

Licensing Sub-Committee

Monday, 1st October, 2012

PRESENT: Councillor G Hyde in the Chair

Councillors C Townsley and N Buckley

62 Election of the Chair

RESOLVED – Councillor G Hyde was elected Chair of the meeting

63 Late Items

No formal late items of business were added to the agenda for the meeting. The Sub Committee were in receipt of the following additional documents which had been received after the despatch of the agenda:

Leeds International Film Festival – schedule containing a more detailed synopsis of the content of each film (minute 65 refers)

Melbourne Street Community Studio - Letter dated 18 August 2012 confirming the agreement reached between WYP and the applicant, e-mail dated 24 September 2012 confirming the agreement reached between LCC EPT and the applicant and e-mails dated 28 September 2012 from two local residents in response to a letter sent to them by the applicant (minute 66 refers)

64 Declarations of Disclosable Pecuniary and Other Interests

No declarations were made.

65 "Leeds International Film Festival" - Certification of Films

The Sub Committee considered the report of the Head of Licensing and Registration setting out an application received for the certification of films proposed to be shown during the Leeds International Film Festival 2012. The report included the British Board of Film Classification categories for reference and a schedule of the films requiring certification including a brief synopsis of the content of each film and a proposed classification. Mr C Fell, Festival Director was accompanied by Mr A King and Mr M Grund to respond to Members queries.

Members considered the summary of each film and determined that they did not need to view any of the films as they felt able to make a judgment based upon the synopsis. The Sub Committee considered the proposed classifications for the films listed to be appropriate and that it was necessary for the protection of children to apply these recommendations.

RESOLVED – That the films outlined in the schedule attached to the report and proposed to be shown at the Leeds International Film Festival 2012 be classified in accordance with the suggested classifications.

66 "Melbourne Street Community Studio" - Application for the grant of a premises licence for Melbourne Street Community Studio, 18-20 Melbourne Street, Leeds LS2 7PS

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy considered

an application for the grant of a Premises Licence in respect of Melbourne Street Community Studio, Leeds LS2.

Representations had been received from West Yorkshire Police and LCC Environmental Protection Team, however the measures suggested by them to address the licensing objectives had been agreed by the applicant and the representations had been withdrawn on the understanding that the measures would be included on the premises licence, should it be granted. Thirteen local residents had also submitted representations to the application.

Mr P N Geary (for the applicant) and Dr H Jones and Dr A Whiteley (local residents) attended the hearing. The Sub Committee resolved to consider the written representations of those residents not present at the hearing in their absence.

It was noted that the agreements reached over measures to address the prevention of public nuisance licensing objective had in effect amended the application by reducing the opening hours (now 08:00 until 02:30) and the hours for provision of live and recorded music (now 08:00 until 00:00 midnight). Members noted the contents of correspondence in relation to the agreements between the parties.

Mr Geary outlined the application on behalf of Ravenpine Ltd – the applicant – and the history of events held at the venue under the provisions of Temporary Event Notices. He described the proposed management style of the venue as being similar to a village hall, the intention being that the creative arts users of the units within the building would make use of this unit at 18-20 as required as a showcase for their products. There was no intention to trade 7 days a week and events would pre-booked or ticketed and not open to the general public. The applicant had decided that any events requiring live music past midnight would be held in another of the applicants venues elsewhere in the city as such events had caused some issues under TENS. A mechanism had also now been established to communicate with the residents of the Merchants House in the future.

Dr H Jones and Dr A Whiteley then addressed the meeting highlighting their concern that the proximity of the venue to residents was not conducive to the proposed operation of the premises and outlining their experiences of the events previously held at the premises and the problems of noise breakout, on street drinking and anti social behaviour attributable to those events. Dr Jones stated that the residents had contacted the police when a street party had been hosted by the applicant at this venue due to the unacceptable level of noise, she added that this had been a day time event and therefore the reduction in hours later into the night would not resolve her noise concerns. The Sub Committee also heard that the venue had not responded positively when the objectors had made contact regarding noise issues.

