

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 4 February 2019

Present: Councillor Stone – in the Chair

Councillors: Grimshaw and Reid

LACHP/19/23. Application for a New Premises Licence for Richmond Tea Rooms, 46 Sackville Street, Manchester, M1 3W

It was noted that agreement had been reached with both GMP and Licensing Out Of Hours Team, (LOOH) and both of whom had required more stringent conditions and the LOOH had wanted the opening times reducing to thirty minutes after the licensable activities ceased so that the premises closed at 2330 hours Sunday through to Thursday and 0030 hours Friday/Saturday and Saturday/Sunday.

They noted the objection received from a residential household and noted they did not object to the grant of the licence but to the operational times; it would appear they were requesting the Applicant should operate only until 9pm as at their previous venue.

The Committee was satisfied that the licence conditions relating to public nuisance were sufficient to address those concerns as the conditions addressed both interior and exterior potential noise disturbance and therefore the licensing objective of the prevention of public nuisance would not be undermined.

Similarly, the more stringent conditions agreed with GMP regarding the CCTV equipment, staff training, security staff and signage promoted the prevention of crime and disorder.

The licence was therefore granted in the agreed terms.

Decision

To grant the application subject to the agreed terms and conditions.

LACHP/19/24. Application for a Premises Licence Variation for Wework, 1 Spinningfields, 19 Quay Street, Manchester, M3 3JE.

This item was withdrawn from this agenda prior to the meeting and treated as a Determination on 28 January 2019.

LACHP/19/25. Application for a SEV Renewal for Long Legs Ltd, Basement, 46-46a George Street, Manchester, M1 4HF.

The licensing officer presented on behalf of the Local Authority and outlined the relevant legislation i.e. section 27 of the Policing and Crime Act 2009, paragraph 2A

of Schedule 3 defining the meaning of 'relevant entertainment' for the purposes of this Application and section 12(1) – (3) of the Local Government (Miscellaneous Provisions) Act 1982 outlining the mandatory and discretionary reasons for refusal to grant or renew a licence which had also been incorporated into the Manchester City Council's Sex Establishment Policy Document

With reference to the said policy, he explained the following:

- There was no information within the objection received in relation to section 2.2 (a) or (b);
- In relation to section 2.2© a number had not been set by the Local Authority and whereas there was a rebuttable presumption not to grant a licence in such circumstances where the number exceeded that considered appropriate, this was not applicable to renewal applications;
- The objection(s) received did relate to section 2.2(d) in terms of the character of the relevant locality.

He also drew the Committee's attention to section 3.12 of the policy, *"No weight shall be given by the Council to objections made on moral grounds or that are, in the opinion of the Council, frivolous or vexatious"*.

Long Legs had been operating for 23 years with an unblemished record having been regularly scrutinised by the police and Licensing Out Of Hours Department, (LOOH) and the way they operate the premises had stood up to that scrutiny.

Following the change of legislation in 2010, the Applicant has been required to apply to renew the licence every twelve months; this has been the 8th application and the first one to be objected to.

It was submitted there was little in the objection(s) that related to the policy or legislation other than the discretionary grounds, (Section 2.2(d)(i) of the policy). Chinatown is a business district with lots of bars and restaurants and whereas there were some residential properties, there had not been any objections now or previously from any other residents.

With reference in the objection to Manchester Art Gallery but it was submitted this was some distance away, but the same distance it had always been and they too would have been entitled to object but had not done so. In any event, the premises closed at 5pm, and although Long Legs was open at that time, their true operation was later than this and therefore children were unlikely to be aware of the premises.

The reference to the character of the vicinity would normally refer to the presence of schools, playgrounds etc. however this was not the case; there were numerous other late night venues and the locality had not changed in any significant way.

Similarly, the Long Legs premises had not changed in the last twelve months and clearly had been deemed a suitable and appropriate premises; the owner had previously provided photographs of the interior and also confirmed there were no private booths within and it was regularly patrolled by door staff.

In respect of the exterior signage, they were bound by strict regulations and Council policy.

