agreed:

Fig 4: Agreement/disagreement it is not acceptable to have SEV **anywhere** in the city centre



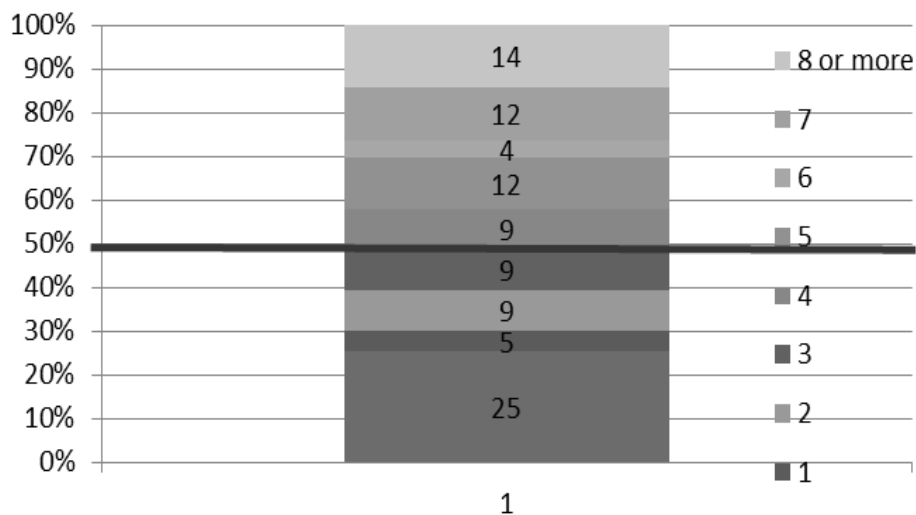
3.14 To help the council consider if revised policies should include setting upper limits for the number of SEVs in any location, respondents were asked if they thought the council should set a maximum number for any locality in Leeds. Figure 5 shows that nearly 9 out of 10 respondents feel there should be maximum numbers.

Fig 5: Should there be a maximum number of SEVs allowed in any locality in Leeds?



3.15 Respondents were also asked to consider the maximum number of SEVs that might be set in a range of localities. Given that the 'city centre' is the location most likely to be seen to be acceptable to respondents, this report only explores the responses for that location.

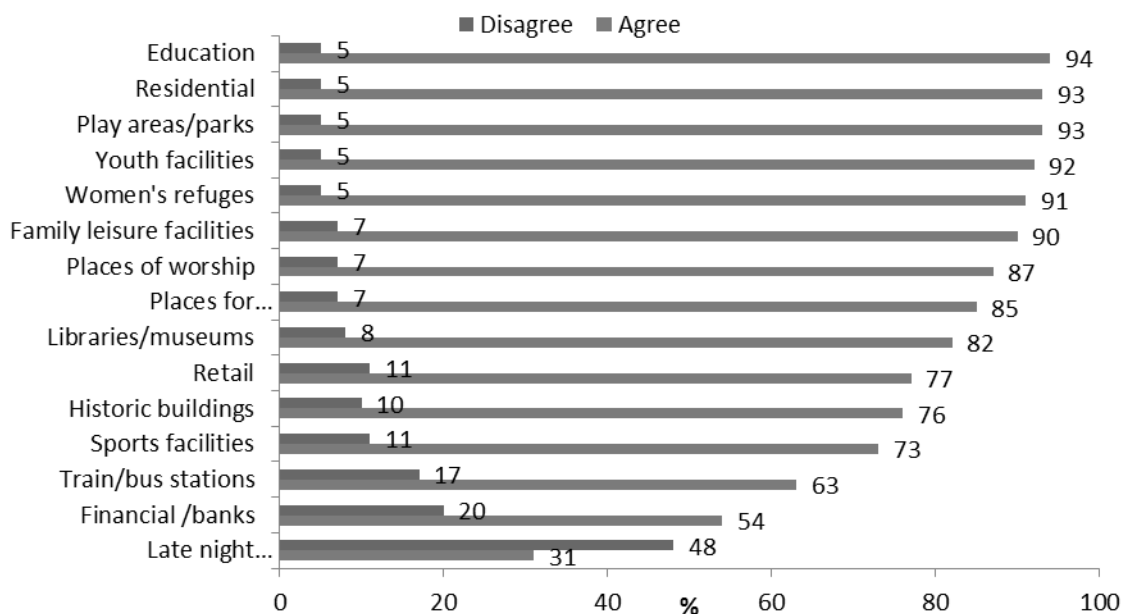
Fig 6: % of respondents choosing potential maximum SEVs in city centre.



3.16 Figure 6 shows that over 50% of respondents would like to see a maximum of 4 or less SEVs in the city centre. The most commonly chosen option was to have no SEVs at all.

3.17 Respondents were asked to consider in more detail whether SEVs should be allowed to operate near particular types of areas and buildings. Figure 7 shows the percentage of respondents agreeing/disagreeing it would not be acceptable to locate a SEV near to certain places:

Fig 7: Those agreeing/disagreeing SEVs not acceptable near:



3.18 The majority of respondents felt that SEVs are not appropriate near all the types of places or buildings listed, except for areas of 'late night entertainment'.

- 3.19 The results from this survey were analysed to find out if there were any differences between groups of respondents; including men and women, different age groups, ethnic backgrounds, family status, employment status, disability status, location and sexual orientation.
- 3.20 It was clear that the only factor consistently linked to differences of opinions was **gender**. Women were significantly more likely than men to agree it was not acceptable to site SEVs in nearly all listed places, and to respond that it was not acceptable to have any SEVs in Leeds at all. For example:
- 26% of women strongly agree it would not be acceptable to locate SEVs anywhere in Leeds, whereas 16% of men feel this way.
 - 35% of women strongly agree it would not be acceptable to locate SEVs anywhere in the city centre, compared to 19% of men.
- 3.21 The survey provided clear conclusions:
- SEVs should not be located in residential, deprived or rural areas
 - The areas most likely to be seen as not acceptable for SEVs were either prominent areas such as City Square or in the Civic Quarter (Millennium Sq, Combined Courts), or retail areas. There was a closer balance of opinion concerning the Calls area than for other locations.
 - Over 50% of respondents would like to see a maximum of 4 or less SEVs in the city centre. The most commonly chosen option was to have no SEVs at all.
 - The majority of respondents felt that SEVs are not appropriate near all the types of places or buildings listed, except for areas of 'late night entertainment'.
- 3.22 The working group used this information to amend the licensing policy to include:
- Nil policy outside of the city centre
 - A cap of 4 premises in the city centre
 - A set of uses that it would be considered inappropriate to locate a premises near.
- 3.23 In March Licensing Committee approved the draft policy for public consultation.

Public Consultation

- 3.24 The public consultation took place between 18th March and 26th April. The council received 135 responses (appendix 2).
- 3.25 Each response was classified as positive, positive but would go further, negative or unclear. 87 (64%) responses were in support of the policy, 43 (32%) were not in support and 5 (4%) provided a response where it was unclear.

In support of the policy (64%)

- 3.26 52 (39%) respondents used the same standard letter. This response agreed that there should be no lap dancing clubs outside of the city centre, accepted a limit of 4, provided some sensitive uses, confirmed that advertising should not be sexually explicit, and transport for customers should not be provided. Of these responses 31 also provided a personal statement.

- 3.27 The council received a number of responses that were substantial in length. These reference specific research known as the Lilith Report and WY Hollaback and an established link between crime and sex establishments. National news stories where crime has been associated with lap dancing clubs have not been considered during this policy review.
- 3.28 The council received positive responses from the following organisations and individuals who expressed a preference for being identified:
- West Yorkshire Fire and Rescue Service
 - Network Rail
 - University of Leeds
 - Cllr Maqsood
 - Catriona Palin
 - Justice for Women
 - Leeds Domestic Violence Strategy Group
 - Leeds Object
 - Support after Rape and Sexual Violence Leeds (SARSVL)

Not in support of the policy (32%)

- 3.29 A number of the responses referenced specific councillors and MPs and suggested that the policy has been rewritten at their command. The Citizen's Panel survey clearly shows that there are locations and localities in Leeds which residents think are unsuitable for the location of lap dancing and the policy has been reviewed and amended in response to that survey. The Citizen's Panel is comprised of 4,000 Leeds residents who have volunteered to take part in surveys, which may be used to inform policy. This group has a broad demographic and which is representative of the people of Leeds.
- 3.30 Some respondents suggested that a policy should not state a suitable number of premises but that premises should only be closed if they cause disorder. Should a premises cause disorder will be dealt with by enforcement officers and the Police using established mechanisms such as licence review.
- 3.31 A number of negative respondents referenced the Lilith Report, crime levels in other authorities and statements made by senior police officers in other areas. These statements have not been considered during this policy review.
- 3.32 The council received negative responses from the following organisations and individuals who expressed a preference for being identified:
- Paddy Whur, Woods Whur LLP
 - Fellmore Ltd – SEV licence holder for The Red Leopard

Unclear (4%)

- 3.33 There were a small number of responses in which it was unclear whether the response was positive or negative.

- 3.34 In conclusion the majority of respondents were in support of the policy. A smaller, but still significant number were not in support of the draft policy.

Working Group Recommendation

- 3.35 The working group carefully considered the responses to the consultation. Many of the responses were about the wider issue of lap dancing and its role in society, while the majority of the responses not in support of the policy seemed to be related to wanting no restriction which is not congruent with the views expressed in the Citizen's Panel survey.
- 3.36 Taking the results of the Citizen's Panel into consideration, which informed the draft policy, and the comments made in the public consultation the Working Group recommends that the draft policy is referred to Executive Board with one minor change to paragraph 8.33 regarding the duration of a licence.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In line with the licensing authority's practice the Statement of Licensing Policy underwent a total of 12 weeks consultation with anyone affected by the proposed changes. In addition the council consulted with elected members, support groups, groups that have expressed an interest in this matter, including all the respondents to the consultation which was undertaken for the initial policy.
- 4.1.2 The working group has consulted with a range of interested parties as described at 3.2 and it was the information provided that informed the policy amendments.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The working group has met with the council's Equality Team to discuss these issues. As the activity of sexual entertainment is considered a gender inequality issue, the working group has taken careful consideration to ensure that the draft policy can be applied to both gentlemen's clubs and those that cater for women.
- 4.2.2 In addition the consultation was directed at all areas of society with members of religious groups and community leaders being consulted as well as all elected members, MPs and any other person who has made themselves known to the council as someone who has an interest in this matter.
- 4.2.3 An Equality, Diversity, Cohesion and Integration Impact Assessment Screening has been undertaken.

4.3 Council policies and City Priorities

- 4.3.1 The Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. Applicants for licences are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.
- 4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 The licensing of sex establishments attracts a fee which can only be used to pay for the costs associated with the licence application and cannot be used to cover the cost of enforcement or investigation of unlicensed activity. As such the policy review is a cost to the council, which is not recovered by the licence fee.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The council has a policy adopted by Executive Board which came into effect in October 2011. This policy will remain in place until a new policy is adopted. Therefore should the Licensing Committee decide to not refer the policy to Executive Board for approval, the original policy will remain in place.

4.5.2 The approval of the revised policy will be matter for Executive Board and will be eligible for call in.

4.6 Risk Management

4.6.1 The report recommends that the draft policy is referred to Executive Board for approval. As there is a policy already in place, the risk of adverse effects of a negative response to the recommendation is low.

5 Conclusions

5.1 This report presents the results of the public consultation to Licensing Committee for their consideration.

5.2 The government introduced sexual entertainment venues into the Local Government (Miscellaneous Provisions) Act 1982 in order to give local people a greater say over the number and location of lap dancing clubs in their areas. The council has consulted directly with residents of Leeds on this very matter and the results of the Citizen's Panel provides very clear guidance on locations and numbers which are unacceptable.

5.3 The Citizen's Panel consultation received 1,847 responses and informed the policy revisions. These revisions were then taken to a public consultation which had 135 responses, 64% of which were in support of the new policy. The working group suggests that no changes are made to the policy as a result of the consultation and that the draft policy be referred to Executive Board for approval.

6 Recommendations

6.1 That Licensing Committee consider the responses to the public consultation and the recommendation from the Working Group.

6.2 That Licensing Committee consider the draft policy and refer it to Executive Board for approval, with the policy coming into effect on 1st September 2013.

7 Background documents¹

7.1 There are no unpublished background documents that relate to this matter.

Appendices

Appendix 1 Draft policy

Appendix 2 Responses to Public Consultation

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



Licensing of Sex Establishments

Statement of Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982
as amended by the Policing and Crime Act 2009

Final draft

Further copies of this document can be obtained from:

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Tel: 0113 247 4095

Fax: 0113 224 3885

Email: entertainment.licensing@leeds.gov.uk

Web: www.leeds.gov.uk/licensing

Please note:

The information contained within this document
can be made available in different languages and
formats including
Braille, large print and audio cassette.

Contents

Executive Summary

| | | |
|------------|---|----|
| Section 1 | Interpretation | 5 |
| Section 2 | The purpose of the licensing policy | 6 |
| Section 3 | The scope of the licensing policy | 10 |
| Section 4 | The Leeds district | 11 |
| Section 5 | Integrating other guidance, policies, objectives and strategies | 13 |
| Section 6 | Cultural activities in Leeds | 15 |
| Section 7 | General principles | 17 |
| Section 8 | Application Procedure | 23 |
| Section 9 | Enforcement | 29 |
| Appendices | Appendix 1 – Standard conditions | 30 |
| | Appendix 2 - Contact details | 43 |

Executive Summary

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings to lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Leeds City Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 19th January 2011 with effect from 1st October 2011.

Leeds City Council adopted a policy and standard conditions in September 2011 to be applied when determining sex establishment licences in the Leeds district.

The policy was reviewed and a revised policy was adopted in xxxx 2013.

This policy:

- Sets out the council’s approach for the benefit of operators
- Guides and reassures the public and other public authorities
- Ensures transparency
- Ensures consistency
- Guides and focuses the Licensing Committee when making determinations under this legislation.

The policy deals with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

Section 1 Interpretation

Advertisement means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Authorised officer means an officer employed by Leeds City Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

The council will mean Leeds City Council.

Display of nudity means:

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus.

Dancer means dancer, entertainment, performer or other such person employed, or otherwise, to provide relevant entertainment.

Licence means any sex establishment licence that the council can grant under this Act. This includes any associated consent of permission.

Licensee means the holder of a sex establishment licence.

Licensed area means the part of the premises marked on the plan where licensable activities are to take place.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

Relevant entertainment means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Responsible person means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

Sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity.

Sexual entertainment venue means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

Standard conditions will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

Unsolicited (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

Vehicle means a vehicle intended or adapted for use on roads.

Section 2 The purpose of the licensing policy

- 2.1 This policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Leeds City Council as the licensing authority for the Leeds metropolitan district on xxx 2013. It will be reviewed regularly.
- 2.2 This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shop and sex cinemas.
- 2.3 The council's licensing regime aims to ensure that sex establishments in the Leeds district operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been taken to advertising, staff welfare, external appearance, locality and the number of licensed premises.
- 2.4 This policy also has regard to the guidance issued by the Home Office.
- 2.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
- West Yorkshire Police/ British Transport Police
 - West Yorkshire Fire and Rescue Service
 - Health and Safety Executive
 - Crime and Disorder Reduction Partnerships
 - Primary Care Trusts in the district
 - West Yorkshire Trading Standards
 - UK Border Agency
- 2.6 The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the industry.

Public consultation

- 2.7 In January 2013 the Council consulted with the Citizen's Panel. The Citizens' Panel is a group of residents of Leeds who have volunteered to give up their time to complete between 4 and 6 surveys a year about a range of issues. The information provided from Citizen's Panel has been used to inform policy making in the council. The Citizen Panel reaches approximately 4,000 people in Leeds and the response rate is usually around 60%.
- 2.8 The survey was issued in January 2013. 1499 people responded to the online survey and 353 people responded to the postal survey. The survey looked at the setting of numbers and localities for sexual entertainment venues. The following results reference the percentage of the people that responded to the question. The highest figure is highlighted.

Where there are two higher results within a percentage point, both are highlighted. Please note all percentages are rounded up.

Numbers

2.9 The survey asked if respondents thought that the council should set a maximum number for any locality in Leeds. **87%** of the people who responded to the question stated yes.

