

Licensing Sub-Committee

Monday, 17th June, 2013

PRESENT: Councillor B Selby in the Chair

Councillors G Hyde and N Buckley

16 Election of the Chair

RESOLVED – That Cllr. Selby be elected as Chair for the duration of the meeting.

17 Appeals Against Refusal of Inspection of Documents

No appeals against refusal of inspection of documents.

18 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information. The press were in attendance for item 6.

19 Late Items

There were no late items. However, Members of the committee and all interested parties were in receipt of supplementary information from the Solicitors representing Brooklyn Brewery Pop Up (minute 20 refers) and also supplementary information in respect of Darbar Restaurant (minute 21 refers).

20 Declarations of Disclosable Pecuniary Interests

There were no declarations of Disclosable pecuniary interests.

21 Application for the grant of a premises licence for Brooklyn Brewery Pop Up, 20-24 The Calls, Leeds, LS2 7EW

Members heard from the Applicant with regard to the proposals and the concept. The Applicant noted the rebuttable presumption created by the Cumulative Impact Policy and sought to address that presumption with reference to the licensing objectives.

The concept was for marketing specialist craft beer using the Brooklyn Brewery products. No spirits or alcopops would be sold and there were no cheap drink prices. The brewery would not attract binge drinkers. Beer could retail at approximately £7.00 per pint.

The temporary nature of the licence was due to the proposal to buy a limited amount of beer and to serve until that had been used up. The premises were to be used for a short time pending redevelopment.

In answer to questions the Applicant confirmed that maximum capacity of the premises was 200 people. The Applicant also gave additional information around the proposal to use the premises to promote New York art and music. The Applicant confirmed that they held a four month lease for the premises subject to the licensing approval and that would include approximately one month of set up time. If the beer had not sold within that time then there

would be a rolling 30 day extension to the lease until such time as the beer was sold.

Members then heard from West Yorkshire Police who indicated that the main reason for objecting was the cumulative impact policy and that there was no date for this licence to start and stop and a scant amount of detail in the Application. There was concern over its proximity to Call Lane which was a violent crime hot spot and was in the top three streets for crime and disorder for the last three years.

The police had only just heard that the capacity was 200 people were concerned about the impact of that number of people on the area. The police also noted that the conditions offered by the Applicant fell short of the offers that they would expect from a late night bar. These were relatively modest hours but the police were concerned that the customers would then be attracted to the late night bars on Call Lane making the situation even more difficult in that area. The police also noted that there was no commitment to use the BACIL radio system, no seating shown on the plan and no dispersal policy.

In answer to conditions the police said that if a licence were to be granted they would want conditions from the pro forma risk assessment regarding CCTV, at least two SIA registered door staff on duty, a search policy, a commitment to the BACIL radio scheme and a dispersal policy. In answer to another question police said that it was difficult to predict whether a more expensive venue would have customers that would later cause problems in the night time economy.

In response the Applicant indicated that they were willing to work with West Yorkshire Police and offer the conditions requested.

The Applicant also referred members to the Brewdog decision in which the Committee refused a licence that was subsequently granted on appeal.

The legal officer advised the Committee in respect of previous Cumulative Impact Policy decisions noting that in relation to the Brewdog Application the Applicants had been able to show a track record of operating successfully in CIP areas elsewhere in the country, the venue was for a capacity of 60 people and the hours had been reduced during the appeal from a 2.00 am proposal to midnight based upon the period in which violent crime began to peak.

RESOLVED - The Committee resolved to grant the Application notwithstanding that it was in a CIP area but to amend the Application by reducing the hours for licensable activities to midnight on each of the days it was proposed to open the bar. The premises should close 30 minutes after the end of licensable activities. Members also imposed a capacity limit on the premises of 150 persons. Members also imposed a time limit on the licence such that it would seek to have effect seven months from today's date 17th June 2013. These conditions would be imposed for the promotion of the prevention of crime and disorder

The resultant licence would be granted with conditions as agreed with Environmental Health and the CCTV conditions as worded in the risk assessment pro forma. There was also to be a dispersal policy agreed with West Yorkshire Police before the premises could open, a minimum of two SIA registered door staff on duty during opening hours and a required commitment to the BACIL radio scheme. Other conditions would be those consistent with the operating schedule when they did not conflict with the conditions granted by the Committee.

