

Licensing Sub-Committee

Tuesday, 27th November, 2018

PRESENT: Councillor M Harland in the Chair

Councillors P Drinkwater and G Wilkinson

1 Election of the Chair

RESOLVED – Cllr. Harland was elected Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items. However there was supplementary information in relation to Agenda Item 7 – Application for the renewal and variation of a sex Establishment Licence for Purple Door, 5 York Place, Leeds, LS1 2DR. Minute no. 7 refers.

5 Declarations of Disclosable Pecuniary Interests

Cllrs Harland and Wilkinson declared that they had sat on previous Licensing Sub Committees which had heard applications for Liberte and Purple Door. Cllrs Harland and Wilkinson said they would consider both applications for Liberte and Purple Door with an open mind.

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

The report of the Chief Officer, Elections and Regulatory set out an application for the renewal and variation of a sex establishment licence for Liberte, 10 York Place, Leeds, LS1 2DS.

The Licensing Sub Committee were advised of the following points:

- The application was made by TRL Promotions Limited to operate under the name Liberte;
- The premises had held a licence for the provision of regulated entertainment and the sale of alcohol since 28th January 2008. It was understood that lap dancing had been held at the premises since that time;
- Liberte is one of the four venues in the city centre which has a licence for sexual entertainment;
- The application was for the renewal of the sex establishment licence for the ground floor and basement level at the premises;

- The hours of operation are:
 - 22:00hrs until 04:00hrs Sunday to Thursday
 - 22:00hrs until 05:00hrs Friday and Saturday
- The application had attracted seven objections which were set out at Appendices F and G of the submitted report;
- The applicant had provided additional evidence in response to the objections which were set out at Appendix H of the submitted report;
- It was noted that no observations had been received from West Yorkshire Police.

Members were made aware that the applicant had confirmed that they wished to amend the application to incorporate the two additional conditions as set out in the letter of objection from the Local Authority's Senior Liaison and Enforcement Officer.

The additional conditions were:

- When the licence holder employs a subcontractor, no person under the age of 18 years of age shall carry out work for or on behalf of the venue, whether paid or unpaid, which includes advertising promotional work such as flyering, etc.
- The licence holder will carry out age verification checks of all staff employed or subcontracted by the premises and will maintain a recorded log which is kept up to date of all checks made including the forms of identification checked. The record log shall be produced immediately on request to a police constable or officer of the Licensing Authority.

Mr Gary Grant, Barrister for the applicant informed the Members of the following:

- Liberte is one of four of the surviving sex establishment venues in the City Centre and had successfully renewed its licence since 2012;
- Liberte is a highly and professionally run venue not exploiting its dancers.
- Dancers were not charged up front to dance; the dancers split the costs and the venue receive 30% of the takings;
- Liberte took good care of the dancers welfare, with policies in place to ensure that the dancers had all the legal documents required to work in this country;
- Highlighted the handwritten letters from employees of Liberte included within the agenda pack at pages 164 -172. Mr Grant said that from the letters the Sub-Committee could see that the dancers held Liberte in high esteem and chose to do this type of work;
- Mr Grant said that a local resident had made an objection in relation to parking. He was of the view that most customers of Liberte's would arrive either by foot or taxi, therefore, would not take up parking spaces;
- He said that the area was a mix of residential and commercial use;
- Liberte did not open until 10:00pm therefore no vulnerable children walking past the venue;
- Liberte had a discreet frontage, photos had been included with the agenda pack;
- Intelligence had been received from Entertainment Licensing in relation to persons under 18 years old distributing flyers. This had been looked into and he had received assurances from the Officer that it was not Liberte that had

employed the under 18 year olds to distribute flyers for a sexual entertainment venue in Leeds;

- Mr Grant informed the Sub-Committee that Liberte were in agreement to include the 2 proposed additional conditions to their current conditions;
- No submissions had been received from any other responsible authorities such as the police or local councillors;
- Mr Grant said that Liberte had proper and robust conditions and policies in place to protect dancers.

The Licensing Officer referred to her representation within the agenda pack. She had nothing further to add. The Officer did inform Members that she had spoken to the premises licence holder with regard to the additional conditions.

Ms Hunt a member of the public who had submitted an objection was in attendance at the meeting. Ms Hunt declared that she was a member of the Women's Equality Party. Ms Hunt went on to inform the Members that she lived in the area and parked her car on York Place. She explained that she often had to work late or set off early to work and had received unwelcome comments from men stood outside the sexual entertainment venues on York Place smoking.

Ms Barry who had sent a representation on behalf of the Women's Equality Party was in attendance at the meeting. Ms Barry referred to her letter which was included within the agenda pack.

Ms Barry informed the Sub-Committee that although Liberte say that this type of work is less exploitive, it is still exploitive.

Members were concerned that Ms Hunt had received such comments and enquired as to whether she had complained to the venue. Ms Hunt in response said that the comments had made her feel uncomfortable, however she had not complained as she was unable to determine which venue the men were from and she had just wanted to get to her car.

Mr Grant in response asked that any future comments should be complained about to door supervisors who were always on the door when the premises were open. If staff were able to identify individuals, they would be banned from the premises.