2.10 The survey asked what number should be set for certain localities.

| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8+ |
|------------------------------------|------------|----------|----------|----------|----------|----------|----------|----------|-----------|
| A residential area | 94% | 2% | 1% | 0% | 0% | 0% | 0% | 0% | 1% |
| A deprived area | 85% | 5% | 3% | 1% | 2% | 0% | 0% | 0% | 3% |
| A rural area | 79% | 8% | 6% | 2% | 1% | 0% | 0% | 0% | 3% |
| An industrial area | 57% | 12% | 11% | 6% | 4% | 3% | 1% | 1% | 5% |
| A busy late night economy area | 47% | 13% | 13% | 7% | 5% | 3% | 2% | 3% | 7% |
| A built up area i.e. a town centre | 44% | 13% | 13% | 7% | 6% | 5% | 1% | 4% | 8% |
| The city centre | 26% | 5% | 9% | 10% | 9% | 12% | 4% | 12% | 13% |

Localities

2.11 Respondents were asked if there are any localities within Leeds that they considered were not appropriate for SEVs:

| It would not be acceptable to locate a lap dancing club in: | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|--|-----------------------|--------------|----------------------------------|-----------------|--------------------------|
| A residential area | 70% | 13% | 3% | 5% | 10% |
| A deprived area | 53% | 16% | 14% | 8% | 10% |
| A rural area | 48% | 17% | 14% | 13% | 9% |
| An industrial area | 30% | 13% | 25% | 19% | 12% |
| A busy late night economy area | 26% | 16% | 22% | 25% | 11% |
| A built up area, i.e. town centre | 24% | 15% | 20% | 30% | 11% |
| The city centre | 20% | 12% | 18% | 33% | 17% |

2.12 Respondents were asked if it would not be acceptable to have a lap dancing club anywhere in Leeds:

| | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|--|-----------------------|--------------|----------------------------------|-----------------|--------------------------|
| It would not be acceptable to have a lap dancing club in any locality in Leeds | 22% | 6% | 28% | 27% | 17% |

2.13 Respondents were asked if there were any localities in the city centre that they would not consider to be acceptable to locate a lap dancing club on or near to:

| It would not be acceptable to locate a lap dancing club on or near to: | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|---|-----------------------|--------------|----------------------------------|-----------------|--------------------------|
| Millennium Square, Calverley Street | 50% | 20% | 13% | 11% | 7% |
| City Square | 44% | 20% | 16% | 13% | 8% |
| The area around the combined Courts | 40% | 20% | 18% | 14% | 7% |
| The Headrow, Eastgate | 35% | 17% | 21% | 18% | 8% |
| East Parade, Park Row | 34% | 17% | 23% | 18% | 8% |
| New Briggate, Briggate | 34% | 16% | 22% | 19% | 9% |
| Albion Street, Woodhouse Lane | 31% | 16% | 25% | 20% | 8% |
| Merrion Centre, Merrion Street | 30% | 14% | 24% | 23% | 9% |
| Boar Lane | 29% | 16% | 25% | 21% | 8% |
| New Station Street, Wellington Street | 28% | 13% | 28% | 23% | 8% |
| Call Lane, The Calls, Assembly Street | 25% | 13% | 24% | 28% | 9% |

2.14 Respondents were also asked if it would not be acceptable to locate a lap dancing club anywhere in the city centre:

| | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|---|-----------------------|--------------|----------------------------------|-----------------|--------------------------|
| It would not be acceptable to locate a lap dancing club anywhere in the city centre | 28% | 6% | 23% | 26% | 17% |

Vicinity

2.15 The respondents were asked to consider the use of premises in the vicinity of SEVs and where asked to state their opinion on whether it would not be acceptable to have a SEV near to any of the following types of areas or buildings

| It would not be acceptable to locate a lap dancing club near to: | Strongly agree | Agree | Neither agree or disagree | Disagree | Strongly disagree |
|---|-----------------------|--------------|----------------------------------|-----------------|--------------------------|
| Schools and other places of education | 84% | 9% | 1% | 1% | 4% |
| Residential areas | 82% | 10% | 2% | 2% | 3% |
| Play areas or parks | 81% | 11% | 2% | 2% | 4% |

| | | | | | |
|---|------------|-----|-----|------------|-----|
| Youth facilities | 81% | 12% | 3% | 1% | 4% |
| Women's refuge facilities | 81% | 10% | 4% | 2% | 4% |
| Family leisure facilities such as cinemas, theatres and concert halls | 76% | 14% | 4% | 3% | 4% |
| Places of worship | 76% | 11% | 6% | 3% | 4% |
| Places used for celebration or commemoration | 70% | 15% | 9% | 3% | 3% |
| Cultural leisure facilities such as libraries, museums | 62% | 20% | 10% | 5% | 4% |
| Retail shopping areas | 60% | 17% | 12% | 7% | 4% |
| Historic buildings | 58% | 18% | 15% | 6% | 4% |
| Sports centres/facilities | 56% | 17% | 16% | 7% | 4% |
| Train station or bus station | 50% | 12% | 21% | 11% | 5% |
| Financial Institutions such as banks | 40% | 14% | 25% | 14% | 6% |
| Late night entertainment areas | 21% | 9% | 22% | 33% | 14% |

2.16 The full Citizen Panel survey results are available on request.

2.17 Following the initial consultation with the Citizen's Panel the council has consulted on the policy with and considered the views of a wide range of people and organisations including:

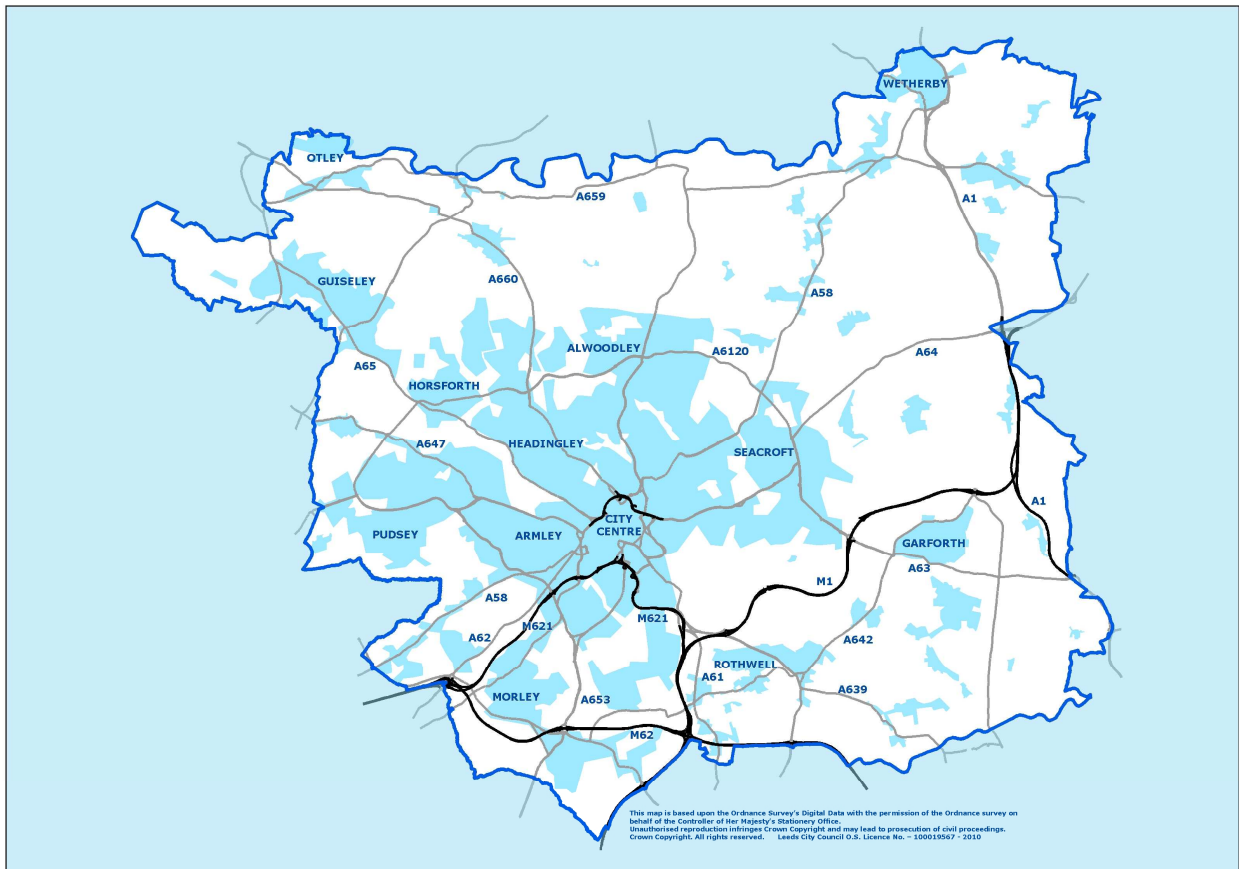
- Representatives of local business
- Local residents and their representatives
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders
- West Yorkshire Police
- British Transport Police
- Leeds City Council - Domestic Violence Unit
- Leeds City Council - Children and Young People Social Care
- Leeds City Council - City Development
- Leeds Primary Care Trust
- Charitable organisations that have interest in sex establishments

2.18 A full analysis of the Public Consultation is available on request.

Section 3 The scope of the licensing policy

- 3.1 This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within the Leeds metropolitan district. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 3.2 A sexual entertainment venue is a premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. Relevant entertainment means any live performance or any live display of nudity which is provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at section 2 and 2A of the Act.
- 3.3 A sex cinema is a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or act of force of restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in section 3 of the Act.
- 3.4 A sex shop is a premises used to a significant degree for the selling, etc. of sex articles or other items intended for the use of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found ay section 4 of the Act.
- 3.5 Advice on whether a licence is required can be obtained from Entertainment Licensing, Leeds City Council. Contact details are set out in Appendix 3.
- 3.6 Throughout this policy the wording will refer to ‘applicants’ for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.
- 3.7 This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues.

Section 4 The Leeds district



- 4.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the City Centre.
- 4.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 751,000 (taken from the 2011 census). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 4.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the city coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes have many benefits including the creation of a vibrant 24-hour city.
- 4.4 Leeds has strong artistic traditions and has the best attended outdoor events in the country. The success of arts and heritage organisations including the Grand Theatre, City Varieties, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackeray Medical Museum. The city also boasts a wealth of community based sports

heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.

- 4.5 Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire County Cricket Club's home in Headingley. Leeds has the world's first dual-code rugby partnership - Leeds Rhinos Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos in particular have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of best jump courses in the country.
- 4.6 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 4.7 The Vision for Leeds 2011-2030 published by the Leeds Initiative as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It aims that "by 2030, Leeds will be locally and internationally recognised as the best city in the UK". By 2030:
- Leeds will be fair, open and welcoming.
 - Leeds' economy will be prosperous and sustainable.
 - All Leeds' communities will be successful.
- 4.8 This licensing policy seeks to promote licensing within the overall context of the three aims set out in Vision for Leeds 2011-2030.

Section 5 Integrating other guidance, policies, objectives and strategies

5.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:

- Vision for Leeds 2011 to 2030
- Leeds Unitary Development Plan
- The Local Development Framework including the Leeds City Centre Area Action Plan
- The Home Office Tackling Violent Crime Programme
- Leeds City Council – Anti-Social Behaviour Statement
- Leeds City Council – Environmental enforcement policies
- Leeds City Council - Violence Against Women Strategy

Child Friendly

5.2 Since the original policy was adopted and published, the council has announced its intention for the city to become 'Child Friendly'. This links back to the council's vision which states:

'Best city... for children

Leeds will be a child-friendly city where the voices, needs and priorities of children and young people are heard and inform the way we make decisions and take action.'

5.3 There are over 180,000 children and young people in Leeds. To become a child friendly city, and the best city for children and young people, their voices and views need to be heard and responded to, and that they are active participants in their local community and citywide.



5.4 The UN convention on the rights of the child sets out the basic rights for children worldwide. The UN developed the model for child friendly city model – a place where children rights are known and understood by children and adults alike, and where these rights are reflected in policies and budgets.

5.5 As part of the aim for Leeds to become a child friendly city, the council declared 12 wishes: In a child friendly Leeds...

1. Children and young people can make safe journeys and can easily travel around the city
2. Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play
3. There are places and spaces to play and things to do, in all areas and open to all
4. Children and young people can easily find out what they want to know, when they want it and how they want it
5. Children, young people and adults have a good understanding of children's rights, according to the United Nation Convention on the Rights of the Child

6. Children and young people are treated fairly and feel respected
7. Children and young people have the support and information they need to make healthy lifestyle choices
8. All our learning places identify and address the barriers that prevent children and young people from engaging in and enjoying learning
9. There are a greater number of better quality jobs, work experience opportunities and good quality careers advice for all
10. All children and young people have their basic rights met
11. Children and young people express their views, feel heard and are actively involved in decisions that shape their lives
12. Places and spaces where children and young people spend time and play are free of litter and dog fouling

5.6 This policy is particularly affected by wish 2 – “Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play” and wish 3 – “There are places and spaces to play and things to do, in all areas and open to all”.

5.7 In response to this new initiative, the council has taken special consideration of the location of sex establishments and the number that is considered suitable for Leeds.

Other policies

5.8 The council (through its Licensing Committee) may, from time to time receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 7 it may have regard to them when making licensing decisions.

5.9 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Section 6 Cultural activities in Leeds

- 6.1 Leeds City Council (in common with other local authorities) is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of the city and district.
- 6.2 Leeds has a long established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.
- 6.3 Leeds Town Hall is the dedicated public concert hall/performance area in Leeds and the Carriageworks Theatre is dedicated to amateur performance and public use for Leeds.
- 6.4 Millennium Square in the city centre is used for public events and entertainment such as the Christmas market and 'Icecube' (a temporary ice rink).
- 6.5 Leeds Art Gallery has been described as 'probably the best collection of twentieth century British art outside London' (John Russell Taylor, The Times). Leeds Art Gallery is a newly re-furnished creative and lively gallery in the heart of Leeds on The Headrow in Leeds' Cultural Quarter. Offering displays of Leeds' stunning collections as well as a dynamic programme of changing exhibition, Leeds Art Gallery is an innovative and exciting place to visit for people of all ages and tastes.
- 6.6 Leeds City Museum is located in one of Leeds' much loved civic buildings - the Leeds Institute building on Millennium Square. The Leeds Institute is one of the City's most important historic buildings and was completed in 1862 by Cuthbert Brodrick, who also built Leeds Town Hall and the Corn Exchange. The Institute was built to provide education for the City's industrial workers and as a venue for lectures and large scale events. Work began in autumn 2005 on an ambitious project to turn it into an exciting new museum in the heart of Leeds. The project was funded by the Heritage Lottery Fund, Leeds City Council and Yorkshire Forward and has transformed the Grade II-listed Civic Institute building into a state-of-the-art museum.
- 6.7 The Carriageworks theatre is a thriving theatre at the heart of Leeds' Millennium Square. It showcases the best national and regional performance with a dynamic programme of theatre, dance, comedy and film. At the same time it provides support to young and emerging theatre makers, offering them a key platform to develop work. The venue gives opportunities for members of the local community to take part in a variety of high quality arts activities, and is home to the Leeds Civic Arts Guild. This is an umbrella group of performing societies enabling local people to experience making theatre in a fully functioning professional venue.

- 6.8 Abbey House is located just three miles out of the city centre on the main A65 road to Kirkstall. Located in accessible yet tranquil surroundings, Abbey House Museum is just a short distance from Kirkstall Abbey and its surrounding park. Abbey House opened to the public as a museum in 1927. During the 1950s Victorian street scenes were added. In 1995, the centenary of the reopening of Kirkstall Abbey by the city, it was decided to raise the money needed to redisplay and improve facilities for visitors. The Heritage Lottery Fund, Leeds City Council and the Friends of Leeds Museums made this work possible and work was completed in 2001.
- 6.9 The parks at Roundhay, Woodhouse Moor, Potternewton and Middleton are in use for community organised gatherings fairs and carnivals and Temple Newsam Park is the venue for council promoted public events attracting upwards of fifty thousand people.
- 6.10 The Leeds Arena brings live entertainment to life in a way never experienced in the UK before and can host over 140 events a year, such as pop and rock concerts, boxing, wrestling, darts, dance ice shows, comedy shows, basketball and family entertainment. The 13,500 capacity Leeds Arena is the United Kingdom's first purpose built 'fan-shape' arena and has an iconic external design that can change appearance through an ever changing kaleidoscope of coloured lights.
- 6.11 Spread across a tapestry of arcades that traverse three of the busiest shopping streets in Leeds (Briggate, Albion and Commercial Street), and covering one million square feet over three levels, Trinity Leeds is a retail beacon. It gives shoppers 120 sensational shops, stores, restaurants and cafes to explore at their leisure. The mix of restaurant, café and leisure destinations in Trinity Leeds seamlessly joins day with night, ushering into the city a new era of world-class entertainment and culture.
- 6.12 Eastgate Quarters will deliver over one million square foot of new high quality retail led development transforming this brownfield site. The scheme will create a new focus for the North East of the City Centre joining up Kirkgate Market, Vicar Lane and the Grand Arcade. The creation of new, well-proportioned retail space at Eastgate Quarters will ensure Leeds is lifted in the retail rankings, reaffirming its position as the premier retail destination in the region. In addition to the urban renewal of the city, Eastgate makes a positive contribution to its economic prosperity with the creation of in the region 4,000 permanent retail and leisure jobs supported by pre-employment and skills training programmes.

Section 7 General principles

- 7.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

Mandatory grounds for refusal

- 7.2 Applications for sex establishments can be refused on the following mandatory grounds:

- if the applicant is under 18,
- if the applicant has a disqualification following the revocation of their licence,
- if the applicant is non-resident in the UK,
- company not incorporated in the UK,
- or a previous refusal of the applicant at the same premises in the previous 12 months.

- 7.3 These matters are considered by the licensing subcommittee on determination of the licence. The subcommittee will be advised of any pertinent information gathered either by officers of the council or by officers of West Yorkshire Police whilst processing the application.

Discretionary grounds for refusal

- 7.4 There are also a number of discretionary grounds. These are:

- if the applicant is unsuitable,
- if the business would be managed by or for the benefit of a third party who would be refused licence in their own right,
- that the number of sex establishments in the locality or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,
- is inappropriate having regard to:
 - Character of relevant locality
 - Use of premises in vicinity
 - Layout, character, condition or location of the premises.

Suitability of applicant

- 7.5 In consideration whether the applicant is suitable to hold a licence, the council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions.

- has no unspent conviction of a nature that deem him/her unsuitable.

Suitability of manager or beneficiary

7.6 The council will require the applicant to identify the proposed manager or beneficiary of the business. In considering the suitability of these persons the council will apply the principles at 7.5.

Appropriate numbers and localities

7.7 The council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority consider is appropriate for that locality. The council has considered each and every part of the city of Leeds in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.

7.8 In deciding when and if so what policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.

7.9 The Council has taken account of its own corporate strategies and priorities as represented by its Vision for Leeds 2011 to 2030, Leeds Unitary Development Plan, Violence Against Women Strategy and Child Friendly. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse city. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural and child friendly reputation of the city.

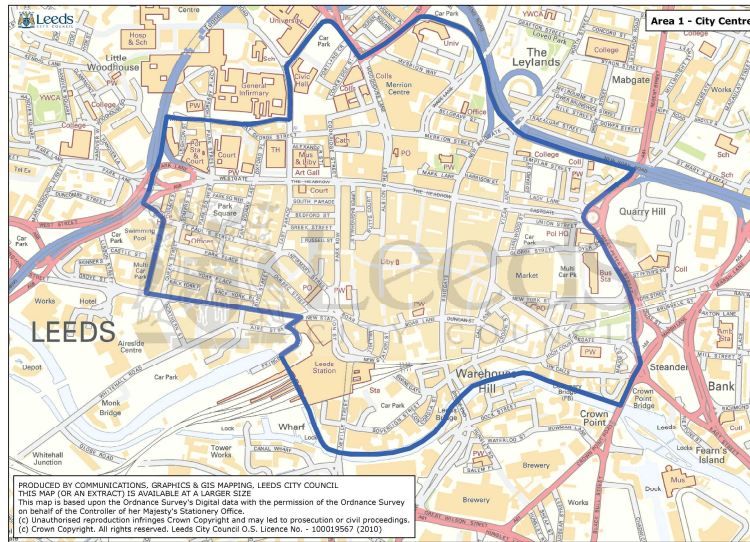
7.10 The council has had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality of Leeds will not advance equality of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for dancers. However is also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Yorkshire or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.

