

Licensing Sub-Committee

Tuesday, 11th August, 2015

PRESENT: Councillor G Wilkinson in the Chair

Councillors B Flynn and S McKenna

29 Election of the Chair

RESOLVED - That Councillor Wilkinson be elected to Chair the Licensing Sub-Committee for the duration of the meeting

30 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items

31 Late Items

There were no formal late items. However, supplementary information had been submitted in relation to:

Archies – Grant of premises licence for Archie’s – Arches V and W Granary Wharf, Dark Neville Street (minute 34 refers)

Certification of films – Leeds Festival – (minute 35 refers)

32 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

33 "Ira B's" - Application for the grant of a premises licence for Ira B's, "Ira B's", 27 Chelwood Drive, Moor Allerton, Leeds, LS8 2AT

The Licensing Sub-Committee considered an application made by Ms Ira Silverman, for the grant of a premises licence for Ira B's at 27 Chelwood Drive Moor Allerton LS8. The application was for the sale of alcohol for consumption on the premises and recorded music. Members noted the details of the initial application and the amended application following a representation from Planning Services which were set out in the submitted report

The application had attracted representations from West Yorkshire Police, Planning Services and the Council's Environment Protection Team (EPT) although following agreements to a reduction in the opening hours being sought and additional measures to be included on the licence, these representations had been withdrawn prior to the meeting. It was noted that a representation from a local resident on the grounds of public nuisance remained to be considered

Attending the meeting were:

Ms Ira Silverman – applicant

Members were informed by the Principal Licensing Officer that the local resident who had submitted a representation to the application had indicated they would not be attending the meeting

The Licensing Sub-Committee heard from Ms Silverman who stated that the application for the sale of alcohol to accompany food was as a result of requests from customers. In addition, it would enable patrons to have a glass of wine/beer or

champagne as part of a celebratory meal. The limited nature of the premises meant there would not be a bar area; that alcohol would not be on display and would be dispensed from the kitchen area of the premises

On the issue of parking, which formed part of the representation submitted by a local resident, Ms Silverman acknowledged that the area around this small parade of shops was becoming busier

In terms of possible noise nuisance issues, Ms Silverman stated that she had four tenants who lived above the premises and that it would not be in her interest to disturb her own tenants

The Licensing Sub-Committee carefully considered the verbal representations from Ms Silverman, the written representations from a local resident and noted that Planning Services had withdrawn their representation following the scaling back of the licensable hours being sought in the application and that West Yorkshire Police and the Council's Environmental Protection Team had withdrawn their representations following agreements reached to promote the licensing objectives which would form conditions on the licence. Members also noted the absence of representations from the residents living above the premises

RESOLVED - That the application be granted subject to the conditions agreed with West Yorkshire Police and the Council's Environmental Protection Team

34 "Archie's" - Application for the Grant of a Premises Licence for Archies, Arches V and W, Granary Wharf, Dark Neville Street, Leeds, LS1 4BR

The Licensing-Sub Committee considered an application for the grant of a premises licence for Archie's, Arches V and W Granary Wharf, Dark Neville Street

Present at the hearing were:

Mr P Whur – applicant's legal representative

Mr S Midgeley – Operations Manager – Ossett Brewery Taverns Ltd

Ms Lawson – Operations Manager – Ossett Brewery Taverns Ltd

Me G Mudhar – Leeds City Council Environment Protection Team (EPT)

A preliminary matter relating to requests to submit additional information on behalf of the applicant and the representative from EPT was raised. On this occasion the Licensing Sub-Committee agreed to accept the additional submissions from both parties. The additional information was circulated to Members and both parties and the hearing was adjourned for a short while to enable consideration of the circulated material

The application had been brought to Members for consideration as the proposals had attracted representations, although it was noted that following agreements over the suggested control measures, West Yorkshire Police and the Health and Safety Team had withdrawn their representations. A representation from LCC EPT remained as did the 11 representations which had been made to the application by local residents. Although invited to attend the meeting and address the Licensing Sub-Committee about the concerns raised, no local residents were present at the meeting

Mr Whur presented the case on behalf of the applicant and informed Members that Ossett Brewery Taverns Ltd was a successful local business with 25 premises, the organisation promoted the licensing objectives and none of their premises had ever been subject to a review of their licence. It was proposed that

Archies would be run by an experienced manager, who was currently running one of the company's premises in Saltaire

Members were informed that although the applicant operated two premises adjacent to Archie's, the proposals for this venue would differ and the style of the operation would change during the day and week-end. The premises would be offering breakfast, lunch and dinner and on Fridays and Saturdays would provide a party atmosphere with a small dance floor being available for patrons to have a dance if they wished to. This type of offer operated by the applicant had proved successful in Saltaire

Mr Whur referred to the additional nine measures being sought by LCC EPT, as set out in Appendix D of the submitted report and stated that with the exception of no.1 – which related to opening hours and no.7 – which related to the use of the outside area, the applicant was happy to agree these measures

