

## Licensing Sub-Committee

Tuesday, 19th September, 2017

**PRESENT:** Councillor J Dunn in the Chair

Councillors N Buckley and K Groves

### **1 Election of the Chair**

Councillor Dunn was elected Chair for the duration of 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**

There were no exempt items.

### **4 Late Items**

There were no late items.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 Application for the grant of a premises licence for 4 New York Street, Leeds, LS2 7DY**

The Head of Elections, Licensing and Registration submitted a report for Members consideration in regard to an application for the grant of a premises licence made by Mr Dana Husseni, for 4 New York Street, Leeds, LS2 7DY.

Members were required to consider the application due to the receipt of representation from a student accommodation buildings manager opposed to this application on the grounds of prevention of crime and disorder, public nuisance and public safety.

Members noted that the proposed premises were located within the cumulative impact area for Leeds City Centre, in the amber area.

The applicant Mr Husseni was present at the hearing with Mr Masoudi the applicant's uncle, also present were the applicant's agents Mr Nick Semper and Mr Jim Mooney.

Mr Danny Capewell of Unipol Student Homes was present at the hearing as an objector to the application on the grounds of prevention of crime and disorder, public nuisance and public safety.

Mr Semper asked the Committee if he could present a document for all parties to consider.

It was confirmed that Licensing Entertainment had known about the additional information but had deemed that it was too late to be sent out to all parties. On this premise the Chair and the Committee agreed that they would accept the information and the meeting was adjourned for all parties to consider the information.

At the recommencement of the hearing the sub-committee were informed that during the adjournment the applicant, his agents and Mr Capewell had come to an

agreement and that Mr Capewell was now able to withdraw his representation in this matter.

It was agreed with all parties that for honesty, openness and transparency the meeting would continue to hear the proposals as agreed between the applicant, his agents and Mr Capewell and that they would be recorded in the minutes.

Mr Mooney informed the sub-committee that Mr Capewell had agreed to withdraw his objections as long as the following amendments were adhered to:

- Relocation of the Night Hatch to the opposite side of the building away from the students accommodation;
- No super strength beers, lagers, ciders over 6.5Abv to be sold;
- No single cans of beer, lager or cider to be sold
- No 3 litre bottles of beer, lager or cider to be sold.

Members were informed that the moving of the Night Hatch would assist with the prevention of crime and disorder and alleviate the issue of noise.

The Chair of the Sub-Committee explained that as the premises would be sited within the amber area of a CIP area they had a duty to ensure that customers purchasing from the Night Hatch would not cause noise or disorder further along the street.

The Members requested information on how this would be addressed.

Mr Mooney said that there would be no congregating of people around the Night Hatch, should a group appear they would be dispersed and asked to move on. It was also noted that if issues arose the hatch could be closed quickly.

Members were informed that a Premises Licence Holder would be on the premises at all times when the shop was open. All staff would be trained and operate Challenge 25.

Members were also informed that 2-3 people would be operating in the shop at all times.

Members noted that the applicant and his agents had contacted the Police early on and taken the advice offered in operating a premises such as this.

Members were advised that the shop would open between 06:00 and 23:00, the window hatch would be open 23:00 – 02:00.

It was on this basis that Mr Capewell withdrew his representation.

**RESOLVED** – To grant the premises licence as set out in the submitted report with the addition of the conditions offered by the applicant at the hearing as follows:

- Relocation of the Night Hatch to the opposite side of the building away from the student's accommodation;
- No super strength beers, lagers, ciders over 6.5Abv to be sold;
- No single cans of beer, lager or cider to be sold

- No 3 litre bottles of beer, lager or cider to be sold.

## **7 Application to vary a premises licence held by Morrisons, 89 Otley Road, Guiseley, Leeds, LS20 8PS**

The report of the Head of Elections, Licensing and Registration asked Members to consider an application to vary a premises licence, made by Wm Morrisons Supermarkets PLC, Morrisons 89 Otley Road, Guiseley, Leeds, LS20 8PS.

Members heard from Clare Johnson of Gosschalks Solicitors who represented the applicant. Ms Johnson was accompanied by Kelly Nichols and Joanne King both from Morrisons.

Ms Johnson informed that Members that the premises already possessed a premises licence that permitted the sale of alcohol for consumption off the premises between the hours of 06:00-00:00. The variation application was seeking to vary the premises licence to permit the following:

- On sales in two areas, the café and the Barista bar area;
- To permit late night refreshment between the hours of 23:00-00:00;
- To vary the condition which states 'All checkout operators will operate a refusals log' so that it now reads 'All persons involved in the sale of alcohol will operate a refusals log'.

Ms Johnson advised the Sub-Committee that Morrisons had 500 stores throughout the country which were licensed and that in addition to this they had 160 convenience stores which were also licenced. She said that in the eight years that she and her firm had been representing Morrisons not one licence had been taken to review.

Ms Johnson explained that to ensure that the licensing objectives were adhered to the following were in place:

- Training was provided to all staff involved in the sale of alcohol every 6 months
- Use of Challenge 25
- A company called Serve Legal were engaged to visit each store on a monthly basis to check that the Challenge 25 policy was being used by staff. She said that should a member of staff fail to use the Challenge 25 test then all staff in that store were retrained.
- Till at the checkouts had prompts so that no sale of alcohol could take place outside of the permitted hours.
- Use of CCTV
- Use of refusal logs

Members noted that prior to making the application Morrisons had spoken with the Police and had taken their comments on board. It was also noted that there was no representation from any other responsible authorities.

However there had been representation from two local residents who were not present at the meeting. The residents objections were on the basis that delivery times would change causing noise nuisance and issues in relation to floodlighting. It was noted by Members that these reasons could not be considered with regard to the alcohol licence and should be addressed with Planning.

Members were advised that delivery times would not be changing as the alcohol for the café and Barista areas would be taken from the shelves.

Members were informed that Guiseley was a trial store for this type of licence and if found to be successful would be rolled out across the country. The Members were told that Guiseley is a concept store due to its location close to head office and in an area considered to be one of the more affluent areas of Leeds.

The Sub-Committee were informed that there would be good management control in the store so that customers could not get 'tanked up'. Morrisons were of the opinion that it would not be an attractive venue for young people to meet and have a drink. The Sub- Committee were also advised that Morrisons would not be promoting on sales of packs of beer, the sale of spirits, or super strength beers, ciders, or lagers. However the Sub- Committee were advised that the sale of some locally brewed beers, ciders or lager would be for sale and that these drinks can be of a higher strength than normal beers, ciders or lagers.

Members discussed this application at length with the discussions including the following points:

- Many families with children use the café and Barista areas;
- Whether granting the application would be harmful to children visiting the café;
- The impact on residents;
- Would this set a precedent for all supermarkets
- The potential of rolling this out to all Morrisons stores including those in less affluent areas and the consequences of doing this;
- Management and control for the selling and the consumption of alcohol in the café and Barista area.

**RESOLVED** – To grant the variation to the licence as set out in the submitted report.

Under the provisions of Council Procedure Rule 16.5 Councillor Kim Groves requested that it be recorded that she had voted against the decision to grant the application as resolved by the Sub-Committee.