

## **Licensing Sub-Committee**

**Tuesday, 27th October, 2015**

**PRESENT:** Councillor G Hyde in the Chair

Councillors A Ogilvie and C Townsley

### **83 Election of the Chair**

**RESOLVED** – That Councillor G Hyde be elected as Chair for the meeting.

### **84 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of that part of the agenda (late appendix to agenda item 7 – Application to vary a Premises Licence at Brooklyn Bar, 50 Call Lane, Leeds) designated as exempt from publication in accordance with paragraph 10.4 (3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the documents relate to the financial or business affairs of any particular person (including the authority holding that information) and would not ordinarily expect to be in the public domain. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, due to the impact that the disclosure of the information would have on the individual. (Minute 88 refers).

### **85 Late Items**

There were no late items. Supplementary information regarding Agenda Item 7 – Application to vary a premises licence at Brooklyn Bar was distributed prior to the meeting.

### **86 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **87 Application for the grant of a premises licence for Tatra Sklep, 20-22 Branch Road, Armley, Leeds, LS12 3AQ**

This application was withdrawn prior to the meeting.

### **88 Application to vary a premises licence held by Brooklyn Bar, 50 Call Lane, Leeds, LS1 6DT**

The report of the Head of Elections, Licensing and Registration presented an application to vary a premises licence held by Brooklyn Bar, 50 Call Lane, Leeds.

The Licensing Officer presented the application.

The application was to vary the licence to amend a condition to maintaining “40 seats” instead of “40 covers” on the first floor of the premises. It also sought to change the bar layout on the first floor. It was reported that the premises fell within the red zone of the Cumulative Impact Area and Members were given a history of licensing application at the premises.

Representations against the application had been made by West Yorkshire Police, Environmental Health and the Licensing Authority.

The applicant's representative addressed the sub-committee. Issues highlighted included the following:

- With reference to a recent closure of the premises, it was reported that the assistant manager had given incorrect information regarding the provision of food after 10.00 pm. Food was available at all times.
- The first floor of the premises was currently closed to the public and only used for training.
- The capacity of the premises would remain the same and it was not sought to increase the hours of opening.
- As the licence currently stood, there was nothing to prevent the use of upstairs of the premises for vertical drinking. The applicant was proposing a condition for drinks to be provided to table by waiter or waitress service only. Food would still be available.
- With reference to an assault that had happened at the premises, it was reported that this had occurred during extended hours whilst a Temporary Event Notice was in operation. The applicant had decided against the use of any further Temporary Event Notices since then.
- Concern that minutes of a previous hearing did not reflect the conditions outlined in the licence.

The West Yorkshire Police representatives addressed the sub-committee. Issues highlighted included the following:

- The condition to include covers was to ensure that the premises maintained a restaurant style of operation. To change this allowed the possibility of a purely alcohol led operation.
- Whilst the applicant was acknowledged to be a responsible operator, the main concern was due to the location of the premises. Reference was made to alcohol fuelled crime in the area and the fact that the premises fell within the red zone of the cumulative impact area.
- Concern that modifications had been made to the bar area on the first floor without prior approval of the licensing authority.
- Reference to the minutes of the meeting held in 2012 – it was reported that the decision notice with the application had been sent correctly but there was an error with the minutes.
- It was requested that the application be refused.

A licensing authority representative addressed the sub-committee. It was reported that the variation could lead to an incremental change to the sale of alcohol as opposed to food. Further reference was made to the location of the premises in the red zone of the cumulative impact area and the associated problems encountered in the area.

An environmental health representative addressed the sub-committee. Reference was made to noise complaints in the area due to loud music and rowdy behaviour when people were moving between premises. There were currently a number of ongoing complaints although not directly linked to these premises.

In summary, the applicant's representative highlighted the following:

- Noise complaints were not in respect to the premises.
- There was no desire to move away from a food led style of operation.
- Drinks would only be available by waiter/waitress service. This would give more control than current arrangements.

The applicant's representative was asked to provide some suggested wording for a condition in relation to the operation of the first floor of the premises. The responsible authorities present did not feel satisfied that this would prevent the premises becoming an alcohol rather than food led style of operation.

#### **RESOLVED –**

- (1) That the application to amend the condition relating to covers on the first floor of the premises be refused as the Applicant had not set out any exceptional circumstances.
- (2) That the application for the amendment of the premises plan on the first floor be granted.