7.11 The consultation with the Citizen's Panel revealed that a majority of residents in Leeds consider that SEVs are inappropriate in the vicinity to premises with particular sensitive uses. The following uses all scored highly:

- Schools and other areas of education
- Play areas/parks
- Youth facilities
- Residential areas
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration

- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings

- 7.12 The council agrees that these uses are sensitive and that SEVs are generally not appropriate near them.
- 7.13 The consultation with the Citizen’s Panel indicated that in particular rural, residential and deprived areas were particularly unacceptable as localities for SEVs to be located in. When considering each of the council wards the council has considered if it could be considered a rural, residential or a deprived area. Even areas outside of the city that would be considered a built up area are also largely residential. The council has considered each and every ward and has determined all areas outside of the city centre to be unacceptable localities for SEVs to be located due to their proximity to rural, residential or deprived areas.
- 7.14 The same results indicated that 32% agreed and 50% disagreed that the city centre would not be an acceptable locality to locate a lap dancing club in. In addition 42% of respondents agreed and 36% of respondents disagreed that it would not be acceptable to locate a SEV in busy late night economy area. 39% of respondents agreed and 41% of respondents disagreed that it would not be acceptable to locate a SEV in a built up area such as a town centre.
- 7.15 The Citizens Panel also looked at areas within the city centre that would not be acceptable to locate a SEV. 10 of the 11 areas designated in the survey received a response that indicated that it is more unacceptable than acceptable to locate a SEV on or near to them. The only area in the city centre that was inconclusive was the Call Lane, The Calls, Assembly Street area. This area is designated as a violent crime hotspot by West Yorkshire Police and is included in the council cumulative impact policy under the Licensing Act 2003.
- 7.16 Therefore, it is the council’s policy that there is no locality outside of the city centre in which it would be appropriate to license a sexual entertainment venue. Accordingly the appropriate number of SEVs for outside of the city centre is nil.
- 7.17 Taking into consideration all the matters mentioned in this section the appropriate number of SEVs in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations.
- 7.18 The extent of the city centre is indicated on the following map:



7.19 The council has not determined a limit on numbers or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis but applicants can be guided by the criteria mentioned at 7.4 to 7.6.

Human Rights

7.20 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

The Provision of Services Regulations

7.21 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- **non-discriminatory** in regard to nationality,
- **necessary** for reasons of public policy, public security, public health or the protection of the environment and
- **proportionate** with regard to the objective pursued by the legislation.

7.22 The council will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

7.23 The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including ant-social and other behaviour adversely affecting the local environment);
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

7.24 The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable can to prevent them.

Equality Act 2010

7.25 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- Advance equality or opportunity between persons who share relevant protected characteristic and person who do not share it;
- Foster good relation between persons who share a relevant protected characteristic and persons who do not share it.

7.26 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.27 The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.

7.28 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

Planning

7.29 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

7.30 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.

7.31 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that

any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.

- 7.32 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Staff Training

- 7.33 The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Local Government (Miscellaneous Provisions) Act 1982 and the conditions of the licence. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act.
- 7.34 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, and so on.
- 7.35 Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request by an authorised officer or the police.

Advertising

- 7.36 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by council. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact Entertainment Licensing for further information on how to submit changes to advertising material and external appearance.

Fining

- 7.37 The council is aware that in SEVs in Leeds it is the usual practice of some businesses to fine dancers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly in all the cases of fining that have been noted in premises in Leeds the (predominantly male) management fine female dancers, but not bar staff or door staff. The management of premises should seek alternative methods for dealing with misdemeanours perpetrated by dancers, who in the main are self-employed and peripatetic.
- 7.38 Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

Exemptions

7.39 Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

7.40 This exemption does not apply to sex shops or sex cinemas.

Section 8 Application Procedure

The application process

- 8.1 Applications must be made to the council in the form prescribed in Annex 2. Guidance is available to applicants setting out the detail of the process.
- 8.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:
- Application form
 - Criminal Records Bureau check
 - Personal interview either in person, at hearing, by phone or in writing
 - Accreditation
- 8.3 In the first instance, the application will be sent to West Yorkshire Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic CRB checks, or attend an interview, to support their application.
- 8.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance of the standard conditions.
 - has no unspent conviction of a nature that deem him/her unsuitable.
- 8.5 Applications for sexual entertainment venue sex establishment licence will also show they have:
- a clear employees welfare policy
 - a clear code of conduct for employees
 - a clear code of conduct for customers
 - a clear policy on pricing, and
 - protects the interests of his customers
- 8.6 The council will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to the council that the interest of the public is protected.

Third Party Beneficiaries

- 8.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 8.8 Enquiries may be made via the application form, checks with Companies House, West Yorkshire Police, British Transport Police, personal interview or applicants may be asked to provide business records.

Fees

- 8.9 The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

Notices

- 8.10 The applicant must advertise the application in three ways:
- Advertisement in a local newspaper within 7 days of the application
 - Advertisement at the premises by way of a site notice for 21 consecutive days
 - Notice of the application to be sent to the Chief Officer of Police for West Yorkshire within 7 days of the application.
- 8.11 Proof that the applicant has advertised the application will be required.

Objections

- 8.12 Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and can be on any matter. However the appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.
- 8.13 Guidance on making an objection can be found on the council's website.
- 8.14 The council will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application. However objectors will remain anonymous and efforts will be made to sanitise the contents of the objections so the objector's identity remains anonymous.
- 8.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.

Hearings

- 8.16 The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to a licensing sub committee of 3 councillors or, in appropriate cases to officers of the council.
- 8.17 All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee.
- 8.18 It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five days before the hearing as laid down in Local Government Act 1972.
- 8.19 This notice will provide the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.
- 8.20 The hearing will take place in public except where the public interest requires otherwise.
- 8.21 All parties will be given an equal amount of time to present their case.
- 8.22 Councillors will have regard to the Leeds City Council Code of Conduct for Members and guidance issued by the Standards Board for England. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Where ever possible, members will not hear applications from within their own ward to avoid any appearance of bias.
- 8.23 A licensing subcommittee may refer an application to another subcommittee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 8.24 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

Reasons for decisions

- 8.25 In determining licence applications under the Local Government (Miscellaneous Provisions) Act 1982 the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 8.26 Every decision to refuse a licence made by the Licensing Committee, subcommittee or officers will be accompanied by clear reasons for the decision.

- 8.27 Every effort will be made to provide a decision verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow mature consideration of the respective case and a time for the reasoned condition will be drawn up and all parties notified.

Conditions

- 8.28 The council will impose standard conditions on all licences. However if deemed necessary, the council may change, alter or replace the standard conditions with conditions that are relevant to the application. Please see appendix 1 for the standard conditions.
- 8.29 Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 8.30 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:
- “In cases where conditions on a premises licence or club premises certificate are inconsistent with and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”
- 8.31 Therefore if there are any conditions on the sex establishment licence which conflict with a condition on the Licensing Act, the more onerous will apply.

Right of Appeal

- 8.32 Only the applicant has the right to appeal the council’s decision to the Magistrate’s Court and only on limited grounds. There is no right of appeal for objectors or statutory authorities. Applicants and interested parties are referred to the Local Government (Miscellaneous Provisions) Act 1982, para 27 for further details.

Period of licence

- 8.33 A sex establishment licence will remain in force for a fixed period that shall be no more than one year unless brought to an end early by the licence being surrendered or revoked.

Renewal, Transfer

- 8.34 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council’s website.

Variation

- 8.35 At any time, a holder of a licence can apply to vary the terms, conditions or restrictions of a licence. There are some matters, required under the standard conditions, for which the premises licence holder is required to notify the council. These matters may include:

- Minor internal structural changes (moving of existing fixed furniture, etc.)
- Change in personnel
- Amendment of the approved advertising material
- Change of name of premises

8.36 However as there is no requirement to advertise a variation, licence holders should contact Entertainment Licensing before making their application to discuss if a new application is more suitable. In general any variation which affects the matters mentioned in Section 2 will require a new application.

Revocation

- 8.37 Should information be received by the council that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, the council may revoke the sex establishment licence.
- 8.38 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Committee and be heard by them.
- 8.39 The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 8.40 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

Waiver

- 8.41 Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.
- 8.42 The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.
- 8.43 The application for a waiver uses the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There will be no requirement to advertise the application. There is a fee. Further information can be found on the council's website, or by contacting Entertainment Licensing.
- 8.44 The decision to waive the need for a licence will be taken at the next available licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 8.45 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

Section 9 Enforcement

9. Enforcement principles

- 9.1 The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 9.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **consistent:** rules and standards must be joined up and implemented fairly;
 - **transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 9.5 The main enforcement and compliance role for the council in terms of the Local Government (Miscellaneous Provisions) Act 1982 as amended will be to ensure compliance with the conditions placed upon the licence.
- 9.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 9.7 The council's enforcement, compliance protocols and written agreements are available on www.leeds.gov.uk.

Appendix 1 Standard Conditions

These conditions may be dispensed with, added to or modified by the council. Where, in these conditions, there is a reference to the consent of the council being required, the consent may include terms, conditions and restrictions as appropriate.

Sexual Entertainment Venues

General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The licensee will provide (subject to the satisfaction of both the police and the licensing authority), a code of practice for dancers and code of conduct for customers, and these must be made available upon request to both the police and authorised officers.
5. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
6. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
7. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.
8. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of the licence

9. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

Hours of opening

10. The premises will only be open to the public during the following hours:

| | | | |
|-----------|----------------|----------|----------------|
| Monday | 22:00 to 04:00 | Friday | 22:00 to 05:00 |
| Tuesday | 22:00 to 04:00 | Saturday | 22:00 to 05:00 |
| Wednesday | 22:00 to 04:00 | Sunday | 22:00 to 04:00 |
| Thursday | 22:00 to 04:00 | | |

Conduct on the premises

11. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.
12. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
13. There must be no physical contact between dancers.
14. There must be no physical contact between the dancer and the customer at any time.
15. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
16. Sex toys must not be used and penetration of the genital area by any means must not take place.
17. Customers will not be permitted to throw money at the dancers.

External appearance

18. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

19. The external appearance of the premises must be approved by the council in writing.
20. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
21. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

22. Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.

Advertising

23. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
24. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
25. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee will have a flyer distribution policy to be approved by the Council.

Layout of premises

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

28. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
29. The licensee will ensure that any person nominated by him/her under the above:
- a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
30. Where the licensee is a body corporate, or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

31. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
32. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee’s control of the premises.
33. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
34. No persons under the age of 18 will be admitted to the premises.
35. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
36. The licence holder will not employ any person under the age of 18 in any capacity.

Safety and security

37. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding within WCs and changing rooms). The CCTV system will cover the main entrances and exits and designated emergency egress routes from the premises. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority.
38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates. The CCTV system will contain the correct time and date stamp information. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days’ continuous footage which will be of good quality. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

39. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of an authorised officer or an officer of West Yorkshire Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
40. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of West Yorkshire Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.
41. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

Staff welfare

42. Dancers will be aged 18 years or over.
43. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
 - a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UK

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.
44. All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:
 - a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
 - b) Details of any other conditions applied by management of the premises
 - c) Details of how to report crime to the relevant authority
 - d) Details of the premises public liability insurance
 - e) Information on how dancers can obtain personal liability insurance
 - f) Details of unions, trade organisations or other bodies that represent the interests of dancers
 - g) A copy of the code of conduct for dancers
 - h) A copy of the code of conduct for customers
 - i) Price lists for drinks and sexual entertainment
45. The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.

46. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description .
47. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
48. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
49. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
50. A smoking area for staff must be provided which is separate from the area where customers smoke. Customers and staff must not be allowed to interact while using these smoking areas.
51. Dancers must be covered up at all times with knee length robes whilst using the smoking areas.
52. The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
53. The practice of fining is prohibited.
54. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.

Vessels, stalls and vehicles

55. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses, rickshaws, bicycles and novelty vehicles will not be used to transport customers to and from the premises.

Variation of conditions

56. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
57. The licensee may apply to the council to vary any of the terms of the licence.
58. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

Sex Shops

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

Hours of opening

5. The premises will only be open to the public during the following hours:

| | |
|-----------|----------|
| Monday | Friday |
| Tuesday | Saturday |
| Wednesday | Sunday |
| Thursday | |

Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.
Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy approved by the council.

Layout of premises

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

16. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.

17. The licensee holder will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

Video recordings

26. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
27. Items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

28. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

Variation of conditions

29. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
30. The licensee may apply to the council to vary any of the terms of the licence.
31. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

Sex Cinemas

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

Hours of opening

5. The premises will only be open to the public during the following hours:

| | |
|-----------|----------|
| Monday | Friday |
| Tuesday | Saturday |
| Wednesday | Sunday |
| Thursday | |

Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.
Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy to be approved by the council.

Layout of premises

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

16. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue (“the manager”), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.

17. The licensee holder will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

Vessels, stalls and vehicles

26. Vehicles must not be used for personal solicitation, touting or advertising and only licensed hackney carriage and private hire vehicles may be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

Variation of conditions

27. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
28. The licensee may apply to the council to vary any of the terms of the licence.

29. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

Appendix 2 Contact details

**Leeds City Council
Entertainment Licensing**

Civic Hall
Leeds LS1 1UR

T: 0113 247 4095
F: 0113 224 3885
Entertainment.licensing@leeds.gov.uk

Application form, plan, fee, policies, notices
and declaration

West Yorkshire Police

Robert Patterson
Leeds District Licensing Officer
Millgarth Police Station
Leeds LS2 7HX

T: 0113 241 4023
bob.patterson@westyorkshire.pnn.police.uk

Application form, plan, policies, notices and
declaration

Responses to Public Consultation

Sex Establishment Policy



The council received 135 responses via the post, email and the online form. The responses are reproduced below, and unless the respondent specifically gave their permission for their name to be disclosed, the responses have been anonymised.

| | | |
|---|----|-----|
| In support of the draft policy (positive and positive but would go further) | 87 | 64% |
| Not in support of the policy (negative) | 43 | 32% |
| Unclear | 5 | 4% |

The majority of respondents supported the current policy and a small number would have gone further, i.e. nil policy. A third of respondents did not support a change in the policy and did not want the numbers of sex establishments to be restricted.

A small number of respondents expressed the view that the policy had been written under the direction of Rachel Reeves MP and/or Cllr Charlwood.

A number of responses utilised a standard letter template which is reproduced below. Any response which reference 'standard response' also includes this text.

Standard Letter Response

I understand that public consultation is underway up to 26th April 2013 about the current Leeds City Council sex establishment policy re: lap dancing clubs in Leeds, here is my response:

No Lap Dancing Clubs outside Leeds City Centre

I agree there should be no lap dancing clubs outside the city centre.

Only 4 clubs in Leeds city centre (not in "sensitive locations" or near "sensitive uses")

Although I would like to see a no lap dancing clubs in the city centre, I would accept a limit of 4. These should not be in "sensitive locations" or near "sensitive uses".

Sensitive uses and locations

Sensitive uses and locations include places used by families, such as theatres, cinemas, museums, places of worship, parks or near where people live.

Child Friendly Leeds

It is Leeds City Council's aim to make Leeds city centre welcoming for children and young people. This is part of the Child Friendly Leeds policy. Therefore lap dancing clubs should not be sited anywhere where children and young people regularly go.

Advertising:

Advertisements and flyers for lap dancing clubs should not be sexually explicit showing pictures or silhouettes of naked women or similar images.

Lap dancing club staff should not direct potential customers to transport connected with the premises.

001

18th March 2013 11:48

by email

Positive but would go further

I'd like to contribute to your current and ongoing consultation on the above. I am a regular visitor to Leeds for work, and have walked past many of your existing SEE venues in the afternoons and evenings.

I would urge you to determine that the right number of SEE licensed premises for Leeds is zero. For the following reasons.

1. The atmosphere created by these venues is dangerous for all women and girls in the area. Thanks to the smoking ban groups of drunk leering men gather outside these venues and street harassment is standard. I have been directly affected.
2. If women outside the venues are treated abusively, how do we imagine women inside are treated? Current these venues exploit a loophole in the law - the "dancers" are required to be self-employed contractors (despite the fact that they are then required to wear clothing and adhere to rules set by the venues). Any normal employees would be able to sue over sexual harassment. The job basically is sexual harassment.
3. The presence of these venues creates inequality in the work environment. As a woman I am not invited out socialising with my client and colleagues because they wish to visit these venues. As a result I miss networking opportunities and have been passed over for assignments and promotions I wanted and was qualified for.

I might add that I am not against nudity or sexiness. I'm not a religious person, I'm just motivated by a desire for human rights, equality and safety. All decisions made by councils are required to be assessed for their impact on gender equality. I would like to be sent a copy of the gender equality impact report for this decision once it has been made.

002

18th March 2013 12:16

by email

Negative

With reference to the consultation on SEVs in the Leeds area.

Firstly whilst I understand the child friendly stance I am wondering how many children are out when the clubs do business? So long as the signage is restrained I see no issues for children.

The mention of sensitive locations makes no sense on the same grounds as children. Schools and churches are not open when the clubs are open.

The correct number is best decided by market forces. If there are too many clubs they will close natural. The council imposing a limit seems moralistic.

The campaign by a MP and a Councillor are being run on moral grounds and I would point out that the government guidelines are against using moral views on SEVs.

I am concerned that the setting of a limit will lead to court cases if the existing clubs are closed to meet a limit. The attempted closure of a club in Leicester failed and a club in Oxford is still trading while the case goes to court. I can see tax payer money being spent in large amounts and going by cases so far being wasted.

All in all the change in policy seems an attempt to placate a bunch of moral campaigners (who I have not named but are well known) who will again try to redefine the limits in the future if they get their way.

As far as I am concerned the existing process should remain as is and this waste of time and resources stopped as soon as possible.

