

Licensing Sub-Committee

Tuesday, 24th October, 2023

PRESENT: Councillor R Downes in the Chair

Councillors S Hamilton and T Hinchcliffe

1 Election of the Chair

RESOLVED – To elect Cllr Downes to the 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

There were no exempt items.

4 Late Items

There was one formal late item of business which had been added to the agenda - Application for the certification of a film titled, 'Sambizanga', to be screened as part of Cinema Africa.

There are also a number of supplementary documents which had been published and circulated in relation to the following:

- Agenda item 6 – Certification of Films – Yorkshire Indian Film Festival – one supplement containing officer comments on the films.
- Agenda item 7 – Certification of Films – Leeds International Film Festival 2023 – one supplement containing officer comments on the films.
- Agenda Item 8 – Application for the grant of a premises licence for Arches 78 and 79, Railway Street, Richmond Hill, Leeds. - One supplement containing representations from local ward councillors and one supplement containing the response of the applicant.
- Agenda Item 9 – Application to vary a premises licence held by Red's True Barbecue, Unit 1, Cloth Hall Street, Leeds. – One supplement from a representative of the Licensing Authority and one supplement from the representative of the applicant.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of Films - Yorkshire Indian Film Festival

The report of the Chief Officer Elections and Regulatory advised the Sub-Committee of an application for the certification of a number of films to be shown as part of the Yorkshire Indian Film Festival at Hyde Park Picture House, Brudenell Road, Headingley, LS6 1JD between 25th October and 5th November 2023.

A copy of the BBFC Classification Guidelines had been available for Members information.

A list detailing the films requesting certification was appended to the submitted report at Appendix A. This included links to the films online, a synopsis for the film and the applicant's recommended classification. The published document included redactions as the link supplied by the applicant directed the observer towards unclassified content and an original copy had been provided to the Licensing Sub-Committee Members prior to the hearing.

Members were advised that should they have any questions a representative was available via phone. On this occasion the Members had no questions.

Supplementary information had been supplied to Members which included the comments from officers who had viewed the films prior to the hearing.

RESOLVED – To grant as applied for.

- Now and Then - 15 Rating
- I Carry It With Me Everywhere – 15 Rating
- Bona Vacantia – 15 Rating
- Queen of Diamonds - 15 Rating
- All The Lights Still Burning – 15 Rating
- F.O.G. - 15 Rating
- A House Named Shahana - 12A

7 Certification of Films - Leeds International Film Festival 2023

The report of the Chief Officer Elections and Regulatory advised the Sub-Committee of an application for the certification of numerous films in respect of the Leeds International Film Festival 2023. The screenings are due to take place between 3rd and 19th November 2023 at Vue Cinema in The Light, Everyman Cinema, Hyde Park Picture House, Cottage Road Cinema, Howard Assembly Room, Chapel FM Seacroft, Old Fire Station Gipton and St Luke's Cares Beeston.

It was noted that in response to a briefing by the BBFC and advice sought from the council's Legal Department, it was essential the Licensing Sub-Committee be able to view each film in order to rate it appropriately. Where films were unavailable, Members were advised to certify them 18 rating, subject to a written declaration from the applicant confirming that each film does not contain any content which would more likely than not, render the film liable to be classified as R18 if considered in accordance with the BBFC Classification Guidelines. A copy of the e-mail from the applicant requesting the classification and including the declaration, was appended to the submitted report at Appendix A.

A list detailing the Title and Synopsis for each film was attached at Appendix B of the report.

Of the films requesting certification, the exhibitor had provided links to view advanced screeners for 2 feature length films and 8 Short films. Supplementary information had been provided to Members which included officers' comments.

A copy of the BBFC Classification Guidelines was available to Members for information.

Members were advised that should they have questions for the applicant, they would be available via phone. On this occasion there were no questions.

RESOLVED – To grant as applied for.

- KIDDO – PG Rating
- This is going to be big – PG Rating
- Kate is sad – 15 Rating
- AKIN – 15 Rating
- F.O.G. – 15 Rating
- Vestige – 15 Rating
- Kiddo – 15 Rating
- Dead Skin – 15 Rating
- The peacock who passed over – 15 Rating
- Waiting for Otto – 15 Rating

8 Application for the grant of a premises licence for Railway Street Arches 78 And 79, Railway Street, Richmond Hill, Leeds, LS9 8HB

The Chief Officer Elections and Regulatory submitted an application for the grant of a premises licence, made by DMC Brewery Ltd, for 78-79 Railway Street Arches 78 And 79, Railway Street, Richmond Hill, Leeds, LS9 8HB.

