

Licensing Sub-Committee

Monday, 11th June, 2012

PRESENT: Councillor J Dunn in the Chair
Councillors Buckley and B Selby

12 Election of the Chair

Councillor Dunn was elected Chair of the meeting

13 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:

Mamsy's – 225 Hyde Park Road LS6 – copies of representations received and written responses from the applicant and photographs showing the inside of the premises (minute 16 refers)

Red's Slow 'n' Low True Barbecue – Unit 1 Cloth Hall Street LS1 – copies of the proposed menu for the premises; photographs showing the proposed layout of the premises and information on the policies to be implemented in respect of the premises licence, if granted (minute 17 refers)

14 Declarations of Interest

There were no declarations of interest

15 Co-operative - Application for the grant of a premises licence for Co-operative Food Unit, 1-4, Langbar Retail Centre, Swarcliffe Avenue, Seacroft, Leeds, LS14 5EY

The Sub-Committee was informed that this application had been withdrawn from the agenda

16 Mamsy's - Application for the grant of a premises licence for Mamsy's, 225 Hyde Park Road, Woodhouse, Leeds, LS6 1AH

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 for Mamsy's, 225 Hyde Park Road, Woodhouse LS6. The application was for recorded music and sale of alcohol

The Sub-Committee was informed that an agreement had been reached in respect of the representation from the Environmental Protection Team, which had been withdrawn

Present at the hearing were:
Mr Ahmad – the applicant

In presenting the application, the Licensing Officer stated that the premises were not in the Headingley and Woodhouse CIP, as set out in the submitted report

The Sub-Committee heard from Mr Ahmad who explained that the premises were a small café, which could accommodate a maximum of 25 people and currently operated on a 'bring your own bottle' policy, with no problems or complaints having been received relating to consumption of alcohol. No off-sales of alcohol would be allowed

Whilst objections had been received from local residents to the application, Mr Ahmad explained that he had sought to engage with the objectors to explain that he was not seeking to open the premises late or for it to become a bar. He informed Members that he had received feedback from some of the objectors who seemed satisfied once the situation had been clarified. The Panel noted that representations in support of the application had also been made

Due to size of the premises and the nature of the food which was served there - this being Thai cuisine, which was prepared and cooked quickly - the average length of time a customer would spend in the premises would be about 40 minutes, so people would not be lingering or loitering around the premises; there was also insufficient space around the outside of the premises which would also prevent people gathering

Currently, background music was played within the restaurant and no complaints about noise nuisance had been received. In respect of noise nuisance from the extractor fan, this issue had been resolved to the satisfaction of the Environmental Protection Team

The Sub-Committee carefully considered the written representations which had been received, noted that agreement had been reached in respect of the representation from the Environmental Protection Team; noted the attempts the applicant had made to engage with local residents and noted that none of the objectors had attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the pro forma submitted with the application

17 Red's Low 'n Slow True Barbecue Unit 1 - Application for the grant of a premises licence for Red's Low 'n Slow True Barbecue Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD

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 for Red's Low 'n' Slow True Barbecue Unit 1 Cloth Hall Street LS1, which was situated in the Cumulative Impact Area 1

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

Present at the hearing were:

Mr White Licence Holders Agent

Mr Munro and Mr Douglas – Directors of Red's Smoque Ltd – the applicants

PC Arkle – West Yorkshire Police

Mr Kenny – LCC Environmental Protection Team (EPT)

Larger scale plans showing the location of the premises were tabled by the Licensing Officer. With the agreement of all parties, the applicants submitted a further copy of information previously circulated, which included the full menu to be provided and coloured images of the proposed layout of the premises

The Sub-Committee heard from Mr White who explained that this would be a new venture for Leeds and that the objection raised by LCC EPT in respect of noise nuisance would be addressed as the applicants had engaged a specialist in this field to ensure appropriate noise attenuation measures were provided. To assist customers leaving the premises, a local private hire firm had been engaged

Mr Munro and Mr Douglas informed Members that the proposal was for a food-led, American barbecue restaurant which would be family focussed and provide a new offer to diners in Leeds

The premises which were located close to a food destination – The Corn Exchange – would have 107 covers and would offer a range of dishes cooked in an innovative way, together with drinks designed to complement the dishes on offer. The bar would not provide any seating and was intended as a bar to service the restaurant

Wherever possible, ingredients would be sourced locally and it was the intention to offer job opportunities to local, unemployed people

In terms of live music to be provided on the premises, this would be in keeping with the theme of the premises, e.g. bluegrass/ acoustic duo

The Sub-Committee heard from PC Arkle on behalf of West Yorkshire Police who stated that whilst being impressed with the details of the proposals and the concept, she had several concerns

The location of the premises was a key concern as this was sited in one of the five top violent crime hotspots in the city, to the extent that Street Marshalls were necessary to augment the Police and PCSOs at weekends

Whilst the applicants had indicated the emphasis of the premises would be on food, no conditions had been offered to tie this to a restaurant-led operation, with West Yorkshire Police having concerns that in the event the business did not take off as planned, or another operator took over the premises, there was nothing to prevent it from becoming an alcohol-led venue

Concerns were also raised about the hours being sought, with the view that 1am closing at weekends and 2am closing on Bank Holidays would mean that customers leaving the premises would be faced with the large numbers of people leaving the many bars and other licensed premises in this area. Such is the concern about public safety in this area late at night, that discussions were being undertaken between the Police and Highways Officers with a view to seeking to close Call Lane at certain periods to help manage the situation

In response to a question from the Sub-Committee, the layout of the premises was clarified with Members being informed that although all the seating could be fixed, the proposals were to have 83 seats fixed and 38 loose

Further details of the Street Marshall scheme were provided, with PC Arkle explaining that this was in operation at week-ends and Bank Holidays between 23.00 – 3.00am and that whilst some of the larger operators in the area employed additional doorstaff outside their premises between these hours, smaller operators tended to share this responsibility and financial cost between them

The Sub-Committee then heard from Mr Kenny of LCC EPT who echoed the concerns presented by West Yorkshire Police in respect of the CIP; that an

additional outlet in this location would add to the number of people in the area and that as late night opening was being sought, there were concerns about noise and disturbance, particularly to residents of the flats located above the premises. If minded to grant the licence, Mr Kenny asked that the wording of any conditions should be the same as set out in the pro forma which was attached to the application

In summing up, Mr White, Mr Munro and Mr Douglas provided further information on the noise mitigation measures to be put in place and indicated their willingness to work with the Police to ensure the premises did not add to the CIP

The Sub-Committee carefully considered both the written and verbal representation from the applicant, West Yorkshire Police and LCC Environmental Protection Team

Whilst accepting the premises were located in a CIP, Members agreed to grant the licence for the hours sought and with the conditions proposed by the Responsible Authorities and the applicants, with these to be incorporated into the operation schedule using the wording of the Pro forma document Version 6. The following additional conditions were imposed:

- a minimum of 100 covers to be maintained at all times when the premises is open to the public
- a last entry policy, this being Sunday – Wednesday 23.00 and Thursday – Saturday – 00.00
- conditions in respect of Communication – as set out in pro forma codes 6PF029 – 6PF033 (inclusive)
- that no alcohol be served other than as an accompaniment to a substantial meal

RESOLVED - That the application be granted subject to the conditions set out above