

## Licensing Sub-Committee

Tuesday, 29th March, 2016

**PRESENT:** Councillor G Wilkinson in the Chair  
Councillors M Harland and G Hussain

### **177 Election of the Chair**

**RESOLVED** – Councillor Wilkinson was elected Chair for the duration of the meeting.

### **178 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

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

There were no exempt items.

### **180 Late Items**

There were no late items. However, in relation to Item 8 a letter from Environmental Protection Team was circulated to all parties prior to the meeting. Minute 184 refers

### **181 Declarations of Disclosable Pecuniary Interests**

There were no declarations of pecuniary interests.

### **182 Application to Vary a Premises Licence held by The Hedonist Project, 156 Briggate, Leeds, LS1 6LY**

This was an application to vary a premises licence made by Oenotheque Limited for Hedonist Project, 156 Briggate, Leeds, LS1 6LY,

The application sought approval to extend the hours until 02:00 hours for each licensable activity currently permitted by the premises licence, and to extend the opening hours to read Monday to Sunday 08:00 hours until 02:30 hours. The application also suggested additional measures that included substantial food being available until the close of business and a minimum of 40 seats to be available at all times.

Members noted that the premises were within the 'red zone' of the Leeds City Centre Cumulative Impact Area (CIP).

Representations opposing the application in its entirety had been received from West Yorkshire Police (WYP) and the Local Licensing Authority. Both representations were made on the grounds of the premises location within the 'red zone' of the City Centre Cumulative Impact Area (CIP).

Members were informed of the history of the premises and noted the following points:

- Premises licence initially granted on 26<sup>th</sup> July 2007. At that time trading as Wokon Noodle Bar

- The transfer of the licence to the current holder Oenotheque Limited was made on 28<sup>th</sup> September 2015 , with no representation from WYP
- A Minor variation to play recorded and live music on Fridays and Saturdays from 23:00 until 00:00 hours had attracted representation from WYP regarding the prevention of crime and disorder. Proposed measures requested by WYP were accepted by the applicant and the minor variation granted.
- The Hedonist Project had applied for Temporary Event Notices (TEN's) to extend the terminal hour for events where on average the finishing time had been 02:00 hours.

Dan Crowther, Bruce Lerman and Tom Finnon of The Hedonist Project attended the Licensing Sub-Committee they were represented by Paddy Whur of Woods Whurr 2014 Limited.

At the request of Mr Whur the Members accepted additional documents for consideration. The documents were circulated to all parties.

Mr Whur addressed the Sub-Committee and informed the Members that he realised the premises falls within the 'red zone' of the CIP but was of the view that the hours applied for were not out of character with the area and would not add to the impact already experienced. Mr Whurr drew Members attention to 7.3 and 8.2 of the submitted report.

Mr Whur informed Members that he believed this was exceptional for the following reasons:

- The owners work at the premises
- The venue was to attract young executives and older customers
- Education and masterclasses to be held at the venue
- The Hedonist Project rebrands every 3 months was previously Whiskey and Liquor for the winter season and gin led for the spring summer season
- Unique in the fact that would make 40 seats available although could hold up to 50
- The premises was of a modest size in comparison to neighbouring establishments
- Substantial food menu available all day
- Premises licence was well conditioned
- TEN's applied for with no objections and proved could operate to the proposed hours with no issues of crime or disorder
- The premises would focus on one type of spirit and sell only wine, bottled specialist beers and lagers, and soft drinks

Sgt. Shaw of WYP informed the Sub-Committee that the premises was located in the CIP 'red zone'. The Area was extremely busy at weekends and the area was not safe with crimes of assault, theft and sex offences recorded within the area.

Sgt. Shaw believed that no recorded crime and disorder had been made in relation to Hedonist Project because the premises were not open after midnight.

He believed that there was not sufficient evidence after 5 or 6 TEN's to prove that management was able to cope with extended hours.

The Members were informed that at a meeting with PC Arkle she had told owners that an objection would be raised for any extension of hours at the premises.

He said that the concept of a 'gin bar' was not a new idea with similar establishments opening all over the country. He was of the view that this operation would attract new customers raising footfall in the area.

Sgt. Shaw said that he did not believe that serving food until 2.00am was sufficient or sustainable. He also highlighted the fact that the operation spoke of seats for 40 and this was not the same as covers for 40.

In response to Members Sgt. Shaw said that if the operation was in a different area of the city there would be no objection but the location of the premises was in an already saturated area and there was a need to protect the public.

Mr Whur informed Members that he did not believe that the bar would attract additional footfall and that the hours applied for would mean a gradual dispersal from the area.

Mr Whur referred to 7.20 and 7.23 of the Cumulative Impact Policy.

The Officer from the Licensing Authority reiterated the facts that the premises had initially been granted a premises licence for a fast food restaurant but had closed shortly after opening. For £23 the Premises Licence had transferred to the applicant and following a refurbishment another bar had been opened in the area.

The Officer informed the Sub-Committee after midnight that area of the city is 'heaving' with pavements packed and fears that an accident will occur.

The Licensing Authority and WYP had no objection to an earlier opening time at the premises.

Mr Whurr in his summing up quoted the Brewdog case which had been part of the documents submitted at the start of the hearing. Minute 180 refers.

**RESOLVED** - That the Licensing Sub-Committee carefully considered all the information put before them but the view of the Members was that the application was not exceptional and had not rebutted the presumption of refusal.

The Sub-Committee did approve the earlier opening time of 08:00am but refused the late terminal hours.

### **183 Application for the Grant of a Premises Licence for 7 Merrion Street, Leeds, LS1 6PQ**

This application was withdrawn prior to the hearing date with all measures having been agreed.

**184 Application for the grant of a premises licence for Best Kebab 48 & 50 Westgate, Otley, LS21 3AS**

This was an application for the grant of a premises licence, made by Mr Sajid Khan, for Best Kebab at 48 & 50 Westgate, Otley, LS21 3AS

This application had received representations from responsible authorities being West Yorkshire Police Appendix C of submitted report and Environmental Protection Team Appendix D of the submitted report.

Representations had also been received from a resident and two ward councillors.

The applicant had applied for late night refreshment as outlined at 3.2 of the submitted report. However, the applicant had agreed measures with Environmental Protection Team prior to the hearing a letter was circulated to all parties. The applicant agreed to the measures listed and the operation times as follows:

- Sunday to Thursday 23:00 – 00:00 midnight
- Friday and Saturday 23:00 – 00:30am

Mr Khan informed the Members that he wished to open the premises later to be in line with the pubs and clubs in the area.

West Yorkshire Police (WYP) attended the hearing. They informed the Sub-Committee that they would like CCTV to be installed at the premises.

WYP informed the Sub-Committee of the applicant's previous premises which had recorded incidents of fighting, arguments and theft from the premises, WYP explained that CCTV supported the venue and the owners.

Ward Councillor Campbell had attended the hearing and made representation on the grounds of public nuisance. He informed Members that the premises were located close to residential areas. He informed the Committee that he had received information about the reduction in hours and supported the WYP in the installation of CCTV at the premises. If all conditions agreed he said that he would withdraw his representation.

WYP informed the Sub-Committee that if the applicant agreed to CCTV at the premises they would also withdraw representation.

The applicant agreed to the installation of CCTV at the premises.

**RESOLVED** - That the Licensing Sub-Committee granted the Premises Licence on the basis of reduced hours opening agreed with Environmental Protection Team as outlined at Appendix D of the submitted report and the measures outlined including the installation of CCTV at Appendix C of the submitted report.