Prior to the meeting, supplementary information was published online and circulated to Sub-Committee Members. The document contained further correspondence from the applicant with Entertainment Licensing.

The following were in attendance for this item;

- Giuseppe Romano (Applicant)
- John Davidson (Supporter to the application)
- Councillor L Farley, (Objector to the application)

The Legal Officer outlined the procedure for the hearing and the Licensing Officer presented the application. Several objections had been made (Appendix F) and were considered as a part of the application.

The following information was highlighted;

Mr Romano informed the Committee that the premises is intended as a brewery and taproom specialising in alcoholic ginger beer, which will be a first for Leeds. Whilst the application is for a 3am closure, the space is not intended as a nightclub. The premises' use of Temporary Event Notices (TENs) had not attracted any noise complaints from residents, and Mr Romano felt that the trains running until 3am were likely to cause a bigger disruption. Mr Romano had checked the noise levels on the nights that had used TENs to ensure that the noise from inside was contained.

Mr Davidson, a long term local resident, spoke in favour of the application, as the area has had little community meeting space and amenities since the closure of the

Yorkshire Rider Club. Whilst the premises is not intended to have a community centre role, he felt that the opening was promising for the area's development.

Councillor Farley spoke against the application on the grounds of public nuisance, due to the proximity of new build housing including social housing for young families. The possibility of noise pollution for the residents was noted. The premises' social media was highlighted as advertising a TENS as a "late licence". The possibility of adding drunk people to an area prone to crime was considered too. The Councillor however noted that a small business opening was positive for the area, and that the business should still open, but with an earlier closing time of 11pm whilst the business develops.

A recent daytime attack on the street was determined to have no relevance to the application.

The Committee during discussion with the attendees ascertained the following;

- The premises had been open for four days, and Councillor Farley and the other ward members for Burmantofts and Richmond Hill had not been to visit the premises.
- On the Saturday 21st October, the first normal day of business, the space had around 10-15 customers in the later part of the evening
- Mr Davidson confirmed details of the new housing in the area, including that the majority were for one bedroom flats, unlikely to house families
- Mr Romano had agreed five conditions with Environmental Protection Team prior to the meeting. West Yorkshire Police made no representation.

RESOLVED – That the application be granted as applied for.

9 Application to vary a premises licence held by Red's True Barbecue Unit 1, Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence, made by Tokyo Industries (Yorkshire) Limited, for Red's True Barbecue, Unit 1 Cloth Hall Street, Cloth Hall, Leeds, LS1 2HD.

In attendance at the meeting were:

- Paddy Whur – Applicants representative
- Aaron Mellor – Director of Tokyo Industries (Yorkshire) Limited – Applicant
- Chris Bateson – Operation Director of Tokyo Industries (Yorkshire) Limited – Observer
- Ian Twitcher – Operation Manager Tokyo Industries (Yorkshire) Limited - Observer
- PC Andy Clifford – West Yorkshire Police - Objector
- Vanessa Holroyd – Environmental Protection Team – Objector
- Susan Duckworth – Licensing Authority – Objector

The Legal Officer outlined the procedure for the meeting.

The Entertainment Licensing Officer presented the report providing the following information:

