

Licensing Sub-Committee

Tuesday, 28th August, 2012

PRESENT: Councillor T Hanley in the Chair

Councillors B Gettings and G Wilkinson

39 Election of the Chair

RESOLVED – That Councillor Hanley be elected Chair for the duration of the meeting.

40 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

- a) Appendix F of the report submitted by West Yorkshire Police (Minute 44 refers) under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the documents as they pertain to an individual and that person would reasonably not expect their personal information or discussions to be in the public domain and there is reference to action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- b) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to all the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

41 Late Items

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- West Yorkshire Police – Updated Problem Profile: 12 Months Violent Crime and Theft Vicinity of Call Lane, Leeds – Appendix F – Exempt Document (Agenda Item 7 refers)(Minute 44 refers)
- Photographs of First Floor Restaurant: Brooklyn Bar (Agenda Item 7)(Minute 44 refers)

42 Declarations of Disclosable Pecuniary and Other Interests

There were no disclosable pecuniary and other interests declared at the meeting.

43 "BAL Newsagent" - Application to vary a premise Licence held by Bal News, 434 Dewsbury Road, Hunslet, Leeds, LS11 7LJ

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 premise licence for Bal News, 434 Dewsbury Road, Hunslet, Leeds, LS11 7LJ.

The application had received representation from a local Ward Councillor, a local community forum and two local residents.

A representation had also been submitted by West Yorkshire Police (WYP), however the measures proposed had been agreed by the applicant and the representation subsequently withdrawn.

The hearing was attended by the following:-

- Mujahid Yousefzel, Applicant
- Councillor A Gabriel, Beeston and Holbeck Ward Member
- Ken Burton, Local resident
- Sally Burton, Local resident

Mujahid Yousefzel addressed the Sub-Committee and, in summary, made the following points:-

- There was a demand for out of hours goods, including the sale of alcohol, for local people living in the community
- Details of staffing arrangements at the premises
- History of burglaries at the premises and the current safety and CCTV measures in place
- The view expressed that extended hours would not cause a noise nuisance for local residents and would help to reduce any anti-social behaviour and binge drinking in the area

Questions were then invited and the following points were raised:-

- Clarification of the nature of business
- Details of the security/safety protection measures at the premises
- Clarification if the sale of alcohol late at night would prevent the business from being burgled
- Clarification of the number of premises in the area who also sold alcohol
- Clarification of the timings in relation to the sale of alcohol in relation to the window hatch service
- Clarification of the policy of the business in relation to selling alcohol to those persons who were drunk

Councillor Angela Gabriel, Ken Burton and Sally Burton addressed the Sub-Committee and, in summary, made the following points:

- Concerns that the premises were selling alcohol before the licence was granted
- The area was mainly residential and extending the hours at this business would result in more noise and traffic nuisance and anti-social behaviour
- The problems of noise, including taxis visiting the business associated with the use of the window hatch service in the early hours of the morning which was causing distress to local residents
- Reference to recent dispersal orders issued by the police for alcohol use and that the area did not want a 24 hour alcohol service

Mujahid Yousefzel responded to the noise and window hatch service issues.

He informed the Sub-Committee that he welcomed the opportunity to work with local residents and would not breach the law.

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:-

RESOLVED – That the application be granted, on a limited basis, for the sale of alcohol on a Friday and Saturday evening only until 2.00am, subject to the following two conditions:-

- Two members of staff to be employed at the premises
- No window hatch service after 23:00 hours

44 "Brooklyn Bar" - Application to vary a premises licence held by Brooklyn Bar 50 Call Lane, Leeds, LS1 6DT

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 premise licence for Brooklyn Bar, 50 Call Lane, Leeds, LS1 6DT.

Representation had been submitted by West Yorkshire Police (WYP).

Representation had also been submitted by LCC Environmental Protection Team, on the grounds that the application would undermine the prevention of public nuisance licensing objectives.

The hearing was attended by the following:-

- Matthew Jones, Applicant
- Brendon Warren, Brooklyn Bar representative
- Bob Patterson, West Yorkshire Police
- Brian Kenny, Environmental Protection Team

A copy of the following documents were circulated at the meeting as supplementary information:-

- West Yorkshire Police – Updated Problem Profile: 12 Months Violent Crime and Theft Vicinity of Call Lane, Leeds – Appendix F – Exempt Document

- Photographs of First Floor Restaurant: Brooklyn Bar

Matthew Jones and Brendon Warren addressed the Sub-Committee and, in summary, made the following points:-

- The history behind the operation of the premises
- The forced closure of the first floor restaurant after six months trading due to lack of custom
- The continuing financial concerns with regards to paying rates/business rent for the first floor of the building
- That the removal of the condition relating to the first floor would make the premises more appealing
- To acknowledge that food would be a condition of the amended application and that it would not impact on public nuisance or crime and disorder
- That extending the trading hours would ensure that the business was more commercially viable in today's market
- To give assurances that they would not allow entry after 3.00am
- That the business had a good working relationship with the Licensing authority and the police

Questions were then invited and the following points were raised:-

- Clarification of the operating times of the Marshalling Scheme
- The concerns that there was a huge amount of crime and disorder coming from the premises
- Clarification of whether food would be available all hours
- Details of the amount paid in rates and business rent

Bob Pattison, West Yorkshire Police (WYP), addressed the Committee and, in summary, made the following points:-

- Reference to the current conditions relating to the Cumulative Impact Policy (CIP) and the hotspots identified within the report
- The concerns that the hotspots on Call Lane had increased and as a result now required extra police resources
- The need for the applicant to demonstrate to the Sub-Committee that they have not been contributing to the current problems within the area
- The need for the Sub-Committee to consider imposing a condition regarding the proportionate number of covers to be maintained during the term of the licence

Brian Kenny, Environmental Protection Team, addressed the Sub-Committee and, in summary, made the following points:-

- The view that there was very little demand for food after 3.00am
- The removal of condition 21.3 would intensify the use of the premises making it an alcohol led establishment and likely to give rise to public nuisance from loud music

- There was also a potential for public nuisance from the noise of large numbers of patrons all leaving at a later closing time having a cumulative impact on the area

Matthew Jones and Brendon Warren responded to the covers proposal put forward by West Yorkshire Police; crime and disorder and hotspots issues and on the achievements of the current Marshalling Scheme.

The Sub-Committee then carefully considered all the written and verbal submissions and made the following decision:-

RESOLVED – That the application be dealt with as follows:-

- 1) That taking into account the Cumulative Impact Policy and hotspot issues, the application to extend the hours be refused.
- 2) To remove the condition relating to the first floor that reads: The sale of alcohol on the first floor of the premises is permitted only as ancillary to a table meal and to substitute a condition that reads: 40 covers to be maintained on the first floor offering a food menu when the premises was open.

(Councillor G Wilkinson left the meeting at 12.15pm and had agreed to the above decision prior to the Legal Adviser drafting and announcing the Sub-Committee's decision)

(The meeting concluded at 12.20pm)