

Licensing Sub-Committee

Tuesday, 18th April, 2017

PRESENT: Councillor B Gettings in the Chair

Councillors R Downes and M Harland

1 Election of the Chair

RESOLVED – Councillor B Gettings was 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

No declarations of disclosable pecuniary interest were made.

6 Oriental Star - Application for the grant of a Premises Licence - "Oriental Star", 64 Armley Ridge Road, Armley, Leeds, LS12 3NP

The Sub Committee considered the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence for the premises known as "Oriental Star", 64 Armley Ridge Road, Armley, Leeds LS12 3NP. The application was made to facilitate the sale of alcohol for consumption off the premises Wednesday to Monday 17:00 until 23:00 hours.

At the start of the hearing, the Licensing Officer reported a correction to the report and confirmed that the premises did not lie within a Cumulative Impact Area, however it was within an area covered by a Designated Public Places Order – which aimed to prevent street drinking. Additionally, following discussions between West Yorkshire Police and the applicant which clarified the nature of the business as a take-away, it was proposed to delete the condition restricting access to the premises by under-18's as this was not practicable.

The application had not attracted representations from the Responsible Authorities, however local residents, ward Councillors and the Leeds West MP had submitted representations: 10 letters objecting to the proposals and 2 in support.

One local resident attended the hearing; and the Sub Committee resolved to proceed in the absence of the other local residents, local ward Councillor and MP and take their written representations into account.

The applicant, Mr Hui Yu Lin attended the hearing and was represented by Mr Alan Man. Mr Laxton, a local resident also attended along with Mr Baron from a local media outlet.

Mr Man explained that the application had been made in order for the business to provide more choice to its customers. 95% of the business was as a take-away delivery service with only 5% of business generated by patrons attending the premises. Mr Man suggested that, because of this, the availability of alcohol would not impact on local residents.

Turning to comments made in the representations about a possible increase in anti-social behaviour, Mr Man clarified that customers would only be able to buy alcohol to accompany a meal purchased at the same time from the premises. Spirits would not be available, just beer and possibly wine. In response to a question, Mr Man explained that the take-away delivery service would also deliver alcohol if ordered by the customer.

The Sub Committee then heard from Mr Laxton, a local resident, who stated that Armley already had plenty of outlets to purchase alcohol from. He believed the grant of this licence would add to the existing problems in the area associated with alcohol; however he acknowledged that now he knew more about the business and what was proposed he couldn't quibble with it but he did warn that people would try to buy alcohol directly from the premises without buying food.

In answer to questions, Mr Man explained the procedure which will be in place to ensure that customers who purchased alcohol were over 18 years of age – a customer who calls the premises to request a delivery will be asked if they are over 18 and advised that proof of age will be required at the point of delivery. The delivery driver would return the alcohol to the premises if satisfactory ID was not presented.

The Sub Committee carefully considered the application as submitted and the representation made at the hearing by the applicant, having regard to the Licensing Act 2003, the Section 182 Guidance and the licensing objectives. Members also considered the comments made by Mr Laxton and the written representations submitted by local residents, ward Councillors and MP.

Members closely considered the pro-forma risk assessment submitted by the applicant in support of the application, and sought to address those areas they felt needed amendment to better address the licensing objectives; in particular matters relating to CCTV, proof of age scheme, staff training, DPPO notices, and to ensure the premises remain food-led and alcohol is sold only to accompany a food order. The Sub Committee also wished to clarify whether the applicant currently held a Personal Licence, as it was noted that Mr Lin was the proposed Designated Premises Supervisor (DPS).

When the hearing reconvened, in response to questions, Mr Man confirmed that Mr Lin held a Personal Licence and presented the relevant documentation to Members. The Legal Adviser to the Sub Committee then explained the Sub Committee's findings in respect of the Pro Forma Risk Assessment and the amendments proposed by the Members, which would become conditions on the premises licence, should the application be granted. Mr Man and Mr Lin confirmed that the proposed amendments were acceptable. Mr Laxton was also invited to comment.

Having considered the application, representations and comments made in respect of the Pro-Forma Risk Assessment, the Sub Committee

RESOLVED – To grant the application as applied for. The grant of the Premises Licence is subject to the amendment of the Pro-Forma Risk Assessment as detailed below:

7PF008 to be amended to read “The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality and to be provided to the police/Licensing Authority on request”

7PF012 to be added “The CCTV system will be capable of securing relevant pictures for review or export at a later date”

7FP035 to be added “The PLH/DPS will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol from the premises”

7FP043 to be added “Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises”

7PF046 to be added “The premises shall be and remain predominantly food led”

7PF050 to be amended and added “The sale/supply of alcohol shall only be made to accompany the sale of food.”

7PF104 to be removed so that persons under the age of 18 can be admitted to the premises

Litter – Amend the sentence to read “Customer take food away”

Under age sales of alcohol – to amend to read “Yes”, the premises do sell/supply alcohol

All the measures proposed in the revised Pro-Forma Risk Assessment will now be added as conditions in the Operating Schedule accompanying the Premises Licence.