

Licensing Sub-Committee

Tuesday, 14th July, 2015

PRESENT: Councillor B Gettings in the Chair

Councillors N Buckley and B Flynn

19 Election of the Chair

RESOLVED – That Councillor B Gettings be elected as Chair of the meeting.

20 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

21 Application for the grant of a premises licence for Leeds Premier Fitness Centre 1st Floor, Selby Road, Leeds, LS15 7AX

The report of the Head of Licensing and Registration presented an application for the grant of a premises licence for the supply of alcohol at Leeds Premier Fitness Centre, 1st Floor, Selby Road Leeds.

The applicant addressed the sub-committee. Issues highlighted in discussion and further to questions from Members included the following:

- The sale of alcohol would provide a social facility for members. It would not be open to the general public.
- The main reason for the application was to allow private functions and presentation evenings.
- There were currently 180 members of the gym and karate club and it was hoped to increase to around 250.
- The applicant was aware of planning requirements that would be required.
- The premises were usually closed by 9.30 p.m. The application would give flexibility on the occasions when functions or presentations were held.

An objector to the application who operated a funeral parlour in the same building addressed the sub-committee with concerns regarding the application. These included the following:

- The funeral parlour was a 24 hour service and required 24 hour access to the premises for families to visit.
- Prior to the fitness centre opening there had been ample parking for visitors to the premises. There had been difficulties with parking and access for bringing the deceased into the premises.
- There were also concerns that noise disturbance could be upsetting to customers.

Following questions from Members the following was discussed:

- The applicant did ask customers to park respectfully and ensure no access to the funeral parlour's side gate was blocked. It was felt the nearby angling shop and other nearby premises created problems with parking in the vicinity.

- The funeral parlour did try and discourage customers from visiting after 9.00 pm.
- The applicant would ensure that arrangements regarding car parking were made clear prior to any functions.
- Location of the bar area within the building. This was over the main entrance.

The sub-committee carefully considered the application and objections. They fully understood and respected the concerns raised by the sensitive nature of the funeral business. Having considered the information provided by the Applicant, the sub-committee could see no reason why granting the Application would be likely to impact on the licensing objective of the prevention of public nuisance. The sub-committee could not and did not take into account the issue of parking and noted the Claimant's assurance that he would not operate outside the Planning Consent hours.

RESOLVED – That the application be granted as applied for.

22 Application for the grant of a premises licence for Wok And Go 44A Woodhouse Lane, Woodhouse, Leeds, LS2 8LX

The report of the Head of Licensing and Registration presented an application for the grant of a premises licence at Wog & Go, 44A Woodhouse Lane, Leeds.

The application was for the supply of late night refreshment from 23.00 hours until 02.00 hours on Sunday to Thursday and from 23.00 hours until 03.30 hours Friday to Sunday.

It was reported that the premises were situated within a Cumulative Impact Area (Red Zone) and the application had therefore attracted representations from West Yorkshire Police and Leeds City Council Entertainment Licensing as responsible authorities.

The applicant's representative addressed the sub-committee and gave reasons why they felt the application should be granted. These included the following:

- The applicant operated a number of stores under the Wok and Go franchise across Leeds and the rest of the country. Some of these sold alcohol and there had not been any incidents of disorder occurring elsewhere.
- The premises had operated in the current location for over two years and since the opening of the arena there had been an impact on the profitability of the store.
- Advertising of the application had not brought about any objections other than those from responsible authorities.
- The applicant had agreed to meet all necessary security arrangements including CCTV, door supervisors and the radio link network.
- Temporary event notices had been held at the premises without incident.
- The applicant did not want to attract customers from nearby drinking establishments but provide an extra option to passing customers from the arena.
- Due to the opening of other food outlets it was increasingly difficult to sustain the business and it had been running at a loss for the previous six months.

A West Yorkshire Police representative addressed the sub-committee with objections to the application. These included the following:

- The licensing objectives did not take account of the financial circumstances of a premises.
- The premises were situated in a Cumulative Impact Area where there were a significant number of other licensed premises immediately nearby. The saturation of premises in the area caused difficulties when offences occurred.
- The area suffered from alcohol related crimes and this increased where premises operated in peak hours. Late night refreshment premises such as this acted as beacons for people under the influence of alcohol to remain in the area.

The sub-committee also heard from a representative of the Licensing Authority and further reference was made to crime and disorder in the area. The premises had previously had an extended licence but it was not felt that this application demonstrated any exceptional circumstances in order for it to be granted.

The Committee carefully considered the application and the objections. However the premises are located in the Red Zone of a Cumulative Impact Area. The Committee noted that the Cumulative Impact Policy creates a rebuttable presumption of refusal for an application of this type. The operator in this instance was unable to convince the Panel that the application was exceptional.

RESOLVED – That the application be refused.