- The variation application was to vary the Sale by retail of alcohol, Provision of regulated entertainment, Late night refreshment, amend and remove conditions as noted in Paragraph 3.3 of the submitted report.
- A brief history had been provided for Members' information and was set out at Paragraph 2 of the submitted report. It was noted that this application was originally scheduled to be heard on 26th September 2023. However, the applicant's representative had made an application to adjourn the hearing.
- A copy of the existing licence was attached to the report at Appendix A.
- The applicant had applied for:
 - Extension to the permitted hours for exhibition of film and sale of alcohol from the current hours of Monday to Friday 11:00 to 00.30 and Saturday and Sunday 09:00 to 00:30 to proposed hours of Everyday 09:00 to 02:00
 - To extend the permitted hours for live music from the current hours of Monday to Friday 11:00 to 23:30 and Saturday and Sunday 09:00 to 23:30 to proposed hours to Everyday 09:00 to 02:00
 - To extend permitted hours for live music from the current hours of Monday to Friday 11:00 to 23:30 and Saturday and Sunday 09:00 to 23:30 to proposed hours of Everyday 09:00 to 02:00.
 - To extend permitted hours for recorded music from the current hours of Monday to Friday 11:00 to 23:30 and Saturday and Sunday 09:00 to 23:30 to proposed hours of Everyday 09:00 to 02:00.
 - To extend late night refreshment from current hours of Everyday 23:00 to 00:30 to the proposed hours of Everyday 09:00 to 02:00
 - To extend the opening hours of the premises from Monday to Friday 11:00 to 01:00 and Saturday and Sunday 09:00 to 01:00 to the proposed hours of Everyday 09:00 to 02:30
 - To amend Condition 47 of the Premises Licence which currently reads '100 covers to be maintained at all times' to read 'A minimum of 100 chairs at tables will be retained at the premises'
 - To remove the following Conditions:
 - Condition 48 – There will be no admission after 23:00 Sunday to Wednesday
 - Condition 49 There will be no admission after midnight Thursday to Saturday
 - Condition 50 No alcohol to be served other than with a substantial meal.
 - A copy of the redacted application was appended to the report at Appendix B.
 - Representations had been received from responsible authorities including West Yorkshire Police, representation attached at Appendix D, the Licensing Authority, representation attached at Appendix E and Environmental Health Services, representation attached at Appendix F.
 - The premises are located within the cumulative impact area for Leeds City Centre. Details of the cumulative impact policy specific to the Leeds City Centre was attached at Appendix G.
 - A list of premises in the local area and their licensed hours and activities was appended to the report at Appendix H.

Mr Whur the applicant's representative provided the following information to the Sub-Committee:

- It was recognised that the premises was in the cumulative impact area, but it was the applicant's view that if Members were minded to grant the extended hours there would be no negative impact on the area.
- Mr Whur reiterated the amendments to the Conditions and said that the amendments would provide the ability to serve alcohol to customers who may not want to eat. The premises would still be keeping seating for customers and photographs had been provided showing the layout of the premises and the new menus.
- He said that if the business was not able to move forward it could have a consequence on the retail business for the selling of the Reds True Barbecue sauces which are sold to main supermarkets such as Tesco's and Asda.
- Tokyo Industries (Yorkshire) Limited trades at numerous venues around the country as well as Whiskey Down in Leeds City Centre.
- The cost of living crisis has seen an increase of 40% in the cost of high end meat which these premises use for their menu.
- The new menu and extended hours would ensure the survival of the business which had opened in 2012. It would be sad for the city if these premises were to close and be unused and boarded up.
- A Temporary Event Notice (TEN) had been used by the premises and there was no evidence that the longer hours had caused an issue or impacted on the area. He recognised that this was a busy area but there was no specific evidence which could be attributed to his client's premises.
- The premises is located on the corner of Call Lane and Cloth Hall Street. Within the vicinity there was Las Iguanas which was a similar operation to Red's True Barbecue but had an opening time until 03:00am. There was also Guitar Café which it was noted was different, but this also had a licence until 02:00am.
- Red's True Barbecue was an award-winning venue, finishing 4th at the World's Championship Bar-B-Que in Houston, Texas.
- The venue would still be seated and there were significant differences to other venues in the location. There would be no discounted drinks, high end cocktails would support the new menu and the venue would still be a cooked meat smoke house. The venue would still be offering meals until 02:00am.
- Mr Whur made reference to information in one of the supplementary documents from the Licensing Authority in relation to the Bacil radio. He explained to the Sub-Committee that this had related to the previous owners and an historic invoice. He apologised that this had been a 'messy issue' which was now being dealt with. In relation to the drug safe it was noted that this was in relation to where the drug safe was kept, this had now been resolved.
- He said there was no evidence to suggest that complaints of noise nuisance were from these premises and was of the view that they could be generic to the area the premises were located in.
- It was noted that the premises only had planning permission to open till 01:00am at present and if the Sub-Committee were minded to grant the application they would seek planning permission to extend opening times.

Responding to questions from the Sub-Committee the following information was provided:

- The core business would stay the same, there would still be 100 seats, it would be that people could come to the premises just for a drink rather than have to order a meal, but the option to eat later would remain.
- The issue in relation to the drug safe was where it was kept not that the premises had an issue with drugs.
- 09:00am opening was an historic opening time on the licence. Red's True Barbecue served from midday.
- Even with the removal and amendments to the proposed conditions the licence would still be robust and would be in line with other venues around the country. Reference was made to the Brewdog Case. It was noted that the applicant already had a track record in Leeds and at other venues elsewhere.
- Members were advised that the kitchen at the premises was large taking up to one third of the premises. Planning permission would be required if this was to be made smaller and the bar larger. The tables were not fixed so that they could be moved easily to cater for larger groups. There would not be enough area for vertical drinking and the proposal was not to reduce the number of seats.
- It was noted that during lockdown the business had started to supply the Red's True Barbecue sauces to retail outlets. This was a franchise agreement.
- Members were informed that the premises in Leeds was the founder restaurant, and this was the award-winning restaurant.