Members were informed;

- That Liberte had 2 door supervisors operating during open hours;
- There was no designated smoking area;
- 50 – 60 customers attend the venue on Friday or Saturday

RESOLVED – To grant the renewal of the licence as applied for with the following additional 2 conditions:

- When the licence holder employs a subcontractor, no person under the age of 18 years of age shall carry out work for or on behalf of the venue, whether paid or unpaid, which includes advertising promotional work such as flyering, etc.

- The licence holder will carry out age verification checks of all staff employed or subcontracted by the premises and will maintain a recorded log which is kept up to date of all checks made including the forms of identification checked. The record log shall be produced immediately on request to a police constable or officer of the Licensing Authority.

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

The report of the Chief Officer Elections and Regulatory requested Members consideration on the renewal and variation of a sex establishment licence for the provision of sexual entertainment in the form of lap dancing. The variation aspect of the application proposed to extend the terminal opening times by an additional hour each day.

The Licensing Sub Committee were advised of the following points:

- The application was made by Ruby May (2) Limited to operate under the name Purple Door
- The premises had held a licence for the provision of regulated entertainment and the sale of alcohol since 24th November 2005. It was understood that lap dancing had been held at the premises since that time;
- Purple Door is one of the four venues in the city centre which has a licence for sexual entertainment;
- The application was for the renewal of the sex establishment licence for the ground floor and basement level at the premises;
- The current hours of operation are:
 - 22:00hrs until 04:00hrs Sunday to Thursday
 - 22:00hrs until 05:00hrs Friday and Saturday
- The proposed hours of operation:
 - 22:00hrs until 05:00hrs Sunday to Thursday
 - 22:00hrs until 06:00hrs Sunday to Thursday
- The application had attracted seven objectives which were set out at Appendices F and G of the submitted report;
- It was noted that no observations had been received from West Yorkshire Police concerning this application.

Members were made aware that the applicant had confirmed that they wished to amend the application to incorporate the two additional conditions as set out in the letter of objection from the Local Authority's Senior Liaison and Enforcement Officer.

The additional conditions were:

- When the licence holder employs a subcontractor, no person under the age of 18 years of age shall carry out work for or on behalf of the venue, whether paid or unpaid, which includes advertising promotional work such as flyering, etc.
- The licence holder will carry out age verification checks of all staff employed or subcontracted by the premises and will maintain a recorded log which is kept up to date of all checks made including the forms of identification

checked. The record log shall be produced immediately on request to a police constable or officer of the Licensing Authority.

In attendance at the meeting were:

- Nicholas Quadrini – Managing Director
- Carl Copeland – Manager
- Airides Benosenko – Manager
- Sarah Smith – Solicitor
- Officer from the Licensing Authority
- Ms C Hunt – Member of the public
- Ms B Barry – Women’s Equality Party Leeds

Ms Smith spoke to the Sub-Committee in regard to the renewal of the licence informing the Members of the following points:

- Purple Door is the longest established Sexual Entertainment venue having opened in 1998 one of only four in the city centre;
- The premises have successfully renewed its licence every year since 2012;
- There had been no changes to the premises and the external frontage was the same;
- Appendix C of the report provided information on policies and checks in relation to the welfare of the dancers;
- The dancers are well looked after;
- There have been no changes to the locality with a few residential properties with mainly commercial use;
- A full investigation had been made in relation to persons under 18 years old distributing flyers;
- No payment had been made to anyone under the age of 18 years old;
- Passports and ID were checked to ensure that dancers were able to work in this country;
- Purple Door agree to the 2 additional conditions set out in the Licensing Officers letter included within the agenda pack;
- Door staff monitor the area surrounding the venue not just Purple Door;
- SARVL had put in the same objection as the previous year;
- The application had not attracted representations from responsible authorities;
- Reduced hours had been accepted in 2012 as part of the review but no consultation had been undertaken;
- Mr Quadrini had previously had two sexual establishment venues prior to the review. However one of the premises had closed due to the review;
- It was suggested that the extra hour would reduce queues for taxi’s;
- On a Friday and Saturday there is usually up to 40 people in the venue;
- Customers had requested longer hours;
- The photographs presented as supplementary information related to how quiet the street was between 4:00am and 6:00am.

The Licensing Officer referred to her representation within the agenda pack with no further information to add. The Officer did inform Members that she had spoken to the premises licence holder with regard to the additional conditions.

Ms Hunt – referred to her representation contained within the agenda pack saying that she had nothing further to add.

Ms Barry – referred to her representation contained within the agenda pack saying that she had nothing further to add.

Members considered all the information presented to them both within the agenda pack and information supplied at the hearing.

RESOLVED – To grant the renewal of the licence with the same conditions and the additional two conditions as follows:

- When the licence holder employs a subcontractor, no person under the age of 18 years of age shall carry out work for or on behalf of the venue, whether paid or unpaid, which includes advertising promotional work such as flyering, etc.
- The licence holder will carry out age verification checks of all staff employed or subcontracted by the premises and will maintain a recorded log which is kept up to date of all checks made including the forms of identification checked. The record log shall be produced immediately on request to a police constable or officer of the Licensing Authority.

However, in relation to the extra terminal hour sought, Members could not be persuaded to depart from the Council's Policy. Therefore, the extra hour was not granted.