

Licensing Sub-Committee

Tuesday, 14th June, 2016

PRESENT: Councillor Selby in the Chair

Councillors R Downes, B Flynn and
B Selby

1 Election of the Chair

RESOLVED – That Councillor B Selby be elected as Chair for the meeting.

2 Late Items

There were no late items. Additional information had been submitted with regard to the Application to vary the premises licence at Roland's, Call Lane, Leeds.

3 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

4 Application to vary a premises licence held by Rolands 39 Call Lane, Leeds, LS1 7BT

The report of the Head of Elections, Licensing and Registration presented an application to vary a premises licence held at Roland's, 39 Call Lane, Leeds.

The application was to:

- Extend the terminal hour for the sale of alcohol until 02:00 every day.
- Extend the terminal hour for late night refreshment, films, live music & recorded music and opening hour until 02:30 every day.
- Amend condition 49 under Annex 2 to read "There shall be no admission of new customers after 01:00am". The condition currently reads "There shall be no admission of new customers after 23:00 hours".
- Remove the following conditions condition 75 under Annex 2 which reads "The PLH/DPS will adopt a cooling down period to draw the evening to a close where no entrants will be allowed after 23:00".
- Addition of a further four conditions to be added to the operating schedule as below
 1. After midnight the maximum occupancy of the premises will be 60 customers.
 2. After midnight a minimum of 40 seats will always be provided whenever the premises are conducting licensable activities.
 3. After midnight waiter/waitress service will be available to customers.

4. After midnight substantial refreshment will be available to customers and menus will be placed at the bar and on the tables.
- To add an additional hour to the standard and non-standard timings on the day when British Summertime commences for alcohol, all licensable activities and opening hours.

Prior to the commencement of the hearing, the Applicant's representative suggested that the Sub-Committee may find a visit to the premises to be of benefit before considering and determining the application. Following an adjournment to consider this, it was reported that it was not felt that a visit to the premises at 10.30am would be beneficial as it would not show the issues that the area faced at midnight or later, and the applicant was advised that they would be given further time when presenting their case to highlight matters relating to the location and layout of the premises.

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

- An amendment to the variation applied for was made. It was requested that the varied hours and conditions applied for are only to apply on Thursday to Saturday and that the variation to extend the terminal hour for late night refreshment, films, live music & recorded music and opening hour until 02:30 be removed altogether.
- It was further proposed to increase the condition of a minimum of seats from 40 to 46.
- The Sub-committee was informed that an application had been made to transfer the Premises Licence from Leven Leisure Ltd. to Mr Alexander Neill. This would take effect if the application was granted and a condition was offered that would link the amended hours to the new Premises Licence Holder.
- Roland's was a family run bar and the smallest bar on Call Lane. The bar offered a different style of operation to other premises in the area and attracted young professional people, mainly in the 25 plus age range.
- It was not felt that extending the hours would adversely affect the existing impact in the area. Customers had been surveyed and had indicated that they wished to remain in the bar later and would be more likely to go straight home than go to another premises. With the current closing hours customers were more likely to remain in the Call Lane area.
- There had been a number of Temporary Event Notices (TENs) held at the premises where the bar had remained open until 0400 hours. These events had passed without incident.
- Reference was made to the layout of the premises and the Sub-Committee studied photographs of the premises which were submitted along with additional information to the Agenda.
- With regard to demonstrating exceptional circumstances for the granting an application in the Cumulative Impact Area, the Applicant's representative mentioned the following:
 - There had never been any incidences of crime connected with the premises and the premises had operated longer hours on occasion with the use of TENs.

- The premises were very small with a maximum of occupancy of 60.
- There would not be any entertainment taking place at the premises.
- The premises were well managed and did not attract the usual customers that attended other premises in the area.
- The applicant had a 15 year lease on the premises and was committed to running a successful business in the area.

In response to questions from the Sub-Committee, the following was discussed:

- There would be a substantial food offer available at the premises. This would be provided by a 'pop up' retailer.
- With regard to breaches of conditions that had occurred to the existing licence in February 2016 it was reported that these had been addressed. CCTV storage had been increased following the installation of extra cameras and a drug safe had also been installed. A swipe of the premises had not shown any signs of drug use. The premises licence was visibly displayed in the premises.

A West Yorkshire Police representative addressed the Sub-Committee. Issues highlighted included the following:

- It was acknowledged that the premises were well run and there had not been any incidents of crime and disorder. As the premises were in the red zone of the Cumulative Impact Area it was felt that the impact on the licensing objectives would be too great for new premises or for existing premises to extend their hours.
- It was reported that crime in the area was at its peak between 00:00 and 04:00 hours. Crime was far more prevalent than in other Cumulative Impact Areas.
- When the premises first opened, there was no desire to operate beyond midnight. Although TENs had been operated successfully at the premises, these were of a random nature and it was difficult to measure what kind of impact they had.
- Reference was made to the Section 19 order imposed on the premises following the breaches of licensing conditions.
- It was not felt that extra conditions offered on the variation of the licence demonstrated exceptional reasons to grant the variation. There had been no offer of increased door security or contribution to the Street Marshall scheme.

A Licensing Authority representative also addressed the Sub-Committee. Although there was sympathy towards the concept of the application it was felt that concepts could change if the hours were to be varied and a previous example of this was cited. With regards to enforcement, the Sub-Committee was informed that should the variation be granted, the only way to reduce the hours if felt necessary would be through a further variation or review of the licence. It was reported that the Call Lane red zone had seven times more crime and disorder than the other red zone in the city. Reference was made to the large volume of people in the area between 00:00 and 04:00 and a later closing time would add to this.

In summary, the applicant's representative made the following points:

- The operation of the premises with seating and waiter/waitress service provided a more orderly atmosphere.
- It was considered that Roland's could be granted the variation as an exception to the policy. The premises had operated for two years and had operated to later hours with the use of TENs. The application was not made to attract new customers to the late night market but to offer extended hours to existing customers.
- It was not felt that opening later hours would add to the cumulative impact and the problems already encountered in the area would remain regardless of the closing time.
- The premises had operated until midnight, and on occasion later, without any incidents of crime and disorder.
- It was felt that with later closing, customers of Roland's would be more likely to go home afterwards rather than to another premises.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration; the statement of Licensing Policy and the application itself. It also considered the representations made by West Yorkshire Police, the Licensing Authority and the applicant's representative, both in writing and at the hearing. Consideration was also given to the fact that the premises were situated in a red zone of the Cumulative Impact Area.

RESOLVED – That the variation be granted for Thursday to Saturday subject to the following, and the licence to be conditioned accordingly:

- Sale of alcohol to cease at 01:00
- Provision of Late Night Refreshment to cease at 01:30
- Premises to close at 01:30
- At least two SIA registered door supervisors to be present from 23:00 till closure
- No admission of customers after 23:30
- CCTV coverage to be extended to include the immediate exterior of the premises facing Call Lane.
- Contribution to the Street Marshall scheme
- After midnight the maximum occupancy of the premises will be 60 customers.
- After midnight a minimum of 46 seats will always be provided whenever the premises are conducting licensable activities.
- After midnight waiter/waitress service will be available to all customers.
- After midnight substantial refreshment will be available to customers and menus will be placed on bars and tables.
- The sale of alcohol from 23:30 to 01:00, the provision of late night refreshment from 23:20 to 01:30 and the closing time of the premises from midnight to 01:30 on Thursday, Friday and Saturday are only permitted under this Premises Licence when the Premises Licence Holder is Alexander William Neill.