The Sub Committee discussed the consequences for the applicant if the condition stating “noise should be inaudible at the nearest noise sensitive

premise” was breached however the residents did not have confidence that events managed by this applicant in this building could achieve that.

Members requested information on what measures the applicant proposed to address the licensing objectives, having regard to the location of the venue within Cumulative Impact Area 1 (city centre) and Mr Geary briefly outlined how noise breakout would be managed.

The Sub Committee carefully considered the written and verbal representations made on behalf of the applicant and by the local residents. Members also had due regard to the agreements reached between the applicant and LCC EPT and WYP. The Sub Committee noted that all of the objectors had referred to noise break out from the premises during events held under Temporary Event Notices and concluded that this showed that noise was a real issue at the premises.

Despite the reduction in the proposed hours of operation, secured through agreements with LCC EPT, Members felt that they had not heard anything to satisfy their concerns regarding the public nuisance issues raised by the objectors. Members’ fundamental concern being that this building was not suitable for the type of events proposed.

The Sub Committee also had to take into account the location of the premise within Cumulative Impact Area 1 (city centre). In such cases it is the responsibility of the applicant to demonstrate how the operation of the premises will not add to the cumulative impact of licensed premises in the area, not the responsibility of the objectors to prove it will.

In this case, Members felt that they had not heard evidence from the applicant on measures necessary to satisfy them. The Sub Committee therefore **RESOLVED** – To refuse the application

67 "New World Cafe" - Application for the grant of a premises licence for New World Cafe, 26-30 New Briggate, Leeds LS1 6NU

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 the grant of a Premises Licence in respect of New World Café, 26-30 New Briggate, LS2. The premises was located within Cumulative Impact Area 1 (city centre) and had previously operated as D’Fusion.

Representations had been received from West Yorkshire Police (WYP) and LCC Environmental Protection Team (LCC EPT). A representation had also been received from LCC Health and Safety Team over measures proposed to address the public safety licensing objective, these measures had been agreed by the applicant prior to the hearing and the representation subsequently withdrawn. The hearing was attended by the following:

Mr G Chan –the applicant’s agent

Mr Lau – the applicant

Mr B Kenny – LCC EPT

PC C Arkle - WYP

The Sub Committee was aware that the premises licence for D'Fusion had been revoked and was now the subject of an appeal to the Magistrates Court. Discussion followed on the status of the two premises licences, should this application be granted. Mr Chan confirmed that if this application was granted, the appeal would be withdrawn. The Sub Committee heard that this applicant was in the process of buying the building, and sought an operational premises licence.

Mr Chan outlined the proposed target clientele and operation of the premises, which covered the ground, first and second floor of the building. He assured the Sub Committee that the applicant intended to operate a restaurant to the ground floor with corporate or pre-booked functions on the upper floors. The venue could no longer operate as a nightclub as it had been refurbished to create smaller spaces. This had also reduced the capacity. Mr Chan also stated that the applicant was content to accept measures discussed with WYP at a meeting the previous week - which included employment of doorstaff although the number and hours they would attend had yet to be determined

PC Arkle then highlighted WYP concerns regarding the location of the premises on New Briggate which was identified as a hotspot area in the city centre associated with anti social behaviour. There was concern over the lack of coherent measures to address the licensing objectives and the CIP area 1 policy included within the application. PC Arkle reported on the outcome of the meeting referred to by Mr Chan and highlighted that the proposed operation of this venue until 03:00 hours would add to the conflict with other licensed premises already experienced on New Briggate. She stated that it was important that conditions on this premise licence, should it be granted, reflected that the venue was not generally open to the public, due to its location and licensed history and that it was necessary and proportionate therefore for 2 doorstaff to be employed at the premises from midnight until 03:00 hours (when the ground floor restaurant was proposed to close).