22 Application to vary a premises licence in respect of Darbar Restauarant, 17 Kirkgate, Leeds, LS1 6BY

Members heard from the Applicant that the proposals were for a variation to remove two conditions on the licence relating to the number of covers and the need to serve alcohol ancillary to meals. In effect this was to change the premises from a restaurant to a bar/ live music venue.

The Applicant had met with the police and Environmental Health and as a result had agreed a dispersal policy and tried to address their concerns by offering conditions including a reduction in the hours for live music.

The Applicant explained the concept was for a music venue for professionals aged 18 to 30 similar to a venue run by the same individual in Manchester. That venue had been successful and had turned around the premises and there were no complaints or trouble. The Applicant was clear that he was not seeking to attract the sorts of customers who frequented the bars on Call Lane. His music policy would be light rock similar to other venues run in other parts of the city centre.

In answer to questions he confirmed that the capacity would be 350 people and that they were not aiming to operate as a night club even though he accepted they would have permission for night club hours.

Members then heard from West Yorkshire Police who outlined that the reason for the conditions was to tie the premises to restaurant use and prevent it changing into a bar. The police submitted that the premises were in the Cumulative Impact Policy area but accepted that Kirkgate was not a violent crime hotspot. However it was located in close proximity to Briggate which was a violent crime hotspot and had been in the top three streets for the last five years (Briggate and Lower Briggate excluding New Briggate). Police said that under the proposed new licensing policy this would be classed as an area of concern rather than a hotspot however since the policy was published for consultation crime in the area in question had increased.

The peak time for offences on Briggate was midnight to 05:00 hours. Overall violent crime in the city linked to the night time economy was reducing but 36% still occurred on the street and could not be linked to specific licensed premises. This was the reason behind the Cumulative Impact Policy itself.

On conditions the police noted the dispersal policy and the aim to disperse the customers towards Kirkgate and away from Briggate. The conditions offered by the Applicant at 3 and 4 should include the approval of West Yorkshire Police and there should be set times when door staff would be on duty.

Members then heard from Environmental Health who also objected on cumulative impact grounds. Environmental Health indicated that there were flats 20 – 25 metres away above shops and that there was a night club already operating in this area from which Environmental Health had had a complaint about noise from people on the street. Environmental Health do not have the powers to control such noise and allowing a second venue to open would bring more people and therefore more complaints. Environmental Health were unconvinced by the dispersal policy and did not feel it would address this problem of public nuisance.

In relation to noise breakout Environmental Health informed the Committee that the premises had submitted a noise report for planning purposes which made a lot of assumptions and which Environmental Health were not particularly happy with.

On the question of conditions Environmental Health felt that keeping the conditions of operating a restaurant created a buffer zone reducing public nuisance in the area. Adding conditions to the individual licence would mitigate the increasing impact to a degree but would not prevent it. About 20% of noise complaints received by Environmental Health for the night time economy are from the noise of patrons on the street rather than noise breakout from the premises.

In response the Applicant stated that they would agree to Environmental Health conditions and the police conditions. Their security company would be involved in marshalling customers under the dispersal policy and there was a discussion with a local taxi firm on a direct link to ensure patrons could be collected from the premises. Queues would be kept inside where possible or marshalled and the small smoking area would be supervised.

In answer to questions the Applicant confirmed that planning permission had been granted and members requested a copy of the permission and noted the noise attenuation condition and that permission was for a change of use from A3 to A4/D2 allowing use as a bar or night club.

RESOLVED – After careful consideration the Committee decided to refuse the application to grant a variation to the Licence as they felt that the conditions discussed during the hearing would not be effective to address the problems of an increased number patrons in the street going to and from the premises and the change was likely to add to the cumulative impact of premises in the city centre.