

Licensing Sub-Committee

Tuesday, 5th December, 2017

PRESENT: Councillor B Selby in the Chair

Councillors B Flynn and A Garthwaite

1 Election of the Chair

RESOLVED – Councillor B Selby was elected Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

On this occasion there were no exempt items.

4 Late Items

There were no formal late items. However, there was supplementary information in relation to Agenda Item 7 Application for the grant of a premises licence for restaurant /café at 5 Briggate, Leeds, LS1 3LZ.

1. Submissions by the Licensing Authority in respect of the submissions made by the applicant of a premises for 5 Briggate with regards to the Leeds City Council Statement of Licensing Policy
2. Crime Statistics provided by the West Yorkshire Police

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 Application for the grant of a premises licence for Chez Bisoo Bar & Restaurant 143 Harehills Road, Harehills, Leeds, LS8 5BW

The report of the Head of Elections, Licensing and Registration was for an application for the grant of a premises licence, made by Mr Jean Bruno Kidiadi, for Chez Bisoo Bar and Restaurant, 143 Harehills Road, Harehills, Leeds, LS8 5BW.

Mr Jean Bruno Kidiadi and his business partner Mr Emeka Susakani were present at the hearing. They requested an adjournment as they had not been fully aware of the legislation in this country when applying for a premises licence.

Mr Kidiadi explained that the premises at 143 Harehills Road had been a restaurant business previously. However, he had now been made aware that proper permissions from the Planning Department had not been received prior to him taking over the premises.

Mr Kidiadi said that he was now receiving guidance on planning applications from the Planning Department and had submitted a planning application on 5th December 2017.

The Police who were also at the hearing said that they had no objections to the adjournment.

Members proposed a date for reconvening the hearing to be Tuesday 13th March 2018. This was agreeable to all parties.

The Chair suggested that it might be advisable for Mr Kidiadi to employ the services of a solicitor.

RESOLVED – To adjourn the hearing until Tuesday 13th March 2018.

7 Application for the Grant of a Premises Licence for Restaurant/Cafe 5 Briggate, Leeds, LS1 3LZ

Further to minute 4 of the meeting held on 10th October 2017, this was the reconvening of a hearing which had been adjourned to consider the comments of the applicant's representative which had challenged certain aspects of the Council's Statement of Licensing Policy.

The report of the Head of Elections, Licensing and Registration advised Members of an application made under section 17 of the Licencing Act 2003 ("The Act") for a new premises licence in respect of Restaurant / Café at 5 Briggate, Leeds, LS1 3LZ.

Members informed the Sub- Committee and the parties and their representatives of their knowledge in relation to City Centre Area of the Cumulative Impact Policy (CIP).

- Cllr. Selby, Chair explained that he had visited the city centre as part of a scheduled walk around the Red Zones of the City Centre CIP areas on 6th October between 10:30pm and 02:00am. He also said that he had previously undertaken this scheduled walk around the City Centre CIP areas in August 2016.
- Cllr. Flynn said that he also had undertaken visits to the City Centre CIP areas.
- Cllr. Garthwaite said that she was familiar with the CIP areas of the city centre, eating out in the city centre and whilst walking to the taxi rank had witnessed fights.

It attendance at the hearing were:

Officers from West Yorkshire Police with Mr Thorn from Counsel

Officers from Licensing Entertainment

Mr Mahoob Hussain – Applicant

Mr Vaseem Ahmed – Applicants nephew

Mr Leo Charalambides – Applicants Barrister

Officers from Environmental Protection Team

It was noted that the meeting of the 10th October had been adjourned to allow consideration of Mr Charalambides' challenges to the Licensing Statement of Policy and provide a submission with regards to the Licensing Statement of Policy as set out in the submitted supplementary information.

The following appendices were listed as set out in the submitted report:

- Appendix 1 – Operating Schedule;
- Appendix 2 – copy of the decision letter from 10th October 2017 meeting;
- Appendix 3 – submissions by the applicant;
- Appendix 4 – Responses to the applicant's submission from Environmental Protection Team;
- Appendix 5 – Responses to the applicant's submission from Entertainment Licensing; and

- Appendix 6 – Responses to the applicant’s submission from West Yorkshire Police.

Mr Charalambides in responding was of the view that the submissions from Entertainment Licensing were candid and thorough in their responses to the submissions he had made. He said that the officer had ‘weaved gold’ through the process using 50 paragraphs to explain how the CIP worked.

Mr Charalambides said he was confused as the CIP said that there was two CIP areas within the city centre, however there was only one CIP.

Mr Charalambides said that he still had concerns that the CIP was not consistent in its approach and therefore it would be dangerous to reply on it. He requested that the CIP was not given weight and for Members to look at the circumstances of this application.