003 **18th March 2013 14:12** **by email** **Positive**

West Yorkshire Fire and Rescue Service

Thank you for this consultation and the opportunity to comment. I would like to submit the following return on behalf of the West Yorkshire Fire and Rescue Service and confirm that our response can be included in your consultation report.

The remit of our considerations and response is limited to public safety issues only. This Authority will support the Council in promoting the licensing objectives by targeting known high-risk premises following government guidance around better regulation.

The proposed policy and standard conditions are considered appropriate. We are pleased to see included in the policy that no alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. We appreciate that this condition will not require notice to be given in respect of routine maintenance works.

We are pleased to hear that the Council intends to impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as the West Yorkshire Fire and Rescue Service.

As with more licensing legislation, representations by this authority are very rare due to the Regulatory Reform (Fire Safety) Order, in particular article 43 – ‘Suspension of terms and conditions of licences dealing with same matters as this Order’. We do however appreciate the consultation process which provides us with an opportunity to review our records and risk-ratings for both legislative and operational purposes.

Should you require any further information, please do not hesitate to contact me.

004 **18th March 2013 15:06** **by email** **Negative**

I’ve tried to respond to your SEV consultation but although it says open on 18th March (i.e. today) I can’t open it.

I want to register that this is Leeds not Islamabad and so there should be no limit on the number of lap dancing clubs. Clubs should lose their licences if they create crime, excessive noise, employ underage staff etc. but not be limited on the whim of somebody as congenitally useless as Rachel Reeves.

005 **18th March 2013 17:43** **by email** **Positive but with comments**

With reference to the consultation starting today I have a few points to make.

Firstly Section 5, I am mainly concerned with the reference to violence against women. There has been no research that has shown casual links between striptease and violence. Of the Lilith report is quoted but this has been disproven as fatally flawed. People may also refer to the Holsopple report, this report was based on American venues 25 years ago and has no bearing on the UK today. Recently two senior police officials made claims that were in fact baseless as reported by the BBC. I certainly hope on these grounds no one is making claims or associations about violence and a linkage to the clubs.

Section 6 refers to cultural Leeds, many men who come to Leeds for the culture enjoy visiting striptease and we would not want people may be taking business elsewhere.

I was happy to see the referral to human rights in Section 7, in particular article and Article 1 of the first protocol. This seems to protect all existing licences which would make a mockery of claiming to set a limit of 4.

Overall I feel that the policy look okay, however any reference to children, schools or churches need not be made as the policy clearly states that any advertising signage should not be turned on before 10pm and therefore the risks that some people may claim are mitigated.

Many thanks.

6115048 **19th March 2013 12:10** **online** **Negative**

The council is seemingly trying to become the moral guardian for the people of Leeds. It would be better to leave the system as it is rather than change things based on the scaremongering. The citizen panel questionnaire was shaped to encourage a negative effect and does not represent everyone.

6115052 **19th March 2013 12:14** **online** **Negative**

Seems a waste of time to me. If there wasn't demand the clubs would close. I would leave things as they are.

006 **19th March 2013 13:45** **by email** **Positive**

I am writing with regard to your consultation over sex establishments.

Currently I am working in Outer East Leeds and Middleton as part of the Area Support Team.

By profession I am a town centre manager supporting appropriate development of the retail, commercial and social aspects of neighbourhood centres. (Town, villages and parades).

Sex establishments should be kept in a few limited locations and four in the city centre seems and appropriate number. They should not be allowed in any towns or villages outside the city centre.

6115090 **19th March 2013 14:14** **online** **Negative**

I find the proposal to cut the number of SEV licences from 7 to 4 absurd! The grounds on which this proposal is based are suspect (and may even fall foul of the Police & Crime Act 2009, which prohibits moral objections to SEV licences being considered); the proposed number seems totally arbitrary; and how does the City Council propose to choose WHICH particular venues will be closed? Considering that Leeds City Council approved all 7 licences last June (with some very minor restrictions imposed), how is it that there is suddenly 'public concern' about at least some of them so shortly afterwards? It strikes me that the venues in question are probably being targeted by a co-ordinated campaign to close them by prohibitionist activists, which strikes me as very anti-democratic. I notice too that Rachel Reeves MP has repeatedly been outspoken on this issue: has she brought any pressure to bear on the council? What's also notable is the number and character of 'raised concerns' from the City Council's Citizen Panel. How were the 1,800 members of this panel selected? The level of support given to closing at least 3 venues in the city contrasts with the findings of a recent report from the University of Kent, which suggests that fewer than 10% of the general public objects to SE Venues altogether, and that those with the strongest objections are drawn from very specific demographics; is the Citizen Panel genuinely representative of a cross-section of Leeds residents, or are they people who were already active in local politics in some capacity? Finally, the financial aspect: can Leeds City Council afford to lose the revenue from 3 SEV licence renewals, and in the case of judicial reviews by the licensees, is it prepared to justify the defence costs to the local electorate?

6115096 **19th March 2013 13:54** **online** **Negative**

Utter drivel, there is no particular problem with lap dancing clubs in Leeds

6115113 **19th March 2013 14:48** **online** **Negative**

So Reeves and Charlwood want to impose their views on people and the council suddenly become moral guardians? Leave the clubs alone and drop the stupid policy. What kid/school/church is active at 10pm when the signage can light up? Drop the policy.

6115213 **19th March 2013 19:12** **online** **Negative**

I find the whole business of government controlling legal businesses disappointing. Regulation is fine within reason but a business that operates in the night time economy will not affect businesses and organisations that operate during the day. Therefore I find the whole aspect on managing SEVs heavy handed and unnecessary.

6115288 **20th March 2013 09:30** **online** **Negative**

DO NOT LIKE IT

6115327 **20th March 2013 10:57** **online** **Negative**

There should not be a reduction in club numbers

6115328 **20th March 2013 10:58** **online** **Negative**

Seven clubs is about right.

6115329 **20th March 2013 10:59** **online** **Negative**

All 7 clubs should keep their licences.

6115340 **20th March 2013 11:12** **online** **Negative**

There should not be any reduction in the number of clubs. Camden Council's own evidence shows no increase in crime around such clubs.

APPENDIX E PARTNERSHIP INFORMATION UNIT RESPONSE TO PHASE ONE SEX ESTABLISHMENTS
POLICY CONSULTATION DATED 4 JULY 2011

Protective Marking NOT PROTECTIVELY MARKED

Suitable for Publication Scheme N

FOIA Exemption Y

Title and Version Summary: Crime around lap dancing clubs in Camden Borough

Purpose See Below

Relevant to Community Safety

Author Sarah Czarnomski Creating Branch, Code and Operational Command Unit/Directorate

Partnership Information Unit

Date Created July 2011

This report is a summary of a 'restricted' report examining crime near nine lap dancing clubs in Camden Borough. The report was requested by Community Safety as part of a response to the Licensing Departments consultation on 'sex establishments' (referred to in this report as 'lap dancing clubs') in Camden. Three years worth of data (1 June 2008 - 31 May 2011) was collated of all reported crime within 40 metres, and 10 metres of each club. The clubs are listed below:

City Burlesque

Parkers

Red Rooms

Secrets, Eversholt Street

Secrets, Finchley Road

Secrets, Gray's Inn Road

Secrets, Parker Street

Spearmint Rhino

The Griffin

The report attempts to determine whether crime around these venues is in any way excessive, or exceptionally different from what would be expected of any other night-time economy venue in Camden. 10 metre buffer zone The results showed an overall low level of offences with no obvious seasonality. Of all crime types other theft was considerably higher than other type of crime. Most offences occurred in the early hours of Friday, Saturday, and Sunday. There is not an exceptional amount of crime around these venues at the 10 metre buffer level. The type of crime

that is apparent mirrors what would be expected in any other night-time economy venue. 40 metre buffer zone

6115481 **20th March 2013 16:19** **online** **Negative**

Leeds City Centre appeals to business customers in the evening because of clubs like the 7 SEVs. By attacking the number of clubs you may force the best ones out. If the market cannot support 7 then closure will occur naturally. It does not need the council to set policies like setting a number beyond which the market cannot grow. I would also point out that a child friendly city would not expect to have children roaming the streets when the clubs are open, the whole protect the kiddies is a bunch of BS to get moralistic attitudes in place to control the night time economy. Waste of effort once again.

6115596 **21st March 2013 09:19** **online** **Negative**

We have 7 clubs, are we really going to challenge 3 of them and end up in court or is this just a paper exercise? Seems to me either a waste of time or a waste of money. Drop the policy.

6115620 **21st March 2013 10:11** **online** **Negative**

Utter rubbish. There is no link between strip clubs and violence against women, lap dance clubs create a fraction of the noise/drugs/crime/violence problems of conventional nightclubs, they mainly open late at night so the child friendly stuff is nonsense, if church goers don't like looking at closed strip clubs then tough. There should be no limit to the number of clubs, the market will see that there are not too many.

007 **21st March 2013 15:31** **by email** **Positive**

Network Rail

Thank you for consulting Network Rail on the above consultation (dated 15th March 2013)

Network Rail requests that the definition of locations that are deemed to be sensitive include railway stations. Stations, particularly those such as Leeds Station which is one of the 17 major stations directly managed by Network Rail, are important focal points for passengers and communities alike. Not only are they significant arrival and destinations points for the millions of passengers using the railway either on a daily or infrequent basis but through the facilities provided within the stations as sensitive locations within the policy this will enable strict controls to be in place in the immediate vicinity thereby improving their setting and appearance of these major public transport interchanges.

If you require any further information or clarification please do not hesitate to contact me.

6115799 **21st March 2013 17:33** **online** **Negative**

The policy makes no sense. We don't need a limit set on SEVs so get rid of the policy.

6115842 **21st March 2013 20:29** **online** **Positive**

I think the proposed changes are fantastic but only go so far. I would prefer it if there were no more lapdancing clubs in Leeds whatsoever but I am aware this is unlikely to happen any time soon. I think they should be removed from the city centre and moved to non-residential areas such as industrial estates. This would mean children & young people would be much less likely to see and normalise them.

6115845 **21st March 2013 20:47** **online** **Negative**

There is no problem with the current system. No changes should be made.

6115846 **21st March 2013 20:52** **online** **Negative**

The policy as of September 2011 is more than adequate and no further change is required. Why is the council wasting their time and our money on this while community buildings are being closed and services cut?

6115905 **22nd March 2013 06:33** **online** **Positive**

I think it's great that no new clubs will be allowed to open and I'm very happy that they can only be in the city centre. I still think that 4 clubs is a very high number to have in such a small area. It's certainly a step in the right direction and as a women I will feel much safer knowing there are less of them around, I try to avoid walking near them late at night on my way home because I've suffered cat calling in the past and I felt extremely unsafe. Sadly we're living in a time where rape culture is huge and these establishments aren't helping to stop men seeing us as objects for their use.

6115962 **22nd March 2013 08:54** **online** **Negative**

When will councils stop trying to put moral guardianship into their remit? Drop the limitation on venues or we will get a nil policy by stealth.

008 **22nd March 2013 13:11** **by email** **Positive**

Standard response.

Personal Statement:

I am proud to live in Leeds in so many ways – it has changed so much for the better in the last 20 years and it projects an ambitious but welcoming profile to the outside world. But the burgeoning lap dancing clubs in the city have left me feeling ashamed of the place. I don't want visitors to see them and I don't to have to explain to my children what they are and why they exist. Is this what a modern ambitious city wants to say about itself? It makes Leeds feel seedy and old fashioned and suggests to people growing up here that this is the kind of relationships between men and women that we publicly condone.

Please reduce their number and limit their spread.

6116328 **22nd March 2013 17:07** **online** **Negative**

I am not in favour of setting limits to SEVs. The council should judge all license requests on a case by case basis without a limit.

009 **22nd March 2013 17:47** **by email** **Positive**

Standard response.

010 **22nd March 2013 20:49** **by email** **Positive**

Standard response.

Personal Statement:

I have a son and a daughter and I would like them to be able to grow up in a world that does not portray women as sexual objects. Every time we pass an advertisement or shop front for these kinds of places I worry about the kind of message they are receiving about women. I would be very glad to see Leeds City Council taking these steps to protect children from these suggestive ideas and images.

6116400 **23rd March 2013 08:40** **online** **Negative**

There should not be a numerical limit on clubs or shops.

6116401 **23rd March 2013 08:41** **online** **Negative**

Reducing club numbers is unnecessary

6116465 **23rd March 2013 17:27** **online** **Negative**

I think the policy is stupid, futile and a waste of time. Having seen comments on the web about the child friendly concept have to agree what kids are going to be running round the city centre at 10pm? The whole concept is a mockery.

011 **24th March 2013 15:28** **by email** **Positive**

Standard response.

6116555 **24th March 2013 17:35** **online** **Negative**

Total waste, things seem fine as is.

6116708 **25th March 2013 09:34** **online** **Negative**

The public did not want a nil policy and now the council wants to try to limit the clubs. At what point was it decided to ignore what the public wants? Reeves and Charlwood have a lot to answer for.

012 **25th March 2013 11:26** **by email** **Positive**

Standard response.

Personal Statement:

I agree and support the above and wish to congratulate Leeds City Council for taking this stand. I hope that over time we can work together to make Leeds a no lap dancing club city.

013 **25th March 2013 14:36** **by email** **Positive**

Standard response.

Personal Statement

I strongly support Leeds commitment to becoming a Child Friendly City, recognising the positive effect on everyone's quality of life and to ensure our children & young people use their full potential to make Leeds a really successful city of the future. In a Child Friendly City families will feel able to go to make full use of all the wonderful opportunities that Leeds has to offer without fear of being faced with images that cause offence or embarrassment. We really couldn't claim to be a Child Friendly City if there are clearly 'no go' areas for many families.

014 **25th March 2013 14:49** **by email** **Positive**

Standard response.

Personal Statement

I think the fact that these cars travel throughout Leeds city centre and are seen outside busy areas which young people frequent is a direct failing of the Child Friendly Leeds policy.

015 **25th March 2013 16:37** **by email** **Positive**

University of Leeds

Standard response.

Personal Statement

Although these businesses clearly bring revenue to the city, decisions regarding their licensing must be informed by the knowledge that some citizens find them deeply offensive. The presence of clubs which sexually objectify women as products for consumption in mainstream city-centre areas presents a poor image of Leeds which undermines its potential to be the inclusive, progressive and thriving city it transpires to be.

6117021 **25th March 2013 17:49** **online** **Negative**

The policy seems strange and counterproductive. Having read blogs about this I have to say the council should leave things alone.

016 **25th March 2013 20:15** **by email** **Positive**

Standard response.

6117083 **26th March 2013 01:22** **online** **Positive**

A move towards the reduction of the number of establishments is the key element of the proposals; creating a city centre that represents the lifestyle and entertainment choices of ALL as well as a safer centre for women who are faced with altered approaches and interactions with punters leaving such venues to what they should be able to expect. Considering the surrounding venues and their natures before granting licences is also a great suggestion- being sensitive of context and not allowing Suberb intervention helps to minimise the normalisation of such entertainment to people in a wider co text who may not be old enough to engage in them/ understand them. 'Relevant placement' shows sensitivity toward an awareness of the divided stance on the very existence of such establishments

6117092 **26th March 2013 08:21** **online** **Positive**

I agree with the proposed restrictions and think that 4 is the maximum number that should be allowed and they should be only in the city centre.

6117107 **26th March 2013 09:05** **online** **Negative**

Having already stated that we do not want a nil policy for Leeds I now read the blogs about the pedantic and childish attempts to limits the numbers. MPs and councillors are behaving like spoilt children wanting their own way. The new framework should be thrown in the bin.

6117145 **26th March 2013 10:04** **online** **Positive**

i think sex establishments shouldn't be in the inner areas of Leeds but kept to the city centre

6117233 **26th March 2013 12:17** **online** **Negative**

I think the people of leeds have spoken once before and we are not going to let the council play games. I am strongly against the new statement.

017 **26th March 2013 14:46** **by email** **Positive**

Standard response.

Personal Statement

Although I would prefer there to be no lap dancing clubs at all, or any opportunities for the exploitation of women I support the above statements.

6117425 **26th March 2013 17:12** **online** **Positive**

I would prefer that there were no lap dancing clubs at all, but if there are to be some then they should certainly only be located in the City Centre. City centre locations of such clubs should be away from "sensitive locations", ie not near facilities used by children and young people, major transport interchanges, churches or other faith places, mainstream theatres or cinemas, civic facilities. If Leeds is to become a child-friendly city then lap-dancing establishments have no place in our city. Children should not be exposed to places that promote the commodification of sex. Similarly advertising materials especially posters and flyers should not contain provocative or sexually explicit images or text. In fact I would prefer that they are not given licences to promote their establishments by means of flyers or other such materials. I really feel that lap dancing establishments have no place in our city. I find them offensive, they contribute to the objectification of women, and the commodification of sex. If we do have to put up with them then please take an approach which minimises their impact on other activities and, in particular, keep them away from places where children, young people and families go.

6117459 **26th March 2013 18:43** **online** **Negative**

The policy seems flawed given the previous consultation. Ask the public a question and when you don't like the answer disregard it. Scrap the policy.

6117533 **27th March 2013 07:13** **online** **Negative**

The clubs are fine they should be left alone. Certainly don't need further micro management.

018 **27th March 2013 10:41** **by email** **Positive**

Standard response

Personal Statement

I think it does nothing for the reputation of Leeds as a city that it has to have lap dancing clubs as part of the night time economy. Perhaps the stag parties who frequent such places bring income to Leeds, but the behaviour of such groups makes Leeds at night an unpleasant place for many of its citizens. I feel ashamed that Leeds City Council is forced to allow such enterprises which encourage the sexual exploitation of young often vulnerable women. One of my daughters former class mates is a performer at one of these clubs. She is a young woman who was abused by her father. Evidence shows that women who perform in such clubs have a higher rate of mental illness than the normal population.