When questioned the applicant confirmed there had been no incidents of crime and disorder and they were not a sources of this; they employed security staff, (two on quiet days and four on other days), to protect the women working at the premises if necessary although they did not have a problem in this regard. She confirmed there was a VIP area via a central spiral staircase which was an open area. The premises was frequented not only by men but also single women and couples and the LOOH team were always happy with the running of the premise.

Reference to the use of the word, 'Totty' on the website was explained by way of a customer using the term when posting a review comment.

The objector did not have any questions for the Applicant in relation to the elements of Section 2.2(d) of the policy.

The objector confirmed she was a member of the Women's' Equality Party; she objected the grant of the renewal of the licence on the basis the Local Authority was breaching its public sector equality duty under the provisions of s149 of the Equality Act 2010. It was submitted the licensing of this venue was in contravention of that duty as women were portrayed/endorsed as a commodity and serving men sexually.

There had been adverts for the premises with women on their knees referring to 'mixing business with pleasure'.

The objections were to challenge the sexual objectification of women which could be derogatory and demeaning; Deansgate was a ward which was growing and Sexual Entertainment Venues could undermine equality between men and women; any Local Authority must look long and hard at gender equality or they may be subject to legal challenge.

Portsmouth, Swansea, Thames Valley (London) and Richmond had all exercised a zero pathway policy.

When questioned she confirmed she had never been to Long Legs and had, "no desire to enter such a premises".

She confirmed that as a resident of the local area since 2013, she wouldn't know much about businesses in the area, she did not have proof of any exploitation in the premises but believed the nature of the premises was not conducive to equality between men and women; she believed there would be reduced harassment generally if there were no such venues and it required a nil path approach to tackling a public issue. Her objection was to make the Council consider their public sector duty of no sex establishments as other Council's had done.

The Committee noted that Long Legs had been operational for 23 years and with an unblemished record; they had been subject to regular scrutiny both day and night by both the police and the LOOH Team at the very least, over the last eight years

without any issues or concerns and had successfully applied for seven previous licences under the new legislative regime, this being their eighth Application.

The Committee accepted the explanation provided by the Applicant regarding the advertisement; Long Legs had not been responsible for it. It had been an advert by a company, Goodwin Smith two years prior as an April Fool joke whereby they had put on the internet that a shoe company was sponsoring Long Legs and all the girls would be wearing their two-hundred pounds –a–pair shoes. This was not the case at all and they had nothing to do with the advert.

They noted the objectors submissions and whereas they accepted they were not frivolous or vexatious, they were of the opinion they were not relevant when considering the discretionary reasons for refusal of a renewal Application under the provisions of s2A(2(a) and (3)(d)(i), (ii) or (iii) of the Local Government (Miscellaneous Provisions) Act 1982.

The character of the locality was one of late night businesses, restaurants and bars and the premises integrated with that locality.

They were of the opinion there was no risk to children in terms of the exterior signage as this was discreet and in any event regulated by the 'standard conditions' which had been incorporated into the premises licence.

Similarly, they did not believe the proximity of the Manchester Art Gallery would be impacted by renewal of the licence; Manchester Art Gallery had not made any representations and in any event, would be closed when Long Legs would be at their busy operating period.

The use to which the premises was put was the same as it had been for the past twenty-three years and they had not received any objections regarding the layout of the premises on the basis that the objector had never been inside to be able to comment but the applicant had provided information regarding the venue i.e. the lack of booths and the number of security staff, to assist them in this regard and again, there was evidence of numerous visits by the LOOH Team without issue.

The Committee paid regard to section 3.12 of the Manchester City Council Sex Establishment Policy Document` and noted the guidance that no weight will be given to objections made on moral grounds.

They also noted there had not been any history of complaints in relation to the premises, no complaints of or by the workers and on this basis in conjunction with the actual unblemished record and the fact no objections had been raised in respect of the renewal by either LOOH or the police, any other businesses or residents, the Committee was satisfied there had been no discrimination, harassment or victimisation or any other prohibited conduct in respect of any of those employed at Long Legs.

They therefore granted the Application

Decision

To grant the renewal application.