

Licensing Sub-Committee

Tuesday, 24th October, 2017

PRESENT: Councillor in the Chair

Councillors R Downes, B Gettings and
J Pryor

1 Election of the Chair

RESOLVED – That Councillor R Downes be elected as Chair for the hearings.

2 Late Items

There were no late items. Supplementary information for Agenda Item 8, Application for the grant of a premises licence for Zorba Bar & Grill, Austhorpe Road, Cross Gates, Leeds.

3 Declarations of Disclosable Pecuniary Interests

There were no declarations.

4 Certification of Films

The report of the Head of Elections, Licensing and Registration advised the Sub-Committee of an application for the certification of films to be shown at the 31st Leeds International Film Festival which would run between 1st and 16th November 2017.

The report provided Members with the background, history and issues of an application made under the Licensing Act 2003 (“the Act”) for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification. The certificate categories from the BBFC was listed at 2.2 of the submitted report.

Members had been provided with a brief synopsis and a recommended category in line with the BBFC classifications at Appendix A of the submitted report.

Chris Fell, Film Manager was in attendance at the hearing.

In response to Members questions the Committee was informed that the BBFC had stringent guidelines in relation to strong language, violence and nudity. It was explained that some of the films had hard storylines or a strong subject matter and had been classified accordingly. The festival was mainly aimed at Adults and most of the films had been shown at festivals elsewhere in the country.

All the films to be shown had been viewed by Officers in the Arts and Events Team who had written the synopsis and recommended the certification at Appendix A of the submitted report in line with the BBFC classification. Where classifications were borderline, the films were given a higher category rating.

The Licensing Sub Committee considered the certification of the films as attached at appendix A of the submitted report

RESOLVED – That films listed in Appendix A of the report be categorised as recommended with the exception of ‘The Teacher’ which should be re-classified to 12A from PG.

5 Application for the Grant of a Premises Licence for Space To Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ

The report of the Head of Elections, Licensing and Registration presented an application for the grant of a premises license made by In the Pink for Space to Eat, 7 Hirst’s Yard, Duncan Street, Leeds.

The application was for the provision of late night refreshment from 23:00 to 05:00 seven days a week. The premises had previously been granted a six month license by the Licensing Sub-Committee in January 2017. The premises fell within the red zone of the Cumulative Impact Area and representations had been received from West Yorkshire Police and the Licensing Authority.

Mr P Whur addressed the Sub-Committee on behalf of Space to Eat. Prior to submission of his representations he informed the Sub-Committee of the misunderstanding that had occurred following the application and expressed thanks for the adjournment of the hearing until today.

The following was highlighted:

- Previously agreed conditions with Environmental Health had been omitted from the application. The applicant offered for these conditions to remain.
- Granting of the license would prevent people migrating to other late night refreshment premises and give more control over activities in Hirst’s yard through the provision of CCTV and security staff.
- Following the grant of the temporary license there had not been any evidence of crime at the venue.
- Reference was made to issues raised following police visits to the premises. Since these visits there had been changes to procedures with regards to record keeping and signing in for security staff and this was now kept separate from that of Space nightclub. There had also been improvements to the CCTV system.
- Crime figures for the Cumulative Impact Area no longer showed Hirst’s Yard as one of the top ten areas of increasing concern.

West Yorkshire Police addressed the Sub-Committee with concerns and objections to the application. These included the following:

- Crime figures did not make reference to any specific premises. The fact that Hirst’s Yard was no longer in the top ten areas of increasing concern did not mean that there were no concerns.
- Overall crime in the red zone of the Cumulative Impact Area had risen by 15% over the past 12 months. There had been an increase in assaults, robbery, sexual offences and theft.
- The onus was on the applicant to prove that this was an exceptional case to be granted in the red zone of the cumulative area. It was therefore disappointing that on two occasions that police visits had been made there

had not been security staff in the correct location and there had been confusion with recording of incidents and security staff logging in between the take away and the nightclub.

- The premises continued to operate after the temporary license had expired.
- The applicant had been given an opportunity to improve the area and promote the licensing objectives through the grant of a temporary licence. It was not felt that the applicant had done this or demonstrated exceptional circumstances to grant an application within the cumulative impact area. It was requested that the application be refused.

The Sub-Committee also heard from the Licensing Authority and was informed that consideration had to be given to the potential impact from the premises and be able to demonstrate that this would not be of harm to the cumulative impact area.

In response to comments and questions, the following was discussed:

- Door staff at Space nightclub had been very proactive at working with the police and with regards to reporting of incidents. On the two visits made by the police to Space to Eat, on both occasions the door staff were not positioned where they were supposed to be and on one occasion it was fifteen minutes before one was available.
- The premises were at their busiest between 03:00 and 05:00 after customers had left the nightclub. It was suggested that this would be the most appropriate time for any licensing/police visits to take place.

In summary and response to the representations heard, Mr Whur highlighted the following on behalf of the applicant:

- The application did demonstrate exceptional circumstances - this included the provision of additional lighting, CCTV and door staff which all increased safety in Hirst's Yard.
- The applicant would employ an independent licensing consultant to carry out checks to ensure the licensing was being operated correctly.
- An apology was made for the previous errors that had occurred and door staff would be present at all times in accordance with the licence.
- There was no direct evidence of crime at the premises and Hirst's Yard was no longer in the top ten areas of concern in the cumulative impact area.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the representations made at the meeting. Consideration was also given to the need to demonstrate exceptional circumstances before granting an application for premises within the cumulative impact area.

RESOLVED – That the license be granted for a period of 6 months. Three independent visits to take place during the first five months of operation and these visits to take place between the hours of 03:00 and 05:00. All previous conditions to remain.

6 Application for the grant of a premises licence for Zorba Bar & Grill, Austhorpe Road, Cross Gates, Leeds, LS15 8DX

The report of the Head of Elections, Licensing and Registration presented an application for the grant of a premises licence for Zorba Bar & Grill, Austhorpe Road, Cross Gates Leeds.

The premises already had a licence for the ground floor to operate as a restaurant. This application would extend that to the second floor of the premises to allow the provision of Live Music, Recorded Music, Late Night Refreshment and the Sale of Alcohol.

The application had received representations from a West Yorkshire Police with whom an agreement had been reached. There had also been representations from local residents with concerns regarding the application.

The applicant Mr G Masllavica and his representative, Mr S Parker addressed the Sub-Committee. The following was highlighted:

- The granting of the licence would allow the applicant to have a pre and post meal venue to compliment the downstairs restaurant.
- The applicant currently held a license for the downstairs of the premises and this had been operated without incident.
- Music played would mainly be recorded background music with the occasional acoustic live performance.
- Sound proofing and air conditioning had been installed.
- The applicant was willing to employ door supervisors if necessary.
- The applicant had met with a local residents representative who had been satisfied that there would not be a noise nuisance from the premises.
- The upstairs bar would be offering drinks at the higher priced end of the market and there would not be any happy hours or irresponsible drinks promotions.
- The premises would operate the Check 25 policy.
- Door supervisors would be present at key times.
- It was felt measures had been taken to address resident's objections.
- The downstairs of the premises would remain as a restaurant with the upstairs being a bar style operation with tapas/meze style food available.

RESOLVED – That the application be granted as applied for.