

Licensing Sub-Committee

Monday, 21st May, 2012

PRESENT: Councillor C Townsley in the Chair

Councillors P Latty and B Selby

283 Election of the Chair

Councillor Townsley was elected to Chair the meeting

284 Late Items

Although there were no formal late items, the Sub-Committee was in receipt of the following additional information for consideration at the meeting, with the agreement of all parties:

Friends of Ham – three letters of support (minute 17 refers)

Fresh Munch – proforma risk assessment (minute 18 refers)

285 Declarations of Interest

No declarations were made

286 " Friends of Ham" - Application for the grant of a premises licence for Friends Of Ham 4 New Station Street, Leeds, LS1 5DL

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 Friends of Ham 4 New Station Street LS1, which was situated in an area covered by the Cumulative Impact Policy

Representations had been received from West Yorkshire Police and from LCC Environment Protection Team

Present at the hearing were:

Mr Whur – solicitor for the applicant

Mr & Mrs Kitching – owners

PC Arkle – West Yorkshire Police

Mr Kenny – LCC Environment Protection Team

Three additional letters of support were tabled with the agreement of all parties. Larger scale maps showing the location of the premises and the area covered by the CIP were also tabled for Members' consideration

The Sub-Committee heard from Mr Whur on behalf of Mr & Mrs Kitching who were seeking a premises licence for a Charcuterie-style bar offering meat and cheese selections with beers, ales and wines with a takeaway delicatessen and off licence capability in premises which had previously been licensed for a restaurant-led operation. Mr Whur stated that the applicant was seeking the same hours but with the addition of late night refreshment

Mr Whur stated that he did not consider that the CIP applied in this case as the premises would be self-regulating through the offer which would be premium

priced drinks, locally sourced quality food and no spirits would be provided so future-proofing the licence in the event of another operator taking over the premises. The location of the premises had been carefully selected as it was on a main arterial route from the railway station to the upcoming Trinity development. Mr Whur also pointed out that the premises were not located in a police 'hotspot' for crime and disorder, furthermore late night opening had not been requested

A range of conditions had been agreed to with Mr Whur offering a condition specifying a maximum of 60 seats in the premises if that was required. Only background music was being requested with a noise consultant having been commissioned by the applicants to carry out a survey which had been included in the information before the Sub-Committee

Mr Whur reiterated that the premises would not be alcohol-led and referred to paragraphs 7.3 and 7.8 of the Authority's Statement of Licensing Policy in support of the application

The Panel was informed that the premises would employ 3-4 people initially and that in respect of security measures, a stringent CCTV condition had been offered; that door staff would be provided if required and that the premises would not open on match days when Leeds United were playing at Elland Road

Concerns were raised about the prices for some drinks as set out in the submitted information and that these prices were not necessarily so high as to deter some people from using the premises. It was reported that some prices shown had been printed incorrectly and these would be higher than indicated

In terms of the request for late night refreshment, this would be to enable people to finish their meal and allow for gradual dispersal

The Panel then heard from PC Arkle of West Yorkshire Police who stated that she did not agree with Mr Whur's statement about the CIP and was satisfied that this premises would trigger the CIP

The current licence for the premises was for a more food-led operation and although the Police had discussed this with the applicants prior to the hearing, PC Arkle stated that the applicants' view was that they wished to pursue their licence application as they felt the current licence would stifle their business and not offer the flexibility they required. The Police had concerns about this particularly as it would not stop the premises from evolving into a more alcohol-led operation if the venture was transferred to someone less crime prevention aware

A possible additional condition to satisfy the police would be the provision of waitress service to prevent people going to the bar. Concerns were also raised at the high alcohol level of some of the drinks to be offered

The Sub-Committee then heard from Mr Kenny, LCC Environment Protection Team who stated that he had concerns in relation to the CIP and the premises themselves. Mr Kenny advised that a planning application for change of use from restaurant to bar had been submitted with Mr Whur stating that planning permission had been granted

