

Licensing Sub-Committee

Monday, 9th January, 2012

PRESENT: Councillor B Selby in the Chair

Councillors K Bruce and C Townsley

179 Election of the Chair

Councillor Selby was elected Chair of the meeting

180 Late Items

No formal late items of business were added to the agenda for the meeting. The Sub Committee was in receipt of additional information circulated after the agenda was despatched, this being information submitted by West Yorkshire Police in respect of The Savannah Club. Copies of the objections submitted in respect of both applications were provided and large scale location plans were tabled in respect of the application for My African Shop (minutes 182 and 183 refer)

181 Declarations of Interest

There were no declarations of interest

182 Application to vary a Premises Licence held by "The Savannah Club", Grove Road, Hunslet, Leeds, LS10 2QT

The Sub-Committee having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application to vary a premises licence held by The Savannah Club, Grove Road, formerly known as George IV Hotel, Hunslet LS10, seeking an extension to the terminal hour of all current licensable activities every Thursday, Friday and Saturday

Present at the meeting were:

Mr Howe – on behalf of the applicant – Clifton Properties

Mr Njuguna – Designated Premises Supervisor

PC Arkle – West Yorkshire Police

Sgt Chapman – West Yorkshire Police

PCSO Dickinson – West Yorkshire Police

Mr Bird – Environmental Health LCC

In response to a question from the Chair, PC Arkle explained that when the application was first submitted in October 2011, she had made a qualified objection to the proposals. Due to an administrative error the applicants were required to resubmit or extend the application and having checked further a full objection was made

Mr Howe presented the application and stated that Mr Njuguna had worked hard to fulfil his obligations as DPS and wished to work with the police. He had addressed issues of under-age drinking, having reinforced this issue with all of his bar staff and by using Check 21 and Check 25. In terms of noise nuisance Mr Njuguna had taken steps to remedy this, having recently removed the music systems inside the premises so only background music was now provided

To enhance security around the premises, planning permission for a high gated fence had been sought. Whilst objections had been made to the application, Mr Howe stated that several temporary event licences had been granted at the premises with only one incident having occurred

Mr Howe explained that despite the name of the premises, it was not a club and that for clarification it would be renamed The Savannah Inn with revised timings being sought, these being an hour earlier, i.e. 02.00 and on Friday and Saturday only

The Panel then heard from Mr Njuguna who explained that his long-term aim for the premises was for a restaurant and small bar; that he recognised his responsibilities to his neighbours and had tried to address issues of noise disturbance. In respect of under-age drinking, he admitted that he had allowed some under 18s in his premises but this was to play snooker and not to drink. Mr Njuguna stated that he would welcome more support and help from the authorities and that he would be willing to reduce the request for live music until 1am but wished to retain this activity for any private party bookings he received. In response to questions from the Panel, Mr Njuguna stated that his premises had never failed a test purchase and that none of his staff had received a fixed penalty notice for under-age service

The Panel then heard from West Yorkshire Police

PC Arkle stated that the objection was based on the licensing objective of the protection of children from harm

Information had been received relating to a 14 year old and 16 year old entering the premises and in the case of the older child, being allowed to drink alcohol

PC Arkle referred to condition No 103 of the premises licence which stated 'People under 18 will not be admitted' stating that whilst this clause was unusual, it was part of the licence and had been broken

Sgt Chapman explained that the premises formed a traditional estate pub in close proximity to residential properties which were occupied mainly by families and older residents

Reports had been received in late summer about young people being allowed in the premises with Sgt Chapman speaking to Mr Njuguna about this. Further complaints about noise nuisance from the premises had been raised at the local Tenants and Residents' meetings. Sgt Chapman stated that under the present terms, the premises were not compatible with the community it served and that increased opening hours would exacerbate this. Concerns were also raised that Mr Njuguna had not consistently attended the local Pub Watch meetings which were a requirement of the Licence

PCSO Dickinson informed Members that she had been stopped in the street on several occasions and complaints made to her by local residents about young people being allowed on the premises

The Sub-Committee then heard from Mr Bird of Environmental Health who referred to two complaints which had been received from local residents relating to

music from the premises and noise from patrons outside the premises. Whilst acknowledging that information provided by Mr Howe that the equipment had been removed from the premises, Mr Bird considered that the proximity of the premises to residential properties would always be problematic and that noise and disturbance from patrons would occur

Members considered the further comments made by Mr Howe and noted the steps Mr Njuguna had taken and was willing to take to address the concerns raised

The Sub-Committee after carefully considering both the written and verbal representations from the applicant, West Yorkshire Police and Environmental Health felt that the existing hours of the premises licence were more than adequate to meet the long-term plans of the applicant for a restaurant and small bar

The Sub-Committee agreed with the concerns raised by West Yorkshire Police and Environmental Health in respect of noise nuisance as the premises are sited in a residential area; are in close proximity to residential properties and that complaints had recently been received about noise nuisance

Members also had serious concerns that conditions already imposed on the Licence were not being complied with as the DPS had stated he had allowed under 18s to enter the premises which was in contravention of condition 103 of the Licence

The Sub-Committee considered that to extend the Licence would be contrary to the licensing objectives for the prevention of public nuisance and the protection of children from harm

RESOLVED – That the application be refused

183 Application for the grant of a Premises Licence for "My African Shop" Stall 252, 1875 Market Hall, Kirkgate Market, Leeds, LS2 7RQ

The Sub-Committee having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for a premises licence for My African Shop – Stall 252 1875 Market Hall Kirkgate LS2

Present at the hearing were:

Mr Douglas – the applicant

Mr Fisher – objector

Members were informed that West Yorkshire Police had withdrawn its objection to the application

Mr Douglas presented the application and stated that the premises had opened following the success of another family business in the market; My African Butcher which sold specialist South African meats. My African Shop had opened in a small premises supplying a range of South African goods and following the demand from customers for South African liquor, an application for a premises licence had been submitted

Members were informed that the liquor sales area would be small – approximately 1 sqm - and would be located behind the counter. Cheap alcohol would not be sold and neither would South African drinks which were readily available elsewhere, so ensuring this was a highly specialised area. Mr Douglas

stated that he would work with the police and highlighted the fact that the police objection had been withdrawn

It was hoped that online sales would be developed with Members being informed that the stock for this side of the business would be retained with the supplier, based in London

Indicative prices for wine and spirits were provided to the Panel

The Panel then heard from Mr Fisher who expressed his concern about an additional licensed premises in the market in view of the problems being experienced with street drinkers. As the owner of licensed premises in the market, Mr Fisher explained the difficulties in trying to deal with this problem; that restricted stock and high prices were not sufficient deterrents and that as some people were willing to buy alcohol on behalf of those who had been refused service, the problem was a difficult one to manage

The Sub-Committee having carefully considered both the written and verbal representations from the applicant and the objector acknowledged that the Cumulative Impact Policy did not apply in this case as the primary use of the premises was not as an off-licence and it was restricted by the opening hours of the market

Whilst noting the concerns raised by the objector, Members also noted that West Yorkshire Police had withdrawn its objection and were of the view that the application could be granted subject to conditions proposed by the applicant being considered necessary and proportionate in line with the licensing objectives

RESOLVED - That the application be granted with the conditions proposed and those agreed being incorporated into the operating schedule