019 **27th March 2013 16:09** **by email** **Positive**

Standard response

Personal Statement

I am of the opinion that lap dancing clubs promote 'sex-object' culture. The growth of lap dancing clubs has fed into the mainstreaming of the sex and porn industries and the ever increasing sexual objectification of women and girls. Lap dancing clubs are also linked to wider systems of prostitution: as well as the structural conditions in lap dancing clubs which pressure many performers into offering extra sexual services, research further shows that, even if clubs do enforce a no touching rule, and even if there is no sexual contact between dancers and customers, the presence of strip clubs in a locality increases demand for nearby prostitution services. In addition to this lap dancing clubs create 'no-go' zones for women in the local vicinity and there is definitely a link between the expansion of lap dancing clubs and increased levels of sexual harassment for women in the vicinity. Lap dancing clubs also normalise the representation of women as sexual objects who are always sexually available. They make sexual harassment seem normal, as what takes place within the four walls of a lap dancing club would be considered harassment in any other context.

6118070 **27th March 2013 17:02** **online** **Positive**

I very much support the reduction in lapdancing club licenses and the prohibition of opening up one outside of the city centre. They should also be placed in less visible and discrete places.

020 **27th March 2013 19:01** **by email** **Positive**

Standard response

6118523 **28th March 2013 07:39** **online** **Negative**

I don't get why the council are continually whinging on about the clubs, just leave them alone. Get rid of the policy

6118535 **28th March 2013 08:16** **online** **Unclear**

i don't know

6118774 **28th March 2013 14:49** **online** **Positive**

I don't think there should be any lap dancing clubs licensed in the city. They promote a negative and abusive image of women, debase the men that attend them, and send unhealthy messages to children about relationships and sex. If we are really aiming towards a city for all ages, these establishments are incompatible with that ambition.

6118850 **28th March 2013 17:16** **online** **Positive**

I support restrictions on these establishments. Recent evidence of serious levels of sexual abuse, violence against women and the increasing sexualisation of young girls, including youth 'sex-texting' concerns me. I support the restriction of establishments which reinforce these attitudes towards women- in men and in women themselves.

6118905 **28th March 2013 19:44** **online** **Unclear**

not aware of the policy. hate strip clubs etc

6118919 **28th March 2013 20:20** **online** **Positive**

I do not agree that there should be any lap dancing clubs in the or out of the city centre. My view is that all sites are sensitive as all women will be further put at risk from 'pumped up' men. Violence against women and girls, and sexual violence is at last being recognised as a social issue. Why would the council want to legitimise places that further objectify women?

6119025 **29th March 2013 10:02** **online** **Negative**

The policy seems to be an attempt to ignore democracy! The public didn't want to close any venues and it is sad that people put their own views forward even if others do not want the policy. Please stop this policy.

6119041 **29th March 2013 11:26** **online** **Positive**

I fully support any attempt to restrict/ preferably remove altogether sexually exploitative venues,/ events in Leeds. Why they should be restricted to four I don t understand..... would we allow four venues in Leeds which advocated and encouraged hate against Jews? So why do we allow four venues which perpetuate and encourage contempt, hatred and violence against women.?

021 **29th March 2013 13:09** **by email** **Positive**

Standard response

Personal Statement

I am a woman who has worked in Leeds for the last 25 years and lived in Leeds for the last 12 years. I have done extensive voluntary work to support women who experience violence from men they know and women and girls who have experienced sexual violence. I also taught young women in Leeds for over 20 years. Women have the right to be in all parts of the city, and no woman or girl is safe or comfortable in the vicinity of a sexual entertainment venue.

The Council's consultation documents, and the many objections you have received from me and other Leeds residents, state clearly the dangers lap dancing clubs pose for women and children. Having any lap dancing clubs in any part of Leeds completely contradicts and undermines Leeds City Council's aims for the city to be child friendly., the Equality Act 2010 and the Violence Against Women Strategy. Given this, I cannot see why a limit of zero should not be set for lap dancing clubs in the city centre as well as in the wider Leeds area.

6119207 **30th March 2013 16:40** **online** **Negative**

It is biased against the clubs, their customers and performer.

6119212 **30th March 2013 17:36** **online** **Negative**

Need the policy to be discounted or people will lose their jobs. In this economy we should be trying to create not destroy jobs.

6119222 **30th March 2013 18:37** **online** **Positive**

There should be no lap-dancing clubs anywhere in the city of Leeds because they involve the sexual exploitation of women.

6119268 **31st March 2013 11:07** **online** **Positive**

As a mature woman resident of Leeds I wish to express my support of the proposed policy of reducing, and limiting the location of, sex entertainment venues in the city. My preference would be a ban, but I understand this may not be realistic. I use the city centre in the evening regularly (the cinema, meals out etc) and I am sure the presence of sex entertainment venues makes the environment less comfortable, and even less safe, for women. This must apply to younger women in particular, and I absolutely endorse the involvement of the "Child Friendly City" initiative in commenting on and influencing the views of the Licensing Authorities.

6119412 **2nd April 2013 08:44** **online** **Negative**

The stance on SEVs was and is fine, nothing needs to change so don't introduce the new statement.

6119419 **2nd April 2013 10:24** **online** **Positive**

Should be a maximum of 2 city centre only and not on main high streets

022 **2nd April 2013 21:22** **by email** **Positive**

Clr K Maqsood

I would like to see a restriction on the number of venues in the city and also that sensitivity is shown in the location of these venues especially around family/children friendly areas.

023 **4th April 2013 13:24** **by email** **Positive**

Standard response

024 **4th April 2013 13:36** **by email** **Positive**

Standard response

Personal Statement

I am pleased to strongly support this progressive policy change. Licensed premises in general are a big issue in my area because of the number of people attracted into the area for binge drinking, and problems this causes for Headingley residents. But lap dancing is also a wider issue with the way it objectifies women, which is damaging to women, men and children as well.

025 **4th April 2013 15:39** **by email** **Positive**

Standard response

6119894 **4th April 2013 17:02** **online** **Positive**

I think that Leeds currently has too many sexual entertainment venues. The city centre is only small I could name 5 or 6 strip clubs off the top of my head. This is not the image we need the city to have. When I first moved here 10 years ago, Leeds was the nightlife capital of the North, these days it seems more like the sleaze capital. There are so many silhouettes of naked women and as a woman walking down the streets in these areas is sometimes threatening (at night) and mostly uncomfortable (during the day).

026 **4th April 2013 17:23** **by email** **Positive**

Dear Entertainment Licensing

I understand you are currently consulting public about the Leeds City Council sex establishment policy as it relates to lap dancing clubs in Leeds.

I agree with the proposal that there should be no lap dancing clubs outside the city centre.

Although I would like to see no lap dancing clubs in the city centre, I would accept a limit of 4. I agree that these certainly should not be in "sensitive locations" or near "sensitive uses", which include places used by families, such as theatres, cinemas, museums, places of worship, parks or near where people live.

I support the aim of Leeds City Council to make Leeds city centre welcoming for children and young people as part of the Child Friendly Leeds policy. In accord with that, lap dancing clubs should not be sited anywhere where children and young people go regularly.

Advertisements and flyers for lap dancing clubs should not be sexually explicit. They certainly should not show pictures or silhouettes of naked women or similar images. Moreover, lap dancing club staff should not direct potential customers to transport connected with the premises.

027 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

I have been a resident of Leeds for ten years, and in that time have never noticed lap dancing clubs until the past few years. Despite growing older, I seem to be receiving more harassment, particularly in areas around strip clubs. I believe there needs to be stricter controls in place, and fully support a limit on these establishments – if any at all. As a secondary school teacher, I am particularly concerned about the persistence of sexist attitudes amongst young people and believe venues like this perpetuate such attitudes.

028 **4th April 2013** **by post** **Positive**

Standard response

029 **4th April 2013** **by post** **Positive**

Standard response

030 **4th April 2013** **by post** **Positive**

Standard response

031 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

As an equality and diversity officer, and a person who believes in gender equality I support the above proposed changes to Leeds City Council sex establishment policy and all efforts to end sexual objectification of women in Leeds and beyond.

032 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

I used to work in a bar on a road with two lapdancing clubs on it and when I got groped the men would say it was because they weren't allowed to touch the strippers. Guess bar workers on minimum wage are fair game for assault in Leeds!

033 **4th April 2013** **by post** **Positive**

Standard response

034 **4th April 2013** **by post** **Positive**

Standard response

035 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

This should not be the norm, and it is becoming so.

036 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

Outright sexism has to go.

037 **4th April 2013** **by post** **Positive**

Standard response

(Make my name public) Catriona Palin

038 **4th April 2013** **by post** **Positive**

Standard response

039 **4th April 2013** **by post** **Positive**

Standard response

040 **4th April 2013** **by post** **Positive**

Standard response

041 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

Lap dancing clubs are degrading and seedy, and have a negative effect on the area around the club regardless of choices made inside. Both myself and several of my friends have been harassed outside these clubs which normalise sexual harassment in a way which filters out into the street and consequentially the world at large. If they are to remain at all their numbers should be regulated in such a way that they must be sought out by those who wish to utilise them, not allowed to promote in an invasive and obvious manner so as to be visible to children and the vulnerable.

042 **4th April 2013** **by post** **Positive**

Standard response

Personal Statement

In my opinion Leeds should be completely free of lap dancing venues.

043 **4th April 2013** **by post** **Positive**

Standard response

6120031 **5th April 2013 18:09** **online** **Positive but would go further**

I think it is a good proposal. It could go a bit further and have fewer than four establishments, but this is a good step

6120085 **6th April 2013 12:27** **online** **Negative**

This has to be the most stupid, lazy, crawling idea that anyone could have come up with. Some people should not be allowed to be Councillors or MPs if they ignore what people want to get their own way. Yes I mean Charlwood and Reeves and even if they has stopped with their conspiracies on twitter we know that is who is behind this stupid attempt and ignoring what the people want.

044 **6th April 2013 18:56** **by email** **Positive**

Standard response

045 **6th April 2013 19:13** **by email** **Positive**

Standard response

Personal Statement

I believe that women who undertake to be lap dancers feel that they have no other way of earning enough money to achieve their ambitions. I also believe that they have come to perceive such a profession as honourable and in doing so are not letting themselves be abused. Their position in the feminist debate recognises that there is an argument which goes 'women are free to decide what they want to do with their own bodies, indeed that it is empowering'. However what I see is that these clubs are run by men who do not respect women, and that these men are engaged in activities allied to the porn industry, which entitles men to abuse, drug, beat and rape them.

046 **8th April 2013 13:00** **by email** **Positive**

Bradford Women's Aid

Standard response

Personal Statement

Bradford Women's Aid is an organisation supporting women who have experienced domestic abuse. We believe that the existence of lap dancing clubs perpetuates the abuse of women.

6120616 **9th April 2013 13:46** **online** **Positive**

I welcome the proposed reduction in number of lap dancing clubs in the city centre to 4 and agree that there should be no such establishments outside the city centre. Ideally, there would be no demand for clubs like this and no habit of corporate entertainment that excludes and marginalises businesswomen while encouraging reductive views of women. I also urge the Council to ensure that the exploitative practices whereby dancers pay the clubs to dance rather than receive a wage for their work are controlled and that the policies of the club are such that the women and girls are protected from pressure and molestation. I do recognise the right of women to make autonomous choices and the skill of many of the dancers, but workplace protection and freedom from exploitation and harm are even more important in the sexual service industry and areas of casual rather than contracted employment.

047 **9th April 2013** **by post** **Positive**

Standard response

Personal Statement

Lap dancing clubs are another form promoting the degradation of women. I would greatly appreciate anything you can do to limit lap dancing clubs, including monitoring for other activities that may be illegal.

6120869 **11th April 2013 08:46** **online** **Positive**

I welcome the proposal to reduce the number of "lap dancing clubs" to 4 in the city centre and none outside. I personally would prefer there to be no lap dancing clubs anywhere in Leeds as I think they foster the wrong attitude in men towards women.

6121005 **11th April 2013 18:57** **online** **Positive**

Don't know enough about it to comment, other to affirm what you state.

6121007 **11th April 2013 19:11** **online** **Positive**

A reasonable compromise .

6121103 **12th April 2013 13:05** **online** **Negative**

The council seems to want to annoy and anger people who have already expressed their opinion. This is wrong and the policy should be scrapped.

6121129 **12th April 2013 14:41** **online** **Positive but would go further**

I would prefer to see no Sex Establishments in the city at all, as I feel that they make women feel threatened and uncomfortable, i.e. knowing that this is seen as an acceptable thing that men can entertain themselves with and the kind of messages that sends out to men about women and their sexuality.

6121136 **12th April 2013 15:12** **online** **Positive but would go further**

I do not understand why it is acceptable to have any establishments of this nature

6121137 **12th April 2013 15:19** **online** **Positive but would go further**

Firstly I am pleased that LCC wants to reduce the amount of sex entertainment clubs in Leeds and keep them to the city centre where I guess they can be more monitored. However I can't see why it is necessary to have any of these clubs around. They degrade women, they demean women, they oppress women and they offend women. Leeds City Council has a commitment to Equal Opps and also has a zero tolerance policy to any forms of harassment, bullying or abuse. I would advise you to look into police statistics around consequences of violent crime to women in close proximity to these clubs. You will find studies where it has been proved that acts of violence and aggressions towards women goes up by as much as 60%. This is intolerable.

6121139 **12th April 2013 15:42** **online** **Positive but would go further**

If we have to have sex establishments at all then we should have as few as possible and in discreet areas away from children and anyone who may be offended

048 **12th April 2013** **by post** **Positive**

Standard response

Personal Statement

I believe these clubs are degrading to women and are a magnet for trafficked and vulnerable women from other countries. If Leeds has to have these clubs then I sincerely hope they are heavily regulated and supervised.

049

14th April 2013 12:57

by email

Positive

Standard response

Personal Statement

As a clinician working for the Child and Adolescent Mental Health Service in Leeds, I and my colleagues see increasingly more children, particularly teenage girls, who are affected by issues related directly and indirectly to sexual exploitation. While 'entertainment' such as lap dancing continues, showing females as sexual objects, this can only serve to increase the problems for young people. Let Leeds City Council be brave enough to show that you take the Child Friendly Leeds aim seriously!

050

17th April 2013

by post

Positive

Standard response

Personal Statement

In addition, I would like to add that Lap dancing clubs promote the sexual objectification of women and normalise the harassment and exploitation of women. At such establishments, men can pay women to strip for them on demand. This promotes the idea of women as always sexually available for men. This leads to more harassment of women by those men outside the clubs and to a view of women in society in general as being available for men.

Leeds City Council Equalities Policy states, "as a public authority we have legal responsibilities to address inequalities by eliminating discrimination". This undermines all efforts at working towards equality of women and men. How can men attend such clubs and respect women? The licensing of those clubs endorses this objectification of women and hence works against women's equality.

Lap dancing clubs are part of the sex industry and as such are linked with wider systems of prostitution. They are part of a continuum of commercial sexual exploitation of women and girls.

They encourage the idea that it is ok for a man to buy a woman and we know that prostitution increases where such clubs flourish. In most cities across the UK, local NGO's working with women involved in prostitution report that they are now supporting women in street prostitution who were first exploited in lap dancing clubs. This is partly because women are not paid to perform but have to pay a fee, which can only be recouped by soliciting tips.

Leeds City Council Commission's services to assist women to exit prostitution. It should also be doing all it can to reduce the numbers forced to enter. So reducing the numbers and making venues less public is a start.

051 **17th April 2013** **by post** **Positive**

I agree that there should be no lap dancing clubs in Leeds.

It is not possible to compromise on this issue. Lap dancing clubs wherever they are violate basic human rights to decency and exploit the women involved.

If lap dancing clubs are seen as sensitive to families and to children and young people then there is no place for them.

Why make allowances for men to gratify some kind of sexual de-humanising activity? Where does it stop?

I urge you to vote against lap dancing clubs in Leeds and to lead the way for other cities to follow.

052 **17th April 2013** **by post** **Positive but would go further**

I agree there should be no lap dancing clubs outside the city centre.

Why should there be lap dancing clubs anywhere considering the sexual exploitation and degradation of the women involved?

How do you justify licensing such abuse of women?

I look forward to your reply.

053 **17th April 2013** **by post** **Positive**

Standard response

Personal Statement

We are also concerned about Winston's on Dewsbury Road, Beeston requesting a licence to sell alcohol. We are concerned about the safety of women who work there as alcohol drinking can lead to reduced inhibitions from the clients. It is also very near to local residents houses.

6122196 **18th April 2013 15:11** **online** **Unclear**

ok

6122382 **19th April 2013 11:07** **online** **Unclear**

Have no views either way really

6122825 **21st April 2013 12:22** **online** **Negative**

I think it is wrong to try and introduce a policy when the public has already shown they don't want to close strip venues. Grandstanding by politicians is just out of order.

054 **21st April 2013 17:49** **by email** **Positive**

Justice for Women

Standard response

Personal Statement

Lap Dancing clubs normalise the sexual harassment of women. There men can pay women to strip for them on demand. This promotes the idea of women as always sexually available for men. This leads to more harassment of women by those men outside the clubs. And to a view of women in society in general as being available for men.

Leeds City Council Equalities Policy states “as a public authority we have legal responsibilities to address inequalities by eliminating discrimination”. Lap dancing clubs promote the sexual objectification of women and the concept of women as being there purely for men’s use. This undermines all efforts at working towards the equality of women and men. How can men attend such clubs and respect women? The licensing of those clubs endorses this objectification of women and hence works against women’s equality.

Lap dancing clubs are part of the sex industry and as such are linked with wider systems of prostitution. They are part of a continuum of commercial sexual exploitation. They encourage the idea that it is ok for a man to buy a woman. Prostitution increases where such clubs flourish. In Leeds Genesis are now finding women in street prostitution who were first exploited in lap dance clubs. This is partly because women are not paid to perform but have to pay a fee which can only be recouped by soliciting tips.

Leeds City Council commissions services to assist women to exit prostitution. It should also be doing all it can to reduce the numbers forced to enter. So reducing the numbers and making the venues less public is a good start.

6123075 **22nd April 2013 16:32** **online** **Neutral**

I can't see where you have shown me the relevant policy in this consultation? Where is it?

055 **23rd April 2013 08:52** **by email** **Positive**

Standard response

056 **24th April 2013** **by post** **Positive**

Standard response

Personal Statement

I also object to the club “Winston’s” on Dewsbury Road being given a licence to sell alcohol until 6am. This can only lead to drunken behaviour in the area, which is residential.