In terms of the representations by local residents, Mr Whur considered that concerns that other premises would seek to extend their opening hours if this license was granted were not relative considerations as each application had to be considered on its merits. For the avoidance of doubt, Mr Whur stated that there was no wish to extend the hours of the applicant's two other premises in this area, The Hop and The Candle Bar

In terms of noise nuisance, Mr Whur informed Members that the music offer would be situated at the rear of the premises and that there was an exit door which would enable patrons to exit the premises directly into the Dark Arches. To assist in managing people leaving the premises, doorstaff from the applicant's other adjacent premises would be available as these premises closed earlier

To address concerns about noise break out, an acoustic lobby was proposed for the front of the premises, with a planning application for this currently being processed. To demonstrate the applicant's commitment to addressing issues of noise nuisance, an acoustic lobby was also proposed for The Candle Bar and reference was made to the work which had taken place with EPT to address issues of noise which had occurred in the past at The Hop

In response to questions from the Licensing Sub-Committee, Mr Whur advised that the applicant would work with taxi operators and put in management controls relating to patrons leaving the premises

In response to a question from the Chair about there being no provision for drinking up time in the hours applied for, Mr Whur confirmed this was in fact an office error and he suggested that the Licensing Sub-Committee might wish to consider an additional 15-30 minutes on the hours being sought to allow for this. Mr Whur reminded the Sub-Committee that a premise could in fact stay open with no impact from the regulators who would be unable to police it. Mr Whur went on to say that the only mechanism by which to challenge a premise which stayed open for longer than its operating hours would be to review the licence, however, no good operator would do that

The Panel then heard from Mr Mudhar of the LCC EPT who stated that the premises were in a mixed-use area which included 282 apartments and a 14 storey hotel, with there being 300-400 residents within 35m of this bar

The main concern of EPT was the outside area, with Officers being of the view that the applicant had not addressed the issue of how noise from patrons smoking and talking in this area would be controlled. Furthermore, if granted a license to 01.00 hours, - this being later than some other bars in the area - the premises could attract customers seeking a last drink. There were also concerns

that other premises might wish to apply for longer hours if Archies was granted the hours being sought

In response to questions from Members, Mr Mudhar stated that the EPT had a duty to protect against noise nuisance and that the most effective method was the restriction of opening times. He also stated that the EPT would be content with a closing time of 00.30; were content with the 07.30 opening time and confirmed that there had only been one complaint received by EPT in relation to The Hop, since 2012 and indicated that he was encouraged with the work which had been done to address noise nuisance issues at those premises

In summing up, Mr Whur stated that in respect of the use of the outside area, this would not be permitted after 23.00, apart from use as a smoking area, although no drinks could be taken outside after that time

The Licensing Sub-Committee carefully considered the application, noted the additional information submitted on behalf of the applicant and the EPT and considered the verbal representations which had been made and the written representations which had been submitted, including those of 11 local residents. The Sub-Committee also noted that agreements had been reached with West Yorkshire Police and the Health and Safety Team on suggested control measures and that points 2, 3, 4, 5, 6, 8 and 9 of the EPT's representation set out in Appendix D of the report before Members had been agreed and would be incorporated into the operating schedule. The Sub-Committee also had regard to the possibility of incorporating a period of drinking up time in the opening hours to be considered

RESOLVED - That the application be granted for the sale by retail of alcohol (for consumption on the premises) and recorded music from 07.30 until 00.00 Sunday to Thursday and 07.30 – 01.00 Friday and Saturday, subject to the agreed additional measures with West Yorkshire Police, the Health and Safety Team and the incorporation into the operating schedule of points 2, 3, 4, 5, 6, 8 and 9 of the EPT's suggested measures, as set out in Appendix D of the submitted report and an additional condition to state ' Patrons shall not be permitted to use the external area to the front of the premises between 23.00 and 07.30 except for smoking which will be permitted until the premises close'

35 Certification of Films - Leeds Festival

The Licensing Sub-Committee considered a report of the Head of Elections, Licensing and Registration setting out an application received for the certification of films proposed to be shown at the Leeds Festival 2015 within the grounds of Bramham Park

Appended to the report was a schedule of the films requiring certification including a brief synopsis of the content of each film and a proposed classification. A supplementary report advising of further films proposed to be shown and requiring certification was also considered by Members

Mr M Bell, representing the film distribution company attended the meeting and responded to queries and comments from the Sub-Committee and confirmed that the highest rating proposed for a film was 15. Copies of each of the films requiring certification were available for viewing by Members, if required, with an extract from one particular film being viewed at a Member's request

An outline of measures in place to prevent underage children and young people from viewing age inappropriate films was provided

RESOLVED - That the films outlined in the schedule included in the submitted report and the additional list of films set out in the supplementary report and proposed to be shown at the Leeds Festival 2015, be classified in accordance with the suggested classifications