Mr Kenny was of the view that as a bar there would be greater implications with people congregating and smoking outside the premises. He made reference to the flats sited on the first floor of the premises with concerns about noise nuisance, particularly from music within the premises and stated that a condition ensuring no noise penetration through the fabric of the building had not been offered

In summing up Mr Whur stated that granting the licence would enable a quality venue to be opened in the city; that steps had been taken to future-proof the

licence and that if it was found that problems were occurring, there was a process in place for the licence to be reviewed

As requested by Members, a copy of the planning permission for the change of use of the premises was provided for the Sub-Committee's consideration

The Sub-Committee carefully considered both the written and verbal representations from the applicant's legal representative, West Yorkshire Police and LCC Environmental Protection Team

RESOLVED - The Sub-Committee concluded, as a finding of fact, that the application did trigger the CIP but would not add to the cumulative impact of such premises in the area and resolved to grant the licence as set out in the application, subject to replacing in condition No 11, the word 'seats' with 'covers'

287 "Fresh Munch" - Application for the grant of a premises licence for Fresh Munch 43 Wade Lane, Leeds, LS2 8NJ

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 made under Section 17 of the Licensing Act 2003 for a premises licence in respect of Fresh Munch 43 Wade Lane LS2, which was situated in an area within the Cumulative Impact Area (CIP) 1

Representations had been received from West Yorkshire Police and LCC Environmental Protection Team

Larger scale plans of the location of the premises and the CIP were tabled, for Members' consideration

Present at the hearing were:

Mr Hussain and Mr Sharif of M2 Design, Planning Consultants who were representing the applicant

PC Arkle – West Yorkshire Police

Mr Kenny – LCC Environment Protection Team

The Sub-Committee heard from Mr Hussain and Mr Sharif who explained that the application was for late night refreshment and was an attempt to keep the business open in view of extended hours having been granted to other nearby premises. As there was little passing trade during the day, it had been necessary to let staff go at the premises although it was hoped that additional late night opening would allow some of the staff to be re-employed at the premises

It was stated that the manager of the business had experience of operating late night hours and that security issues had been taken into account with the provision of CCTV and the use of a radio link with other premises in the area

The Sub-Committee then heard from PC Arkle of West Yorkshire Police who stated that the Police had objected to the application as it was in an area covered by the CIP and that late night refreshment houses were often a flash point for crime and disorder after people had left pubs and clubs. Whilst some measures had been offered which went beyond those found in smaller operations, the premises were situated close to a violent crime hot spot and in an area which was likely to see greater footfall due to the opening of the Arena in 2013

If minded to grant the licence, the Police would welcome that any door staff, and ideally there should be two, would be recruited from a reputable door staff recruitment company

The Panel then heard from Mr Kenny of LCC Environment Protection Team who had objected on the grounds that the premises were located in the CIP and stated that longer opening hours could lead to noise and disturbance particularly for those residents of the nearby Merrion Hotel; the sheltered housing and flats on Wade Lane

In summing up, Mr Hussain advised that the hotel bedrooms were not located immediately above the premises and that signs advising patrons to leave the premises quietly could be placed inside the shop

The Sub-Committee having carefully considered both the written and verbal representations from the applicant, his representatives, West Yorkshire Police and LCC Environment Protection Team concluded that whilst the premises were located in the CIP it was acknowledged that this area was changing, particularly with the forthcoming Leeds Arena

The Licensing Sub-Committee welcomed the proposed conditions as set out in the proforma submitted by the applicant. Members agreed to deviate from the CIP and grant the licence but to restrict the opening hours, which along with the conditions was felt would address any problems in the CIP

RESOLVED - That the application be granted subject to the conditions proposed and the following opening hours:

Sunday – Thursday 11pm – 2am

Friday – Saturday 11pm – 4am

With no non-standard timings being allowed