057 **24th April 2013** **by post** **Positive**

Standard response

058 **24th April 2013** **by post** **Positive**

Standard response

059 **24th April 2013** **by post** **Positive**

Standard response

060 **24th April 2013** **by post** **Positive**

Standard response

Personal Statement

I feel it is totally unacceptable to have these clubs in areas where people/children live. It is unacceptable to have these clubs at all in my opinion but if we must sink to this depravity not in residential areas.

6123463 **24th April 2013 17:13** **online** **Negative**

Waste of time, the council should stop worrying about applying councillors and MPs morals to everyone else and let us get on.

061 **25th April 2013 14:44** **by email** **Positive**

Leeds Domestic Violence Strategic Group

Standard response

Personal Statement

Lap dancing clubs have a negative impact on the way women are viewed by society in that they normalise the representation of women as being sexually available. This can undermine efforts at working towards the equality of women and men.,

The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, the Chair of Rape Crisis, Nicole Westmarland, reported that lap dancing clubs 'both support and are consequence of sexual violence in society'. This view is reiterated by the Director of the White Ribbon Campaign, an organisation which works with men to end violence against women: 'Any expansion of lap dancing clubs feeds an increase in the lack of respect for women'.

The Leeds Domestic Violence Strategic Group is concerned that the presence of lap dancing clubs in the city is counterproductive to the delivery of domestic violence work and in particular, work to address sexual violence against women and children. Lap dancing clubs are part of the sex industry and as such are linked with wider systems of prostitution. They are part of a continuum of commercial sexual exploitation. Leeds City Council commissions services to assist women to exit prostitution. Reducing the numbers of sex establishments and sexual objectification.

Yours sincerely,
Bridget Emery
Chair of Leeds Domestic Violence Strategic Group

062 **25th April 2013 20:27** **by email** **Positive**

Standard response

Personal Statement

It is up for debate whether these kind of sexually objectifying institutions are intrinsically negative and damaging in themselves. However, what is VERY clear is that these institutions contain and exploit women far more than men, and until this kind of equality and imbalance doesn't exist in this industry I feel strongly that then presence of these places promote sexist ideologies.

063 **25th April 2013 20:35** **by email** **Positive**

Leeds Object

We understand that public consultation is underway up to 26th April 2013 about the current Leeds City Council sex establishment policy re: lap dancing clubs in Leeds, here is our response:

We submit this response along with 2 appendices:

Appendix A: Object Leeds and WYHollaback Street Harassment Survey summary

Appendix B: Object Lap Dancing Fact Sheet

No Lap Dancing Clubs outside Leeds City Centre and Only 4 clubs in Leeds city centre (not in "sensitive locations" or near "sensitive uses")

We agree there should be no lap dancing clubs outside the city centre and although we would like to see a no lap dancing clubs in the city centre, we would accept a limit of 4. These should not be in "sensitive locations" or near "sensitive uses".

We are aware of other authorities who are also using current legislation to reduce the number of clubs in specific areas, including:

- North Tyneside Council has resolved to limit the number of sexual entertainment venue licences within the Whitley Bay area to nil².
- Bedford Council's new policy states that "there is no locality in the Borough that is considered appropriate for a Sexual Entertainment Venue."³

² http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=521816&p_subjectCategory

³ <http://www.bedfordshire-news.co.uk/News/Council-approves-sex-venue-ban-in-Bedford-20130405101253.htm>

- The London Boroughs of Hackney and Haringey are proposing a nil policy. In the view of Hackney council SEV clubs: *“...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities.”*⁴

This statement from Hackney is confirmed by both the Citizen’s panel results which showed that 69% responded saying that lap dancing clubs are not acceptable in deprived areas and research from the Local Government Association which identifies that 72% of council officers think that clustering of lap dancing clubs is damaging the local economy⁵.

The current economic landscape is also having a negative and dangerous impact on dancers in Leeds; *“club owners prefer women who are better at “hustling” for private dances rather than performing, a study suggests. Owners have compensated for falling profits in the economic downturn by demanding more money from their performers, according to researchers Dr Teela Sanders and Dr Kate Hardy from the University of Leeds.”* and that, *“club owners had also increased the fees women pay to have the opportunity to dance, in order to remain buoyant.”*⁶

The link between Crime and Lap Dancing Clubs

The respondents to the Citizen’s Panel identified The Calls as the only area they felt would be an acceptable location for lap Dancing Clubs in the city centre, this is extremely concerning considering this area is already identified by West Yorkshire Police as a violent crime hotspot and that there is a link, highlighted by police, between lap dancing clubs and sexual assaults⁷.

Police forces and Police and Crime commissioners around the country are recognizing the link between crime and lap dancing clubs:

- Nottingham’s Deputy Police and Crime Commissioner believes Lap-dancing clubs should be banned in Nottingham⁸.
- Consett police are urging the closure of a lap dancing club, claiming staff operated a drugs ring dealing cocaine to customers⁹.
Cheltenham police have linked lap dancing clubs with criminal activity, including people trafficking¹⁰.
- A lap dancing club was linked to crime in Glasgow¹¹.

Lap dancing clubs are more and more seen to be a gateway into prostitution, which Genesis in Leeds is also aware of. Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual

⁴ Hackney Draft Sex Establishment Licensing Policy, 2010

⁵ LGA (2012) **LGA survey - Strip clubs and bookies are hitting economic growth** London: LGA [available online at http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10161/3592279/NEWS-TEMPLATE]

⁶ <http://unsourced.org/art/1865>

⁷ <http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html>

⁸ <http://www.thisisnottingham.co.uk/ban-lap-dancing-clubs-sex-shops-Nottingham/story-18137378-detail/story.html#ixzz2Q4XifoUZ>

⁹ <http://www.chroniclive.co.uk/news/local-news/staff-consett-lap-dance-club-1376422>

¹⁰ <http://www.thisisgloucestershire.co.uk/Warning-shot-nightclubs-Cheltenham-lap-dancing/story-18331940-detail/story.html#axzz2PtkruUGP>

¹¹ <http://www.dailyrecord.co.uk/news/crime/top-lapdancing-club-is-raided-by-proceeds-1276967>

services to survive financially¹², a climate in which, according to an ex-lap dancer: 'No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule.'¹³ Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services¹⁴. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.

Street Harassment and Lap Dancing Clubs

Lap dancing clubs have a negative impact on women's safety in wider society. Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as Chair of Rape Crisis Nicole Westmarland reported that lap dancing clubs *'both support and are a consequence of sexual violence in society'*. This view is reiterated by the Director of the White Ribbon Campaign, an organisation which works with men to end violence against women: *'Any expansion of lap dancing clubs feeds an increase in the lack of respect for women'*¹⁵.

The Royal Town Planning Institute has drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: *'Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable'*¹⁶.

Personal testimony from women who have written to OBJECT, as well as hundreds of responses to council consultations on the issue further reinforce the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity: *'On separate occasions, I have had men say to me "How much for a dance love? I'll give you £20 to get yours out,"... they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different'*¹⁷

In response to research it commissioned into the impact of lap dancing clubs on the city, Glasgow City Council¹⁸ stated: *"Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in 'normalising' sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality."*

¹² Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*, London Metropolitan University, Child and Women Abuse Studies Unit (CWASU)

¹³ 'Elena' quoted in 'I was an Object, not a Person, The Guardian 19.03.08

¹⁴ Coy, M, Horvath, M & Kelly, L (2007) *It's just like going to the supermarket: Men talk about buying sex in East London* London: Child and Woman Abuse Studies Unit

¹⁵ Both quotes are from an OBJECT leaflet 2008

¹⁶ Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

¹⁷ See www.object.org.uk for testimonies

¹⁸ Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing <http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/legtablic2.pdf>

The initial findings from recent research into Sexualisation, nuisance and safety: Sexual Entertainment Venues and managing risk found that “Around one in three of our respondents claimed to feel reasonably or very unsafe walking in the city at night” and were “more likely than any other group to say they would avoid walking past a lap dance club at night. Women were significantly over-represented in this group¹⁹”, showing that the presence of lap dancing clubs has a significant impact on women.

Object Leeds and WY Hollaback survey:

Object Leeds in partnership with WY Hollaback carried out a survey into sexual harassment in the vicinity of lap dancing clubs in Leeds. The survey found that 74% of respondents avoid walking past lap dancing clubs, with 75% feeling the clubs make the city feel unsafe. The survey also gathered experiences of harassment happening in our city, for example:

“I have to walk past red leopard frequently to get to the bus stop i use to get home and there are often several or a group of men who are about to go in or who have just come out of the club and are pretty rowdy and intimidating. They often treat women who walk past the club as though they were still in the club by whistling or leering at us or trying to chat us up. Ive also seen some of the women who work inside go into the club before starting their shift and receive verbal harassment from men on the street who either recognise her from the club or realise that she is one of the performers. I do try and avoid walking past this club now by keeping on the other side of the road but the fact is that my bus stop is right by the club so i can't avoid the groups of people walking to and from the club or the harassment i get from them as a woman. This makes me very angry and feel unsafe if waiting on my own or with another woman as we have nowhere to go to get away apart from walking to a different bus stop, opposite which there is a doggy [sic] pub where i also get harassment from the clientele! I would like to feel safe when travelling home at night alone as this is my right.”

Please see appendix A for a more detailed report on the survey outcomes.

Gender Equality;

With the removal of fining, the element of gender inequality presented by these clubs is referred to: “Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.” We welcome the removal of the unfair practice of fining of dancers, which illustrates the exploitative nature of these clubs but we do not believe the level of gender inequality sits just with this practice, but rather exists with these clubs as a whole and we strongly recommend that you explicitly include ‘the promotion of gender equality’ as a specific objective for Sex Establishment licensing in your licensing policy.

The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments such as lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below:

Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.

¹⁹ <http://www.esrc.ac.uk/my-esrc/grants/ES.J002755.1/read>

The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women²⁰. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conducive context’ for violence against women²¹.

Lap dancing clubs promote ‘sex-object’ culture – the mainstreaming of the sex and porn industries.

The growth of lap dancing clubs has fed into what OBJECT terms ‘sex-object’ culture – the mainstreaming of the sex and porn industries and the ever increasing sexual objectification of women and girls. With lax licensing laws leading to the number of lap dancing clubs doubling over the last five years, and a PR makeover branding lap dancing as glamorous and ‘harmless fun’, we have found ourselves in a situation in which major retailers sell pole dancing kits along with pink frilly garters and paper money in their ‘toys and games section’²², and leisure centres offer pole dancing lessons to girls as young as twelve²³. This has led to 25% of teenage girls seeing being a lap dancer as their *ideal* profession²⁴.

Child Friendly Leeds

It is Leeds City Council’s aim to make Leeds city centre welcoming for children and young people. This is part of the Child Friendly Leeds policy. Therefore lap dancing clubs should not be sited anywhere where children and young people regularly go. The Government’s policy to tackle the sexualisation of children should be considered when approving such clubs – presenting sexuality as a commodity.

Advertising:

Advertisements and flyers for lap dancing clubs should not be sexually explicit showing pictures or silhouettes of naked women or similar images.

Lap dancing club staff should not direct potential customers to transport connected with the premises.

Human Rights Act

We aware that some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence under the right to freedom of expression and the protection of property under the Human Rights Act 1998. However, the Minister of the Crown in charge of the Bill made a written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998. Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.

²⁰ 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

²¹ Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

²² Eden, I. (2007) *Inappropriate Behaviour: Adult Venues and Licensing in London*, London: The Lilith Project, Eaves Housing for Women.

²³ BBC News Online (2006), ‘Children are Taught Pole Dancing’ Tuesday, 12 December 2006, url:

<http://news.bbc.co.uk/1/hi/england/tyne/6173805.stm>

²⁴ http://www.manchestereveningnews.co.uk/news/s/161/161338_naked_ambition_rubs_off_on_teen_girls.html

Political Support

Home Secretary, Theresa May at the Women's Aid Conference 2010:

"It is only when businesses appreciate their responsibility to end the sexualisation of women that some people will stop treating women like objects. And it's only when our communities stand up and say violence against women is unacceptable – that attitudes will really begin to change".

The Conservative Violence Against Women and Girls Strategy for London (2010 – 2013)²⁵:

"The proliferation of lap dancing clubs and brothels may further legitimise violence against women and undermine efforts to prevent it...

We will ensure that the safety issues presented by lap dancing clubs come under local authority and police scrutiny through JEM. The Mayor will work with local authorities to review the implementation of the new licensing regime under the Policing and Crime Act 2009 to ensure that London leads the way in regulating lap dancing clubs as sexual entertainment venues and giving local people the power to object to lap dancing clubs in their area. We will support boroughs in ensuring that the proliferation of lap dancing clubs is controlled. We will also champion any police operations that target lap dancing clubs to investigate any misconduct or criminal activity."

Ed Miliband²⁶:

"We need to think about how our culture treats women more generally. The vital work of organisations such as OBJECT has exposed the ease with which lap dancing clubs have sprung up. In government we took some steps to enforce stricter controls on these establishments, but we were too slow to recognise this problem and act on it. I have already pledged that I want local people to have more power to challenge the licences of these establishments."

Regards,
Leeds Object

Appendix A – Lap dance club survey report

In Spring 2013 Object Leeds and Hollaback Yorkshire undertook a survey to gather people's experiences of lap dancing clubs in Leeds.

OBJECT is an award-winning human rights organisation specifically set up to challenge the sexual objectification of women (<http://www.object.org.uk>). Object Leeds is the local branch of this organisation.

Hollaback! is a movement dedicated to ending street harassment. Street harassment occurs on a daily basis all over the world, and indeed all over West Yorkshire. The term 'Street harassment' is used to describe sexual harassment which takes place in public spaces, and refers to behaviour such as staring, sexualised commenting, shouting, following, touching, grabbing, groping, flashing, assault, and violence. (<http://wy.ihollaback.org/>)

Survey monkey was used to develop a survey which was publicised through social media and local networks. This approach was used in order to most effectively use the very limited resources of both organisations.

²⁵ <http://www.london.gov.uk/sites/default/files/The%20Way%20Forward%20Final%20Strategy.pdf>

²⁶ Ed Miliband's response to the End Violence Against Women Coalition, September 2010, <http://www.endviolenceagainstwomen.org.uk/>

The aim of this survey is to provide important qualitative data demonstrating the types of experiences citizens of Leeds have with lap dancing clubs in the city. Quantitative data is also included for context.

The survey received 68 responses.

- 74% of respondents avoid walking past lap dancing clubs.
- 75% feel lap dancing clubs make the city feel unsafe.
- 80% believe there are too many clubs in Leeds
- 28% experienced harassment outside clubs themselves, and 38% have witnessed harassment.
- There was also a response from a performer who had witnessed and experienced harassment, a non performing worker who had experienced the same, and also a customer who shared this type of experience.
- Types of incidents ranged from groping (31%), assault (13%), verbal (56%) and specifically anti women comments (75%)

Many of the respondents also shared stories of their experiences, some of whom were willing to share this with others via the Hollaback website. These accounts give a flavour of the types of real life impacts that citizens of Leeds are experiencing as a result of the clubs. Many other similar experiences were shared by respondents who wished to remain anonymous.

"I have to walk past red leopard frequently to get to the bus stop i use to get home and there are often several or a group of men who are about to go in or who have just come out of the club and are pretty rowdy and intimidating. They often treat women who walk past the club as though they were still in the club by whistling or leering at us or trying to chat us up. Ive also seen some of the women who work inside go into the club before starting their shift and receive verbal harassment from men on the street who either recognise her from the club or realise that she is one of the performers. I do try and avoid walking past this club now by keeping on the other side of the road but the fact is that my bus stop is right by the club so i can't avoid the groups of people walking to and from the club or the harassment i get from them as a woman. This makes me very angry and feel unsafe if waiting on my own or with another woman as we have nowhere to go to get away apart from walking to a different bus stop, opposite which there is a doggy [sic] pub where i also get harassment from the clientele! I would like to feel safe when travelling home at night alone as this is my right."

"Walking past a city centre lap dancing club with my boyfriend quite late one Saturday night last December. Don't know which one it was unfortunately. Three men stood outside having a cigarette & talking to the bouncer. As we walked past they called out to me and shouted what they thought I would like to participate in. I ignored & walked away, but didn't feel safe."

"A year or so ago whilst waiting at a cash machine to get money out, I remember getting shouted at by a group of drunken, loud men outside a lap dancing club. Alone, obviously I ignored them, but they continued shouting things at me. Eventually they gave up and moved on. Nevertheless it was intimidating and there was nothing I could do. I wanted to argue back but knew there was no point as it would just give fuel to their boozy fire! I'm sure none of them would have dared say it on their own or without the alcohol in them...These places legitimise the objectification of women and make it ok to voice sexist and offensive things to members of the general public - I am not a fan."

A non-performing worker stated that they had experienced and witnessed harassment. They also stated that they had experienced brothel owners waiting outside clubs to try and recruit the performers.

Appendix B

STRIPPING THE ILLUSION

OBJECT

Challenging
Objectification

FACT SHEET ON LAP DANCING: Why strong regulation is needed

FACT ONE: Lap dancing clubs form part of the sex industry, not the leisure industry

Any industry that markets women as sexual objects and which promotes working practices that implicitly encourage men to expect and seek sexual services is part of the sex industry, not the leisure industry. These working practices include a requirement that women pay rent to work and a high performer to customer ratio which leads to intense competition between performers to gain the attention of male customers. It is within this context that women report feeling pressured to

"The fact is that if you break the rules, you make more money. If one dancer starts breaking the rules then the pressure is on others to do the same. Otherwise a bloke would think, Well, that dancer charged me £20 and stayed three feet away, but that one charged me just the same and she put her breasts in my mouth and sat on my crotch. Once you've been there a while, you learn that certain things are profitable, and no contact is the first rule you learn to break. Eventually you start to wonder, what is the difference between me and a prostitute?"

provide extra sexual services in private booths in order to earn a wage.

The fact that lap dancing clubs form part of the sex industry is now also recognised in law. The **Policing and Crime Act 2009** allows local councils to license lap dancing clubs as Sexual Entertainment Venues – venues which provide visual entertainment for the purpose of sexual stimulation. This is crucial in order to regulate the expansion of the sex industry.