West Yorkshire Police provided the following information:

- This area of the city has a high number of crimes with numerous licensed premises in the area.
- It was noted that the Police had not objected to the TEN at Red's True Barbecue as it was not cumulative impact specific. However, it had been noted that on the dates of the TEN's that the crime statistics had been slightly higher. The Sub-Committee were advised that figures could not be presented to them or taken into account as all parties had not had chance to view the figures prior to the hearing or to present evidence to refute the assertion.
- The Police were of the view that should the premises be granted extended opening hours where people were able to drink without ordering food there would be an impact in relation to crime and anti-social behaviour.

Environmental Health Services provided the following information:

- These premises are within the red zone and there are residential properties above the premises. Currently people live there knowing that the premises are open until midnight.
- It was the view of the officer that should the extended hours be granted then the noise from the premises would transfer to the properties above and there would be complaints, especially in relation to noise as when people drink more, they get louder.
- There is currently noise and anti-social behaviour in this area.

Responding to questions from the Sub-Committee the following information was provided:

- It was confirmed that the blue notices in relation to the extended hours had been put up and a notice in the local paper. However, it was the view that often residents do not object to extended hours on a licence until the extended hours become operational. It was noted that no representations had been received from residents.
- The Members were informed that complaints had been received in the past although these were not specific to these premises. Mr Whur posed a question through the Chair to request the last complaint received. The Sub-Committee were advised that the last complaint in the red area had been received from flats above the premises on 12th May 2023, at 12:40am in relation to noise. It was noted that 13 minutes later the noise was still ongoing, however, there was no officer available to attend. It was noted in the system that the noise was attributed to Red's True Barbecue. On checking with his client Mr Whur informed the Sub-Committee that Red's True Barbecue had not been open at that time.

The Licensing Authority provided the following information:

- The specific area of Call Lane, Duncan Street and Boar Lane have a high density of people during the night-time economy and therefore, the crime and anti-social behaviour in this area is high. Most of the statistics relate to Saturday and Sunday between 11:00pm and 02:00am. It was noted that engagement in this area with operators is difficult and therefore the use of CCTV was required.
- It was the view of the officer that there had been a number of red herrings presented before the Sub-Committee namely:
 - Retail sales of sauces, which was not a concern for the licensing authority.
 - The number of chairs or covers as this was not the issue to be considered.
- It was the view that the issues for consideration were in the high density of people in drink using this area.
- The premises were seeking a number of changes to conditions which in the view of the officer were to allow Red's True Barbecue to get people to stay in the venue drinking or to allow the venue to become another venue for people to be able to drink without having to order a meal.
- It was recognised that the Brewdog Case had taught lessons and that when in a cumulative impact area that all applications could not be refused, but the onus was on the operator to prove that their business proposals would not have a negative impact. It was the view that this venue would become just another 02:00am bar.

In summing up Mr Whur said:

- It was relevant to include the Brewdog submission.
- There were other venues in this location such as Guitar Café which had a licence for extended hours.
- The applicant had invested large amounts in these premises and the city.
- The premises offered proper high quality food options which were well priced.

- The applicant was not aware of any complaints in relation to the premises and had said that the premises were closed at the time of the complaint in May.
- Las Iguanas has a late licence and is a similar operation and is close to the premises.
- It was recognised that the Council had to protect the red zone, but this was a different type of premises.
- No changes to the plan of the premises can be undertaken without planning permission. It was the proposal for the premises to continue to have 100 seats with one third of the premises taken up by the kitchen.
- Mr Mellor the applicant was someone the Council could trust and had trusted for many years as had other authorities in the country.

Members discussions included:

- The extended hours requested.
- The impact on the area.
- Would food be eaten after 23:00
- These premises would no longer be food led but with food available.

RESOLVED – To grant the application without the removal of Condition 50 - No alcohol to be served other than with a substantial meal.

10 LATE ITEM - Certification of a Film - Sambizanga

The report of the Chief Officer Elections and Regulatory advised Members of an application for the certification of the film 'Sambizanga' to be screened as part of Cinema Africa on the 29th October 2023, at Hyde Park Picture House.

RESOLVED – To grant a certificate of 18 to the film Sambizanga.