

Notice of Decision

of the Licensing Sub Committee



Date of Hearing:	31st January 2017
Determination Date:	31st January 2017
Notice of Decision:	22nd February 2017
Members:	Councillor Graham Hyde (Chair) Councillor Gerald Wilkinson Councillor Chris Townsley
Legal Officer:	Joy Lounds
Committee Clerk:	Helen Gray
Licensing Officer:	Stepehn Holder
Applicant:	In The Pink Limited,
Premises:	Space To Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6DL
Application:	Grant of a Premises Licence
Attendees:	In The Pink Limited, Paddy Whur, PC Catherine Arkle, Mr Gurdip Mudhar, Susan Holden,

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Head of Licensing and Registration
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2014 – 2018
6. Local Licensing Guidance (if relevant)
7. Representations received from responsible authorities
8. Representations received from other persons.

Having taken all these matters into account the Licensing Sub Committee have agreed to **grant** the application in line with the copy of the licence attached at Appendix 2.

We would draw your attention to the following sections on the enclosed licence:

Page 1 and 2 detail the activities and hours of operation.

Annex 1 contains the mandatory conditions and embedded restrictions.

Annex 2 contains the conditions consistent with the operating schedule.

Annex 3 details of conditions attached after a hearing by the Licensing Authority.

The reason for this decision is as follows:

The Licensing Sub Committee considered an application for the grant of a premises licence made by In The Pink Limited for Space to Eat, 7 Hirst's Yard, Duncan Street, Leeds, LS1 6DL.

The application made was to operate as a takeaway with the sole provision of Late Night Refreshment from 23:00 hours to 05:00 hours Monday to Sunday with the premises being open 21:00 hours to 05:00 hours Monday to Sunday.

The premises are located within the Red Zone of the Council's City Centre Cumulative Impact Area. The application had therefore attracted representations from West Yorkshire Police and the Licensing Authority objecting to the application being granted in its entirety. A representation had also been received from the Environmental Protection Team suggesting measures to promote the prevention of public nuisance licensing objective. Measures had been agreed and the representation subsequently withdrawn.

Since the submission of the application the Applicant's representative had written to the Council explaining that the licence applied for will be restricted to a test period of 6 months from the date of grant, should it be successful.

Mr Paddy Whur attended the hearing to represent the applicant. He was accompanied by Mr Chris Edwards the Chief Executive of the applicant company and Mr James Clark, General Manager of Space nightclub. PC Cath Arkle of West Yorkshire Police attended to speak to her representation. She was accompanied by Sgt D Shaw. Ms Nicola Raper attended for the Licensing Authority. Mr Whur tabled additional documents, copies of which had previously been supplied to the Police and the Licensing Authority. The documents included a plan of the premises and photographs of Hirst's Yard.

Mr Whur advised the Panel that the applicant had held a number of meetings with the Police and the Licensing Authority to discuss the application. The applicant company - which operates The Space nightclub - was aware that the proposed premises are within the CIP Red Zone. However, rather than add to the cumulative impact, Mr Whur suggested that the premises licence, if approved, would in fact lead to an improvement in the area.

It was acknowledged that the physical dimensions of Hirst's Yard present particular problems in terms of effective policing. It is small, dark triangular ginnel with three separate entrances. It is a very congested area with a number of different operators in and around the Yard and with patrons moving between venues. The area attracts drug dealers who target younger customers.

Mr Whur suggested that if the application were granted the provision of external CCTV, additional outdoor lighting and a SIA door man would change the character of the Yard and drive out the criminal element. Mr Whur said that the premises would not operate as a draw to the area so that there would be no additional congestion. Food would be served from a hatch and there would be a radio link to the doormen of the Space nightclub, who could quickly attend in the event of any trouble.

The application is for a 6 months trial period. It was acknowledged that if the pilot was successful, the applicant would be required to submit an application for further consideration. If however the trial was not a success, the licence would lapse.

Mr Whur said that all the risk for the proposal lay with the applicant. Mr Whur referred also to the positive working relationship between the Space nightclub and the Police with the club passing CCTV information to the Police to target drug dealers operating in the Yard. This was an opportunity to make a positive change and see an improvement in the area.

PC Arkle addressed the Committee and noted that the premises are within the Red Zone of the City Centre CIP. She referred to the recent crime statistics which showed a 17% increase in crime in the area with the peak time for crime and disorder now running to 05:00hours, when previously the peak had been from midnight to 04:00.

PC Arkle also referred to the problems of effective policing of Hirst's Yard, due to its particular physical dimensions and the lack of Leeds Watch CCTV. However, PC Arkle acknowledged that should the trial be positive and not operate as a draw to the area, but instead leads to a more orderly dispersal of customers, and then it could improve the area and not undermine the licensing objectives. She welcomed the provision of new lighting, CCTV and door staff and said that a 6 month time limited licence would allow the Police to assess the effectiveness of the premises licence. She acknowledged that something needed to change in the area and it was worth while taking a risk with a time limited licence to see if it would work.

Ms Raper, on behalf of the Licensing Authority, stated that the LA held the same concerns as the Police over the possible increase in crime and disorder. She referred to meeting with the representatives of the Licensing Trade and local operators to discuss measure to improve the area.

The Panel adjourned to consider the application. In reaching its decision the Panel noted that the operation of a CIP created a rebuttal presumption of refusal. The Panel considered the report, the Guidance and the comments from the operator and the representations received. The Panel were struck by the comments of the Police that the provisions of CCTV, lighting and door staff could reduce, rather than add to the cumulative impact in the area.

The Panel considered that the application represented an exception to the Council's CIP policy and therefore the Panel resolved to approve the application as applied for and time limited to 6 months, and the Licence to be conditioned as agreed with Environmental Protection.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £400.00 if you are the premises licence holder/applicant and £200.00 for all other parties. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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