Mr Charalambides raised concerns that the consultation in relation to the CIP had not been inclusive and that only those businesses within the boundaries of the CIP had been consulted with.

Mr Charalambides informed the Sub –Committee that planning permission had been given to operate at the premises. He went on to say that should his applicant so wish he could continue to operate from 11:00pm but not sell hot food and drink without a late night refreshment licence. However, his client could use a vending machine for the supply of hot drinks so long as it was coin operated by customers. He went onto say that even if his client used a vending machine and sold cold food and drink from the premises this would attract customers to the area where they would remain, but that this type of operation would not be regulated. Whereas should his client be granted a premises licence for late night refreshment Members could impose conditions to ensure that these premises were properly regulated.

Mr Charalambides suggested that Members may wish to consider the following conditions:

- Door Supervisors
- CCTV
- Operating hours
- Taxi Marshalls if required

Mr Charalambides said that the premises if granted a late night refreshment licence would be selling non-alcohol drinks and food. He went on to say that Members could impose conditions to the late night refreshment licence so that only deliveries could be made after a certain time. Mr Charalambides was of the view that this application would support the licensing objectives and boost the late night economy.

Mr Charalambides reiterated that the premises could operate with a vending machine without the granting of a late night refreshment licence but that this type of operation could not be regulated.

Mr Thorne representing the West Yorkshire Police informed the Sub-Committee that the Statement of Licencing Policy was effective and lawful and that the Chief

Constable of West Yorkshire stood by the Policy. It was noted that Leeds City Centre had received the Purple Flag accreditation.

Mr Thorne explained that data in relation to performance figures was often out of date at the time of publishing the figures due to the nature of collating performance information. He said that the Policy had not changed but that boundaries had changed due to the regeneration of the city centre with new 'hotspots' being dealt with in a timely fashion.

Mr Thorne went on to say there had been no cabal and that the Cumulative Impact Policy benefitted the night-time economy.

Mr Thorne drew attention to the supplementary information Appendix 2 which showed that this area in Briggate was a crime hotspot. Mr Thorne said that in the experience of the Police takeaway outlets did a dis-service in holding people within an area who had decided to go home by waiting for food and incurring bottlenecks at taxi ranks. He said that the Police statistics bear this point out.

It was noted that Briggate was one of the top streets for crime in Leeds. Mr Thorne highlighted a map on page 11 of the submitted Supplementary Information Appendix 2 which showed a correlation between the CIP areas and crime hotspots. He also highlighted a popular venue 5 doors down from the proposed premises, Luigi's at 10 Briggate, which was a hotspot for crime in the area.

Mr Thorne advised the Sub-Committee that the Chief Constable would not look favourably on proposals offered by Mr Hussain to sell drink and food from a vending machine as this operation would have an impact on the area. Mr Thorne submitted that the presumption of refusal had not been rebutted and the application should therefore be refused.

An officer from Environmental Protection Team addressed the Sub-Committee explaining that this area had existing problems with crime and disorder. The officer was of the view that this type of premises may attract more noise nuisance. He said that they stood by their original submission.

The officer from Entertainment Licensing said that the Policy was tested and that the Magistrate Courts did apply weight to the Policy.

The Officer also informed the Members that a full review of the Policy had taken place in 2016 but that there had been no revision in relation to the red zone boundaries since 2016. It was noted that full democratic process had taken place with full consultation when the Statement of Licensing Policy and the CIP areas had been updated with the inclusion of Armley.

The Officer said that any reduction to hours would be useful and helpful as the hours requested were in the busiest period where there was the greatest amount of crime in the street, but the reduced hours suggested, even at 02:00am, would still fall within the peak hours of 23:00 to 04:00am.

The Police explained that 11:00pm to 04:00am were vulnerable times when the most crime occurred. It was noted that the Police had limited resources and sometimes struggled to attend call outs between these times.

Mr Charalambides in summing up expressed his sympathy with the Police. However, The Policy related to peaks in crime and disorder, he said that he still had concerns in relation to the CIP especially where the CIP related to red zones and was left to the Members to decide.

He said that his applicant did want to offer suggestions to reduce the impact in a difficult area of the city. He said his client had experience of running premises in other areas of Leeds and that the addition of these premises to the area would assist in addressing the impact to the area. Mr Charalambides said that it would be better to grant the licence and have regulated operation than to have a takeaway with no regulated operation.

The Legal Officer said that no decision would be provided until Members had had sufficient time to review all the evidence before them and that a decision would be sent within five working days.

It was noted that this was to be the last hearing of the Licensing Sub-Committee that Sgt Shaw would attend. The Chair wished him a long happy and healthy retirement.

RESOLVED – To refuse the Premises Licence.