FACT TWO: Lap dancing clubs promote 'sex-object' culture – the mainstreaming of the sex and porn industries

The growth of lap dancing clubs has fed into what OBJECT terms 'sex-object' culture – the mainstreaming of the sex and porn industries and the ever increasing sexual objectification of

FACT THREE: Lap dancing clubs are linked to wider systems of prostitution

women and girls. With lax licensing laws leading to the number of lap dancing clubs doubling over the last five years, and a PR makeover branding lap dancing as glamorous and 'harmless fun', we have found ourselves in a situation in which major retailers sell pole dancing kits along with pink frilly garters and paper money in their 'toys and games section'²⁷, and leisure centres offer pole dancing lessons to girls as young as twelve²⁸. This has led to 25% of teenage girls seeing being a lap dancer as their *ideal profession*²⁹.

As well as the structural conditions in lap dancing clubs which pressure many performers into offering extra sexual services, research further shows that, even if clubs do enforce a no touching rule, and even if there is no sexual contact between dancers and customers, **the presence of strip clubs in a locality increases demand for nearby prostitution services**³⁰.

This places lap dancing on a continuum of commercial sexual activity, irrespective of whether the sexual exchange occurs within the club itself.

FACT FOUR: Lap dancing clubs create 'no-go' zones for women in the local vicinity

The **UK Royal Institute of Town Planning** issued a Good Practice Note in December 2007 on the issue of lap dancing clubs and women's sense of safety³¹:

"In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable"

Personal testimony reinforces the idea of a link between the expansion of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:

²⁷ Eden, I. (2007) *Inappropriate Behaviour: Adult Venues and Licensing in London*, London: The Lilith Project, Eaves Housing for Women.

²⁸ BBC News Online (2006), 'Children are Taught Pole Dancing' Tuesday, 12 December 2006, url:

<http://news.bbc.co.uk/1/hi/england/tyne/6173805.stm>

²⁹ http://www.manchestereveningnews.co.uk/news/s/161/161338_naked_ambition_rubs_off_on_teen_girls.html

³⁰ Coy, M, Horvath, M & Kelly, L (2007) *It's just like going to the supermarket: Men talk about buying sex in East London* London: Child and Woman Abuse Studies Unit

³¹ Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

“Once I walked past [a local strip club] at closing time, when a stripper tried to discreetly leave the premises and a group of punters stood outside. On recognising her, they erupted into loud whooping and jeering as she ran across the road to get away. I found this behaviour completely intimidating and totally in keeping with the behaviour of the street sexual harassment that makes women feel uncomfortable on a daily basis... Punters are encouraged to engage the very attitudes and behaviour which are seen as disrespectful and intimidating to women outside strip clubs... It is vital that councils take this into account when considering applications, so that they can take appropriate measures to limit the normalisation, exploitation and legitimisation of sexism, in order that women feel safe and entitled to walk their streets without fear of harassment or abuse”.

Sonia, resident who objected to a lap dancing club in Hackney.

Furthermore, a recent six-month review³² into the licensing of strip clubs in the **London Borough of Tower Hamlets**, which received the highest number of contributions in recent years for a public consultation, stated:

Many people referred to the impact they felt the venues [strip clubs] were having on the character of the borough, with the following excerpts just a few examples: “my family feel uneasy in walking around streets where strip clubs are based, especially female members”; “I have been leered at and felt intimidated when walking past these clubs”.

Links between the expansion of lap dancing clubs and increased levels of sexual harassment and assault led the **Women’s National Commission** to include the need to regulate lap dancing clubs in their **submission to the UN Commission on the Elimination of Discrimination Against Women (CEDAW) 2005**:

“The use of women in degrading entertainment exacerbates violence against women...lap dancing and similar clubs must be regulated to ensure that local crimes against women do not increase”

FACT FIVE: Lap dancing clubs have a negative impact on women’s safety in wider society

Lap dancing clubs normalise the representation of women as sexual objects who are always sexually available. They make sexual harassment seem normal, as what takes place within the four walls of a lap dancing club would be considered harassment in any other context.

The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding **United Nations Convention to Eliminate Discrimination Against Women (CEDAW)**, which has repeatedly called on states – including the British Government - to take action against the objectification of women³³.

³² London Borough of Tower Hamlets (2008) *Licensing of Strip Clubs*:

³³ 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

Similarly the UK-based **End Violence Against Women coalition** has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conductive context’ for violence against women³⁴.

The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence in society was raised by **Glasgow City Council**³⁵ in response to research it commissioned into the impact of lap dancing clubs on the city:

“Images of women and ‘entertainment’ which demean and degrade women portraying them as sexual objects plays a part in ‘normalising’ sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women’s equality.”

FACT SIX: Lap dancing clubs run counter to efforts to promote equality between women and men

The **Gender Equality Duty 2007** requires local councils to assess the gendered impact that lap dancing clubs have on society as a whole.

The lap dancing industry is highly gendered, with men paying women to strip for them in the vast majority of lap dancing clubs - otherwise known as ‘gentlemen’s clubs’. The gendered nature of the industry makes the proliferation of lap dancing clubs relevant to the Gender Equality Duty making gender equality a factor which should be considered during licensing process.

The ever-increasing sexual objectification of women, facilitated by the expansion of lap dancing clubs, runs directly counter to efforts to achieve equality between women and men.

The more it becomes acceptable to view and treat women as sexual objects, the easier it becomes to disrespect women as a group. As stated by Chris Green, Director of the **White Ribbon Campaign**³⁶:

“Any expansion of lap dancing clubs feeds an increase in the lack of respect for women”

Research into male motivations for visiting strip clubs found that men went to strip clubs to meet women who were not ‘feminist’ and who were willing to act in more ‘traditional’ ways³⁷. This is reflected by **testimonies from former lap dancers**³⁸:

³⁴ Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

³⁵ Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing <http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/legtablic2.pdf>

³⁶ The White Ribbon Campaign works with men to end violence against women

³⁷ Frank, K. (2005) ‘Exploring the Motivations and Fantasies of Strip Club Customers in Relation to Legal Regulations’, *Sexual Behavior*, Vol. 34 (5), pp. 487 – 504

³⁸ See OBJECT website for more testimonies

“I learned that the best way to encourage a man to want you to dance for him is to act coy, submissive, innocent and a bit stupid”

Male customers also said that they wanted to ‘let frustration out’ at the ways in which they had been forced to monitor their behaviour towards women in the workplace³⁹:

“With all of this sexual harassment stuff going around these days, men need somewhere to go where they can act like they want”

In this way, lap dancing clubs represent one of the last bastions of male privilege - a place that time forgot in relation to society’s efforts to achieve equality between women and men.

Recent sex discrimination law suits against corporate use of lap dancing clubs, and **top business women in *The Economist*⁴⁰ blaming corporate strip club culture for the lack of female representation at high levels of business** demonstrate the negative impact that lap dancing clubs have on women’s equality in wider society. According to a female business woman in the UK⁴¹:

“Often client after-work meetings became visits to strip clubs and I knew senior guys who had told HR they wanted a new junior team member and that she must be slim, blond and pretty...one guy refused to work with me because he said my breasts were off-putting and management responded by asking me if I had done anything to provoke this”

The *Sexism in the City* campaign spearheaded by the **Fawcett Society**, the UK’s leading campaign for gender equality, further highlights the links between lap dancing and gender inequality as it calls on government and business to take steps to end commercial sexual exploitation, sexual objectification and sexual stereotypes as crucial measures to achieve equality between women and men in the work place⁴².

FACT SEVEN: Regulating the expansion of lap dancing clubs is an issue of equality, not morality

Objections to lap dancing clubs are based on issues of equality, not morality.

The need for policy to be scrutinised in relation to gender equality was recognised by the Government in 2007, with the passing of the **Gender Equality Duty**. The Gender Equality Duty places a legal obligation on public bodies to take out **Gender Equality Impact Assessments** on all policy decisions to ensure that decisions do not have a negative impact on women’s equality. Furthermore, the Gender Equality Duty requires public bodies to **actively promote gender equality and work towards countering gender stereotypes**.

³⁹ Frank, K. (2005) ‘Exploring the Motivations and Fantasies of Strip Club Customers in Relation to Legal Regulations’, *Sexual Behavior*, Vol. 34 (5), pp. 487 – 504

⁴⁰ Jeffreys, S. (2008b) ‘The Sex Industry and Business Practice’, Seminar: School of Business, Ballara University, 21 May 2008

⁴¹ Kate, Former City of London worker, Sexism and the City Manifesto, Fawcett Society 2008

⁴² <http://www.fawcettsociety.org.uk/documents/SATC%20manifesto%20public.pdf>

Lap dancing clubs promote gender stereotypes and attitudes that say it is acceptable to treat women as sexual objects, rather than real people. They are linked to gender discrimination and sexual harassment in the workplace (as demonstrated by recent successes of sexual harassment cases in which use of lap dancing clubs has been recognised as linked to discrimination) as well as the creation of no go areas in the surrounding areas which reduce women’s sense of security and entitlement to public space.

Highlighting these issues is not about morality, or ‘having an issue with sex’, it is about ensuring that local councils abide by their legal requirements to promote equality between women and men.

FACT EIGHT: The Policing and Crime Act 2009 allows councils to set a limit of zero for Sexual Entertainment Venues. This means rejecting all licensing applications for lap dancing clubs.

The **Policing and Crime Act 2009** allows local authorities to regulate lap dancing clubs by setting a limit on how many Sexual Entertainment Venues can be licensed in each ward – and therefore in the borough as a whole. The limit may be set at nil.

It is specifically provided in the *Local Government Miscellaneous Provisions Act (LGMPA) 1982* that nil may be an appropriate limit for the number of sex establishments in a particular locality.

All current lap dancing clubs must apply for a Sexual Entertainment Venue license in order to operate. Licenses last for a duration of one year.

A local authority is under no obligation to renew a license for a currently operating club under the Sexual Entertainment Venue licensing regime. If a local authority sets a ‘nil policy’/ a limit of zero, this will automatically allow the council to reject all licensing applications for Sexual Entertainment Venues. This is an important part of the new licensing regime in relation to lap dancing clubs considering the negative impact that lap dancing clubs have on local communities and in particular on women’s equality and women’s safety (see above).

Indeed, **the introduction of a nil policy is currently being proposed by the London Boroughs of Hackney and Haringey**. In the view of Hackney council⁴³:

“...[Sexual Entertainment Venues] contradict and undermine [the Borough of Hackney’s] stated aims and exacerbate the challenges it faces in bringing about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities.”

⁴³ Hackney Draft Sex Establishment Licensing Policy, 2010

And in Harringey, Councillor Nilgun Canver states⁴⁴:

"This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance."

FACT NINE: Introducing a 'nil' policy/zero limit for Sexual Entertainment Venues and therefore rejecting licensing applications for lap dancing clubs is fully compliant with the Human Rights Act

Some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998. The two rights they threaten to invoke are the *right to freedom of expression* and the *protection of property*.

It is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies (see FACT SEVEN)

Furthermore, the two rights specified above are qualified, they are not absolute.

Philip Kolvin QC, Chairman of the Institute of Licensing, states⁴⁵:

"Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights."

Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the **Minister of the Crown** in charge of the Bill made a **written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.**

Thus **the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.**

Rejecting a lap dancing club licence application – and/or setting a nil policy for lap dancing clubs – is therefore fully compliant with the Human Right Act 1998.

FACT TEN: The current coalition government supports moves to tackle businesses which promote the sexual objectification of women, including lap dancing clubs, as part of their work on violence against women

The current **Home Secretary, Theresa May**, sent a powerful message to councils to take a bold stance against businesses which promote the sexual objectification of women when, in July 2010 at the Women's Aid Conference, she stated:

"It is only when businesses appreciate their responsibility to end the sexualisation of women that some people will stop treating women like objects. And it's only when our communities stand up and say violence against women is unacceptable – that attitudes will really begin to change".

The **Conservative Violence Against Women and Girls Strategy for London** (2010 - 2013) explicitly refers to the links between lap dancing clubs, prostitution, trafficking and other forms of violence against women⁴⁶.

The Conservative Mayor for London, **Boris Johnson**, further states his support for councils to take tough measures against the proliferation of lap dancing clubs:

“The proliferation of lap dancing clubs and brothels may further legitimise violence against women and undermine efforts to prevent it... We will ensure that the safety issues presented by lap dancing clubs come under local authority and police scrutiny through JEM. The Mayor will work with local authorities to review the implementation of the new licensing regime under the Policing and Crime Act 2009 to ensure that London leads the way in regulating lap dancing clubs as sexual entertainment venues and giving local people the power to object to lap dancing clubs in their area. We will support boroughs in ensuring that the proliferation of lap dancing clubs is controlled. We will also champion any police operations that target lap dancing clubs to investigate any misconduct or criminal activity.”

And the Leader of the opposition, **Ed Miliband**, states his support for OBJECT and urges councils to adopt strong measures to tackle the growth of lap dancing clubs as part of tackling the attitudes and behaviours that underpin violence against women⁴⁷:

“We need to think about how our culture treats women more generally. The vital work of organisations such as OBJECT has exposed the ease with which lap dancing clubs have sprung up. In government we took some steps to enforce stricter controls on these establishments, but we were too slow to recognise this problem and act on it. I have already pledged that I want local people to have more power to challenge the licences of these establishments.”

There is cross-party support for tackling the growth of lap dancing clubs.

Councils across the country are adopting the SEV licensing laws and considering setting the limit at zero.

You too can be part of stemming the sexualisation of women and girls by taking a stand against the ‘sex-object’ culture that lap dancing clubs promote.

Take action now and help end commercial sexual exploitation for generations to come.

To find out more email OBJECT at anna@object.org.uk or visit our website at:

[object.org.uk](http://www.object.org.uk)

⁴⁶ <http://www.london.gov.uk/sites/default/files/The%20Way%20Forward%20Final%20Strategy.pdf>

⁴⁷ Ed Miliband’s response to the End Violence Against Women Coalition, September 2010, <http://www.endviolenceagainstwomen.org.uk/>

064

25th April 2013 22:48

by email

Positive

Dear Sir or Madam,

I have strong opinions with regard to the kind of city I think Leeds should be. I personally believe that if we were to create the perfect city, it would contain no lap dancing clubs at all. I think if we in Leeds are serious about really being a Child Friendly City, this is the target for which we should aspire. However, four venues are certainly preferable to seven, so I support a restriction on lap dancing club numbers.

As I have already mentioned, I think we should not have lap dancing clubs anywhere in Leeds but I support the Council's policy that deprived areas of Leeds are particularly unsuitable for such venues. I would also state that within the city centre itself, there are a number of areas that I feel are inappropriate for lap dancing clubs.

In August last year Leeds's Nicola Adams became the first woman in history to win an Olympic boxing gold medal. To honour Nicola's great achievement a post box was painted gold outside Leeds City Art Gallery. I personally feel that it is hugely ironic that across the road from this celebration of feminine achievement, sit the lap dancing clubs, Wildcats and Red Leopard. What kind of message are we delivering to the young women of Leeds? Should women in Leeds be encouraged to achieve greatness or is their place to be degraded for sexual entertainment?

065

25th April 2013 22:56

by email

Positive

Support After Rape & Sexual Violence Leeds (SARSVL)

Response to Consultation on Leeds City Council's Licensing of Sex Establishments Policy

"Every woman in our society feels the fear of rape - no woman is allowed to ignore it.....The threat of violence is a total intrusion into women's personal space and transforms a routine and/or potential pleasurable activity (for example, a walk or journey).....into a potentially upsetting, disturbing and often threatening experience." Rape Crisis England & Wales

SARSVL is the specialist rape and sexual violence organisation in the city. As such we deal with the reality of the sexual objectification of women and increased harassment and attack of them around sex establishments.

Proposed policy change

SARSVL believes that having **any** sexual establishments in Leeds is incompatible with the Council's Child Friendly Leeds policy, the Equality Act 2010 and the Violence Against Women Strategy.

However, we would support a change to the Council's licensing policy to prevent any sex establishments outside the city centre and to restrict the number of such clubs in the city centre to four, provided they are not in sensitive locations or near sensitive uses.

In the current economic climate Leeds should take note of the Local Government Association's identification of 72% of council officers believing that clustering of sex establishments is damaging their local economy.

There is an established link between crime and sex establishments, in relation to sexual offences but also criminal activities such as drugs rings and people trafficking. The economic climate is also putting more pressure on the women working in sex establishments to offer sexual services both on and off the premises, so providing a gateway into prostitution.

Sensitive locations and uses

Sensitive locations would include places where families go, such as cinemas and theatres and places of worship. Sensitive uses would include residential uses and recreational green space.

It is a feature of Leeds City Centre that it is a compact area where people live, work, shop and spend leisure time in close proximity; in fact it prides itself on this feature. For example, much student accommodation is located in the city centre. This increases the vulnerability of women walking around areas where a number of sex establishments are in operation.

Leeds city centre currently has sex establishments in prominent locations, including the Headrow which is a main thoroughfare. These premises and any additions to them advertise Leeds as a city (and a council) that sees the sexual objectification of women as totally acceptable. It also makes the city centre an intimidating, unsafe place for women. It undermines the city's stated aim of being "fair, open and welcoming" (Vision for Leeds 2011-2030).

Leeds is a diverse city with a variety of cultures and faiths, representing around 11% of the city. Women from a range of communities are intimidated by the proximity of these clubs and are less likely or willing to travel around the city at night when confronted by the operation of and advertising for sex establishments.

Research has shown that wherever lap-dance and strip clubs appear, women's quality of life deteriorates as a result, with increased reports of rape. These establishments licence the objectification of women for money. This actively damages women and girls living and working around lap-dancing clubs as well as the women working within them.

Such establishments contribute to the sexual objectification of women and raise concern about the welfare of women working in the clubs, the impact on the environment around the clubs; how women feel about walking around these areas and what happens to them when they do and to the general mainstreaming of the commercial sex industry.

While lap-dancing and the illusion of sexual availability become mainstreamed, rape conviction rates are falling, street harassment and casual attacks are rising and 26% of people believe that an inappropriately dressed woman is 'asking for it' (Amnesty/ICM, 2005). The numbers of reported rapes around lap-dancing clubs is three times the national average (Eden, 2003).