Members noted that the premises could remain open until 05:00 hours although the sale of alcohol would cease at 03:00 hours if this application was granted. A plan of the internal layout plan showed that the ground floor restaurant was a self contained unit accessed from a separate door within the entrance lobby which could be closed at 03:00 am whilst the entrance to the upper floors could remain open.

Mr Chan added that the applicant intended to operate until 03:00 hours initially as a trial period and if unsuccessful he would close at 00:00 midnight – in which case doorstaff may not be necessary.

Mr B Kenny, LCC EPT, then addressed matters raised in the written submission but stated that having heard the representations of the applicant and WYP, he was reassured over the future operation of the venue. Mr Kenny requested that standard EPT conditions to address the public nuisance

licensing objective be attached to the Premise Licence should this application be granted.

Members then adjourned to deliberate the application and considered how to progress matters, noting that measures had now been included within the application to address the licensing objectives and the CIP having regard to the location and licensed history of the premises. Members noted the comments made by WYP and at this point reconvened the hearing to inform the parties of their view that they were minded to grant the application with conditions. The Sub Committee then invited the parties to consider the pro forma risk assessment and to discuss which measures would be placed on the premises licence in the event of a grant. Members indicated that they would wish to see conditions which clearly set the hours and activities for each of the venues' floors.

The matter was adjourned to facilitate those discussions. On recommencement the Sub Committee received confirmation that all parties had discussed and agreed a set of measures that could be included within the premises licence. Members were provided with a revised copy of the pro-forma risk assessment. The Sub Committee, having carefully considered the written and verbal submissions made at the hearing by all parties and having regard to the agreements now reached

RESOLVED – That the application be granted in the following terms:

Ground Floor

- alcohol sales 08:00 to 02:30 hours
- provision of all other licensable activities 08:00 until 03:00 hours (except alcohol)
- This part of the premises shall close at 03:00 hours

Upper floors

- alcohol sales 08:00 to 04:30 hours
- provision of all other licensable activities 08:00 until 05:00 hours (except alcohol)
- This part of the premises shall close at 05:00 hours

- Those measures proposed by the applicant shall now be included within the premises licence as conditions to address the relevant licensing objectives
- Those measures agreed between the applicant and LCC H& S (included within appendix D) shall be included within the premises licence in order to address the public safety licensing objective.
- The following additional conditions were imposed on the licence as being necessary and proportionate to address the licensing objectives and to ensure the premises operated to the business plan outlined at the hearing
 - the ground floor area shall operate as a restaurant
 - the sale and supply of alcohol shall be restricted to ensure that it is consumed on the premises and only supplied with the purchase of a substantial meal
 - a minimum of 80 covers shall be maintained to the ground floor
 - there shall be no use of external promoters for any function within the venue
 - public access to the first & second floors shall be by pre-booking only

68 "Churwell Working Men's Club" - Application to vary a club premises certificate in respect of Churwell Working Men's Club, Diamond House, Old Road, Churwell, Morley. Leeds LS27 7RR

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance the Authority's own Statement of Licensing Policy, considered an application to vary an existing Club Premises Certificate in respect of Churwell Working Men's Club, Diamond House, Churwell LS27.

In summary, the application if granted, would allow the provision of additional entertainment from 10:00 until 00:00 everyday. The application had attracted a representation from one local resident who did not attend the hearing. The Sub Committee resolved to consider their written representation and proceed in their absence.

Mr T Bottomley (Treasurer) and Mr A Wood (Secretary) attended the hearing on behalf of Churwell WMC who set out the background to the submission of the application. The Sub Committee heard that there was no intention to alter the style of management of the Club, rather that the revised Certificate would address the restrictions on the current Certificate. The applicants also addressed the comments made in the written objection.

The Sub Committee carefully considered the written and verbal representations made on behalf of the applicant and the written submission from the local resident.

RESOLVED – That the application be granted as requested