

Licensing Sub-Committee

Tuesday, 18th October, 2016

PRESENT: Councillor G Hyde in the Chair

Councillors M Coulson and N Buckley

1 Election of the Chair

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

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

4 Late Items

No formal late items of business were added to the agenda.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

6 Leeds French Wine

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence made by Pomidou Import Ltd, for Leeds French Wine, 197 Chapeltown Road, Chapeltown, Leeds, LS7 3DX.

The original application sought the sale by retail of alcohol and provision of late night refreshment and had attracted representations from other persons and LCC Environmental Protection Team.

Prior to the hearing, the applicant and LCC EPT had reached agreement over measures to address the public nuisance licensing objective. LCC EPT had withdrawn their representation on the understanding that the agreed measures would be included within the operating schedule for the premises, should this application be granted. The agreement effectively restricted the hours to:

Sale by retail of alcohol:	Monday to Friday	11:00 - 23:00 hours
	Saturday and Sunday	14:00 - 00:00 midnight
Late night refreshment:	Saturday and Sunday	23:00 - 00:00 midnight
Opening hours:	Monday to Friday	11:00 - 23:00 hours
	Saturday and Sunday	14:00 - 00:00 hours

Members of the public who had submitted a representation did not attend the hearing. The Sub Committee resolved to take their representations into account and consider the application in their absence.

Mr Fabien P Dacleu, the applicant and proposed Designated Premises Supervisor (DPS), attended the hearing. Mr Dacleu explained that he had previously held a

premises licence and operated a similar business with a partner, but had moved premises and forgotten to move the premises licence across. Mr Dacleu stated that he had discovered the error at the time of the Leeds West Indian Carnival when he had wanted to open later. At that time, he contacted West Yorkshire Police for advice when making the application. Since then, the premises had been closed. On receipt of the LCC EPT representation he had agreed to revert back to the former operating hours.

Responding directly to the comments made in the representations received from local residents, Mr Dacleu suggested that the person who stated they lived above the premises actually lived two floors above as he lived in Flat One immediately above the premises, with a travel agency on the top floor. He stated that the only other employee was his wife and confirmed that the premises had not previously operated until 02:00 hours

In response to queries from the Sub Committee Mr Dacleu provided further information on the following:

- His previous business had failed as it was too large and he could not afford the rent. He had bought out his business partner, set up a company called Pomidou Import Ltd and intended to run this new business with his wife.
- This new venture was in smaller premises. Essentially it was a small bar with a wine off-licence facility. No food was prepared or sold, as the venue had no kitchen to prepare meals
- In respect of comments about patrons urinating in the street, Mr Dacleu stated that his local community patronised the premises. He felt that these comments should be attributed to the Nightclub and Bar further along the road.

The Sub Committee clarified that Mr Dacleu did not provide hot food or drinks to customers. As such, he agreed with the suggestion to remove the request for provision of Late Night Refreshment from the application. In respect of complaints about loud music, Mr Dacleu reiterated that music was not provided at this premises.

Turning to the pro-forma risk assessment completed by the applicant discussion focussed on whether everything offered by the applicant was appropriate to the operation of the premises – in particular the proof of age checks and waitress service measures. Mr Dacleu clarified that he intended to operate a proof of age scheme similar to the “Check-21” scheme and he agreed that measures 7PF036 and 7PF038 (relating to proof of age for patrons under 25 years) should be removed from his application. Additionally, Mr Dacleu confirmed that as the premises were not predominantly a restaurant; measures 7PF048 and 7PF049 should also be removed from his application (measures relating to the sale of alcohol being ancillary to the service of table meals; and waiter/waitress service).

The Sub Committee carefully considered the application as amended and the representations made by the applicant at the hearing as well as the comments contained in the letters of representation received from local residents. The Sub Committee noted the proposed style of operation of the premises and the impact this had on the measures agreed and offered by the applicant. The Sub Committee, having regard to the Statement of Licensing Policy and the Section 182 Guidance

RESOLVED – To grant the application as amended.

To clarify:

Late Night Refreshment: Removed from the Premises Licence

Sale by retail of alcohol:

Monday to Friday 11:00 - 23:00 hours

Saturday and Sunday 14:00 - 00:00 midnight

Opening hours of the premises:

Monday to Friday: 11:00 - 23:00

Saturday and Sunday: 14:00 - 00:00

Conditions: The measures proposed within the Pro-Forma Risk Assessment submitted by the applicant in support of the application shall form conditions on the Premises Licence – with the exceptions of 7PF036; 7PF038, 7PF048 and 7PF049