In 2003 Lilith published a small-scale report on lap-dancing in Camden, Westminster and Islington. The report highlighted the extensive impact that lap-dance and striptease clubs had upon women in the local area, in terms of immediate dangers such as a 50% increase in reported rape, but also

in terms of less measurable effects, such as increased harassment and fear of violence. Harassment from men leaving the club or touts outside also increased significantly after the opening of a club. Venues offering adult entertainment involving nudity tend to increase perceptions of crime and potential risk, potentially seriously restricting the rights of women in the area to move about freely in safety. These findings have been borne out by more recent research carried out by Object Leeds and Hollaback Yorkshire in spring 2013.

Where sex establishments exist, women in public areas become unwilling symbols of the illusion of sexual availability and are often the physical recipients of male harassment or rape. In the meantime young boys growing up in the area are taught that this is an acceptable way to treat women, and young women learn that this is the way they will be treated.

Advertising

Advertising for these establishments, including signage and frontages of premises and leaflet distribution in the area, create an intimidating atmosphere and a real threat to the safety of women. No advertising should be allowed for such premises and explicit images displaying what goes on within the clubs should not be allowed. Advertising should not be allowed in public spaces.

Welfare of women working in sex establishments

If licensing is to take place, the welfare of women working within the clubs should be paramount. Licenses should require strict enforcement of protection of women from physical contact with customers. Private dance areas should be visible from the rest of the club and monitored by CCTV. Staff should know how they can complain about behaviour that is unacceptable and be given information on services that can support them, such as SARSVL.

References:

EDEN, I. 2003 The Lilith Report on Lapdancing and Striptease in the Borough of Camden. London: Eaves
EDEN, I. 2007 Inappropriate Behaviour: Adult venues and licensing in London

066 26th April 16:31 by email Negative

Paddy Whur, Woods Whur LLP

I write my response to the public consultation as an experienced Licensing Lawyer and businessman of Leeds for the last 20 years.

My response to the consultation is not supportive of any operator within Leeds but is a direct response to the consultation from myself in the above capacity.

At some time I have represented all of the operators in Leeds of the existing Sex Establishment Licences. I represented the operator at the time of grant for the following licences:-

1. Deep Blue
2. Wildcats

3. Liberte
4. Black Diamond
5. Silks
6. Red Leopard
7. Purple Door

In addition, I represented the operator for the grant of the licence at Bare Elegance, Direktors in York Place and a further licence in the former Planet Earth building attached to the station. All of these applications received a number of representations.

Whilst all of those applications received objection, either under the current legislation or previous legislation none of them have been the subject of regulatory control once the licence has been granted.

All of the premises have operated under the Licensing Act of 1964, plus the Local Government Miscellaneous Provisions Act of 1982, the Licensing Act of 2003 and the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

As an immediate point of note it seems inconceivable and unfair that operators under three sets of legislation, without negative regulatory interaction, now run the risk of having their authorisations taken away from them.

In the run up to the SEV legislation becoming effective Leeds City Council carried out a far reaching public consultation. During this process the operators of all premises licences came together to instruct me to represent them in putting their case forward for the standard conditions. The operators attended meetings, made their premises open for inspection and interacted in a positive way with the Licensing Authority so that a full, fair and comprehensive review could be taken before the legislation become effective.

A week was put aside for contested hearings in all of those applications after which the SEV's were granted, albeit, with much restricted trading hours and additional conditions, for all that applied.

It is my understanding that whilst there has still been a small, but vocal, level of opposition to these businesses continuing, there has been no issue in relation to these premises having a negative impact on the public that move around Leeds City centre in their immediate vicinity.

The opposition to these premises comes from those with a particular objection to their existence. These objections lack objectivity or evidence to suggest that there is a negative impact caused by their existence.

In relation to the applications for Wildcats on The Headrow, Deep Blue and Purple Door, our clients' paid for an extensive piece of market research to be undertaken at which the level of negative impact taken from truly independent people within Leeds was minimal.

I had no hesitation in taking offices in York Place when setting up Woods Whur Solicitors in October 2011. We have operated there since that time and have never has any issues with the two lap dancing bars that as in that street.

It is firmly my view that if Leeds wishes to place a numerical limit on the number of premises that can be given SEV licences in Leeds, then this number should not be reduced from those that have traded successfully with SEV's since they were granted last summer. If there is to be a cap, then it should be set at this level, but there should not be the removal of legitimate and licensed businesses within Leeds purely on a numerical reduction.

I hope that my response to the consultation is of benefit to Leeds City Council in to a fair balanced and proportionate decision before the applications are heard for renewal.

067 **26th April 2013 17:17** **by email** **Positive**

Standard response

Personal Statement

I would rather see no lap dancing clubs at all in Leeds or anywhere in the whole country as I think they are damaging and degrading to women, not just those who work there or who are affected by the presence of clubs in the city centre when they walk past, but to the way all women are viewed and judged. However I do understand that the city council I bound by planning and licensing laws and that it would be difficult to defend such a ban in the courts. Therefore, I suggest the measures detailed above are adopted.

068 **26th April 2013 18:08** **by email** **Negative**

Response Under Consultation Process To Leeds City Council's Draft SEV Licensing Policy For 2013

24/04/2013

To Whom It May Concern,

Fellmore Ltd is the long leasehold tenant and both Premises License holder and SEV License holder for the Jubilee Hotel at 163-167 The Headrow, Leeds LS2 3PH, where the table dancing club "The Red Leopard" is situated. We having also recently renewed the lease on our building to run until 2025.

As an interested party under Leeds City Council's Consultation Process in regard of its draft new SEV Licensing policy for 2013 we would like to put forward the following in respect of this draft policy and the changes embodied within it from Leeds City Council's previous policy on SEV licensing.

Our initial reaction to this draft SEV license policy is that we welcome the tightening up of the SEV licensing regime which it self-evidently embodies, informed as it is by the first year of venues in the city operating under licenses issued within the remit of the new legislation. There are however certain areas of the new policy for 2013 that we would specifically like to comment on.

Location

The new license policy guidelines for 2013 emphasize concerns about the suitability of the location of SEV licensed venues being fully considered by the licensing committee as part of the SEV licensing process.

In respect of the location of The Red Leopard we would like draw the authorities attention to the fact that it has been licensed at this location by Leeds City Council to operate as a table dancing venue for ten years now without its location previously being regarded as morally unsuitable in the public interest for the operation of such a club. The use of the venue as a table dancing club together with its low key signage was agreed with Leeds City Council Planning Department in 2004. This planning use has never varied since or been required to be varied. Indeed, the Jubilee Hotel which the Red Leopard occupies the lower floors of has always been a licensed venue since its first construction in 1904. English Heritage describes this Grade II listed building as Leeds' only remaining gin palace, a reference to the use for which it was first built, "The public house was originally called the Jubilee Hotel and served spirits to the lower middle classes".

It maybe regrettable in hindsight that in years past Leeds City Council permitted premises which were not previously licensed and which have residential accommodation either above or directly adjacent to them, to become licensed for table dancing use, such as those currently occupied by The Purple Door, Liberté, Silks and Black Diamond. Additionally it would also appear that at least in the case of Black Diamond, table dancing use has been licensed without appropriate planning permission being in place. When there is a demonstrable history of a building being used as licensed premises the effects of granting an SEV license for those premises could be more clearly anticipated and understood in the perspective of the historical use of the premises. This would perhaps discourage inappropriate conversions such as former railway arches and ground floor offices to use as SEV licensed venues.

The draft SEV license policy for 2013 indicates from the Council's public consultation with the Citizens Panel that naturally enough the location for the table dancing clubs with the best approval rating from the panel is in the vicinity of 'late night entertainment areas'. In addition to its proximity to a number of public buildings the Red Leopard is also situated 2 minutes walk from the circuit of late night bars on Greek Street and 4 minutes walk from those on Park Row.

The following venues are just some of those falling within the perimeter of the immediate vicinity of The Red Leopard:

- Mr Foleys
- Henry's
- OK Karaoke
- The Living Room
- All – Bar – One
- Slug and Lettuce
- The Bank
- Sports Cafe
- Wetherspoons

Whilst in the opposite direction to the above venues in relation to The Red Leopard are „The Warehouse“ night club and on Park Cross Street „The Garage“ night club, which is only some 50 metres or so away with a license to operate until 8am. We believe this both places The Red Leopard firmly in an established late night entertainment area and emphasises the fact that in

modern 24 hour cities such as Leeds daytime destinations are often cheek by jowl with night time ones.

In new research undertaken for Medway University Professor Phil Hubbard states that, "Not all clubs were perceived to have similar impacts on their locality. Some clubs were judged to be better managed and less likely to be lowering the tone, primarily on the basis of their external appearance". So it is clear it is the external visible profile of premises during their daytime, non operational hours which are a crucial factor in their perception by, and effect upon the public at large during those daytime hours. This could be seen to be especially true now that all table dancing clubs in Leeds are limited to operation only during the hours of 10pm to 4/5am when clearly they are not normally encountered by families, children or persons not intending to visit established late night entertainment areas.

Throughout the previous ten years of licensed operation of The Red Leopard the management of the venue have always sought to work with the licensing authorities to minimise the visible profile of the club during its non operation daytime hours and have fully cooperated with all requests made of them at all times during this period. An example of this is the signage currently on the exterior of the premises. As outlined above this is the original signage approved by the Leeds City Council Planning Department together with the Licensing Department in 2004. It is of a non-sexually suggestive nature and has not been changed since its approval. The management of the venue have never used sexually suggestive signage or placed large screen televisions in the windows of the club publically displaying inappropriate video material as has been seen at some other venues.

We would like to further assure the Council and concerned members of the public that we have plans to continue this approach towards license condition compliance in a very proactive manner with new proposals concerning the exterior of the venue which will further dramatically reduce the visible profile of the club during its daytime non operational hours.

It is encouraging that the Council emphasises under 7.2 of its SEV draft policy for 2013 that it will „Have particular regard“ to Article 1 of the First Protocol of the European Convention on Humans Rights, specifically, „That every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence“ and that any refusal of a license is, „Necessary for reasons of public policy, public security, public health or the protection of the environment and proportionate with regard to the objective pursued by the legislation“.

In the light of ten years of previously licensed table dancing operation at the venue granted by the Leeds City Council Licensing Committee and the fact that Leeds police do not have any issues with the venue in regard of public security, or any other matters, together with the lack of any outstanding environmental health, fire safety, or health and safety issues, Fellmore Ltd strongly feels it could be demonstrated the refusal of the renewal of an SEV license for a venue such as ours would not be proportionate in regard to the objectives of the relevant legislation, or in the public interest, as such a refusal would need to be in order to comply with the provisions of the European Convention on Human Rights. Especially given that as part of our SEV license renewal application Fellmore Ltd are to submit proposals to dramatically reduce what we believe to be the already minimal publically visible profile of The Red Leopard during its daytime, non operational hours.

We would also observe that whilst SEV license renewals are to be processed in the same manner as new applications and transfers, SEV licensed venues in the city were assessed for suitability under the same legislation last year as they will be this year and the fairness and proportionality of any refusals to renew those SEV licenses granted last year must be considered in this context. Further to this our legal counsel, having reviewed all the documentation has advised that a judicial review of any sanction would be appropriate.

Staffing

We believe in these times of heightened public awareness of the transgressions that both public and private individuals in positions of access and responsibility have committed, at times over extended periods of many years without detection, the stringent conditions set out in the draft SEV license policy concerning staff and specifically dancer welfare should be roundly endorsed by all SEV licensed operators.

However, we would point out that there is only so much can be done by club managements in pursuit of the specific requirements in the draft SEV license policy concerning confirming persons offered the opportunity to work in the club as self employed dancers do not have previous criminal convictions for theft, drug offences or prostitution within the remit of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. We would like to state for the record though that we are fully committed to ensuring as a matter of our own policy the suitability from the above perspective of the dancers who work at The Red Leopard and that anyone who works in the club business in any capacity is legally entitled to work in the UK. We make all reasonable efforts to ensure compliance with these policies during our recruitment processes.

Although there may now be some retrenchment of previous Leeds City Council policy initiatives which in the early 2000's saw Leeds become a European style 24 hour city with a street bar-cafe society, good restaurants and excellent late night entertainment, there is still a demonstrable level of demand for SEV licensed venues in the city centre which presently supports seven such premises. With regard to this, under clause 2.5 of the new SEV draft policy for 2013 the Council states its policy is to encourage responsible promotion of licensed activity and the first aim of the "Vision for Leeds 2011-2013 Policy" is that the city will be "Fair, open and welcoming". It is sincerely hoped by Fellmore Ltd that these values will be fully extended to the equity of process and determination of licensing decisions in a balanced and considered manner in 2013, as we have to say, we have always previously found to be the case in Leeds.

Yours faithfully

Fellmore Ltd

SEV licence holder for "The Red Leopard".



Report author: H Gray

Tel: 24 74355

Report of the Chief Officer, Democratic and Central Services

Report to the LICENSING COMMITTEE

Date: 4th June 2013

Subject: LICENSING COMMITTEE WORK PROGRAMME 2013/14 MUNICIPAL YEAR

| | |
|--|---|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Summary of main issues

1. This report presents items for inclusion in the draft Work Programme for the Licensing Committee for the 2013/14 Municipal Year.

1 Purpose of this report

1.1 The purpose of this report is to propose items for inclusion in the Licensing Committee Work Programme for the 2013/14 Municipal Year. Members are invited to prioritise the items throughout the forthcoming year

2 Background information

2.1 The Licensing Committee adopted a Work Programme approach in 2009 in order to schedule presentations from external organisations appropriate to the remit of the Committee, as well as timetabled reports from the relevant LCC Sections.

3 Main issues

3.1 Several matters considered during the 2012/13 Municipal Year will be carried over into the forthcoming year as work continues on those issues, including:

- Half yearly City Centre Policing update
- The ongoing review of Hackney Carriage and Private Hire policies
- The conclusion of the review of the SEV Policy

- The conclusion of the review of the Licensing Act 2003 Statement of Licensing Policy

3.2 The attached schedule includes the proposed 2013/14 meeting dates (25 June, 23 July, 13 August, 10 September, 15 October, 12 November, 17 December, 14 January, 11 February, 11 March, 8 April and 13 May 2014) and Members are asked to consider any matters they may wish to identify for inclusion.

4 Corporate considerations

This report is presented purely to introduce the matter for discussion and it is not necessary to address the LCC Corporate Considerations

4.1 Consultation and Engagement

None

4.2 Equality and Diversity / Cohesion and Integration

None

4.3 Council policies and City Priorities

None

4.4 Resources and value for money

None

4.5 Legal Implications, Access to Information and Call In

None

4.6 Risk Management

None

5 RECOMMENDATIONS

5.1 The Committee is asked to consider and prioritise matters for inclusion in the 2013/14 Work Programme

6 BACKGROUND DOCUMENTS

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 10/06/13 (hg)

| ITEM | DESCRIPTION | NOTES | TYPE OF ITEM |
|---|---|-----------|--------------|
| Items Currently Unscheduled | | | |
| TPHL Policy Review – ongoing review of the policies/conditions | Review timetable was agreed February 2011. Policies have been split into Groups 1, 2 and 3 and will return to Committee at the conclusion of the necessary consultation period (Group 1 Oct '12. Group 2 Jan '13) | J Mulcahy | DP |
| Temporary Event Notices | To receive a report on the TEN application process | J Mulcahy | PM |

| ITEM | DESCRIPTION | Officer | TYPE OF ITEM |
|---|--|----------------------------|--------------|
| Meeting date: TUESDAY 4 JUNE 2013 | | | |
| Annual Governance Arrangements | To confirm the terms of reference for the Committee and its sub committees, establish the sub committees and note the delegations schemes relevant to the work of the Committee | G Marshall | PM |
| Annual report | To receive an annual report from the LCC Entertainment Licensing Section and the TPHL Section providing an overview of work undertaken during 2012/13 | S Holden/N Raper/S Kennedy | B |
| Meeting date: 25 JUNE 2013. | | | |
| SEV Policy | To receive a report seeking approval of the SEV Policy following public consultation, prior to its presentation to Executive Board | S Holden | RP |
| Interim Statement – Law Commission | To receive an information report setting out the Law Commission's Interim Statement | D Broster | B |
| Executive Private Hire policies | To consider proposals in respect of Executive Private Hire Conditions. This matter was initially presented in January 2013 as part of the Group 2 Policy Review. Members resolved to defer this issue to allow time for a Working Group to convene; discuss the EH policy in respect of vehicle specification and report back in three months' time. | D Broster | RP |
| Licensing Work Programme | To consider the contents of the work programme for the 2013/14 municipal year | H Gray | PM |

LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 10/06/13 (hg)

| ITEM | DESCRIPTION | Officer | TYPE OF ITEM |
|--|--|-----------|--------------|
| Meeting date: JULY 2013. | | | |
| Update on Enforcement Activity | To receive a report providing an update on the enforcement activity undertake by the entertainment Licensing Enforcement & Liaison Team Jan – June 2013 | S Kennedy | PM |
| Late Night Levy | To receive a report on the Late Night Levy, following consultation with West Yorkshire Police | S Holden | B |
| Meeting date: AUGUST 2013 | | | |
| Decision Making process suspensions/revocations | To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section | J Mulcahy | PR |
| Meeting date: SEPTEMBER 2013 | | | |
| Meeting date: OCTOBER 2013 | | | |
| WYP Presentation | Policing and the Night time Economy | | B |
| Meeting date: NOVEMBER 2013 | | | |
| Meeting date: DECEMBER 2013 | | | |

LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 10/06/13 (hg)

| ITEM | DESCRIPTION | Officer | TYPE OF ITEM |
|--|--|-----------|--------------|
| Meeting date: JANUARY 2014 | | | |
| Decision Making process suspensions/revocations | To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section | J Mulcahy | PR |
| Update on Enforcement Activity | To receive a report providing an update on the enforcement activity undertake by the entertainment Licensing Enforcement & Liaison Team Jan – June 2013 | S Kennedy | PM |
| | | | |
| Meeting date: FEBRUARY 2014 | | | |
| | | | |
| | | | |
| | | | |
| Meeting date: MARCH 2014 | | | |
| | | | |
| | | | |
| | | | |
| Meeting date: APRIL 2014 | | | |
| | | | |
| | | | |
| | | | |
| Meeting date: MAY 2014 | | | |
| | | | |
| | | | |
| | | | |

Key:
 RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

This page is intentionally left blank