

Licensing Sub-Committee

Tuesday, 12th September, 2023

PRESENT: Councillor J Gibson in the Chair

Councillors A Smart and S Hamilton

1 Election of the Chair

RESOLVED – That Councillor J Gibson be elected as Chair for the hearings.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information on the Agenda.

4 Late Items

There were no late items.

5 Declaration of Interests

There were no declarations.

**6 Application to vary a premises licence held by Club Atomic 156
Briggate, Leeds, LS1 6LY**

The report of the Chief Officer, Elections and Regulatory presented an application to vary a Premises Licence held by Club Atomic, 156 Briggate, Leeds, LS1 6LY.

The application was to vary the existing hours of operation as follows:

Sale by retail of alcohol:

Monday to Saturday	11:30 to 02:30
Sunday	08:00 to 02:30

Performance of recorded music:

Monday to Saturday	11:30 to 03:00
Sunday	08:00 to 03:00

The premises are based in the red zone of the cumulative impact area and representations to the application had been submitted by West Yorkshire Police, the Licensing Authority and the Environmental Protection Team.

The following were in attendance:

- Ryan Mellor Davis, Director, Atomic Business Ltd
- Richard Jones, Director, Atomic Business Ltd
- PC Andrew Clifford, West Yorkshire Police

- Susan Duckworth, Licensing Authority
- Vanessa Holroyd, Environmental Protection Team

The applicants were invited to address the Sub-Committee. The following was highlighted:

- The applicants had operated at other premises until 03:00 without any issues.
- These premises had previously had a licence until 03:00.
- The applicants had a good track record and endeavoured to meet the four licensing objectives.
- The applicants were aware of the red zone and cumulative impact policy and that this should not be grounds for automatically rejecting the application.
- The additional hours were necessary for the applicant to continue trading and provide a viable business.

The West Yorkshire Police representative addressed the Sub-Committee. Issues highlighted included the following:

- All applications that fell within the red zone of the Cumulative Impact Area were judged on their own merits.
- The Cumulative Impact Zone was not premises specific but due to the high concentration of licensed premises in one area. There were no poor operators within the red zone and problems were due to the high footfall in the area.
- The postcode area of the premises had seen 92 calls to the police since January of which 62 were made after 11.00 p.m. All had related to drink, theft and public order offences and virtually all were linked to licensed premises.

The Entertainment Licensing Officer addressed the Sub-Committee. The following was highlighted:

- The area had the highest number of alcohol related crimes within the city.
- The previous licence holder had been granted a temporary licence until 3.00 a.m. This was to support the business during the pandemic when capacity was reduced due to regulations that were in place. It was considered that there was no impact due to reduced capacity.
- The premises was a nightclub style operation and not the preferred style of new premises for the cumulative impact area. Applications for a food led style of operation would be welcomed.
- It was recommended that the application be refused.

The Environmental Protection representative addressed the sub-committee. The following was highlighted:

- There were flats to the rear of the premises and a new student accommodation development. Even if noise from within the premises could be contained, the disturbance from people congregating outside would cause complaints and these would be difficult to deal with through enforcement.
- Conditions offered to prevent excessive noise were uncertain.

- There was potential for anti-social behaviour.

In response to questions from the sub-committee, the following was discussed:

- Due to the current closing time of 11.00 p.m., customers tended to visit other premises in the immediate locality following closing.
- The premises had rigorous policies to meet licensing the objectives with regular staff training and use of the Challenge 25 scheme.
- The applicants had a background in sound engineering. Directional audio speakers were used to prevent noise leakage and it was ensured that noise levels remained below 80 db. Regular noise checks were done outside the premises.
- The applicant did not realise the permission for opening till 03:00 a.m. had expired before buying the premises.
- The applicant was aware that the premises was in the red zone of the cumulative impact area but did not believe their operation would increase crime and disorder in the area. It was not felt that they would attract additional people to the area but just have a share of those who were already there. The premises were away from the most highly concentrated part of the cumulative impact area.
- The premises was currently losing £4,000 per month and the additional hours would give an opportunity for the business to be more viable.
- The applicant would provide additional external door staff which would improve safety in the area and extra hours would enable people to disperse more evenly across the area.
- Entertainment Licensing reiterated concerns that the area already had a high level of alcohol related crime and anti-social behaviour.
- Concern that allowing the licence would keep more people in the area until 3.00 a.m. and add to existing problems with dispersal.

The applicant was invited to sum up. It was not felt that approval of the application would lead to an increase in crime statistics. There had not been a problem when the premises had a temporary licence which allowed opening until 3.00 a.m. This was the only premises in the area that currently had to close at 12.00 a.m.

The meeting was adjourned to allow the Sub-Committee to consider whether there was a need for further questions. Following the adjournment all parties were invited back for further discussion.

The Sub-Committee had carefully considered the representations made and the closing times of other premises in the immediate and wider areas. The possibility of granting the license for 12 months or permanently with the reduced closing time of 1.30 a.m. was discussed.

Further information was provided with regard to the crime statistics in the area and it was reported that it was not possible to attribute crimes to any specific premises. The responsible authorities in attendance still felt that any

extension to the hours would potentially add to crime and anti-social behaviour in the area.

The applicant indicated that they would be happy for a temporary extension till 3.00 a.m.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the Report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the application be granted with the reduced finishing time as follows:

Sale of retail of alcohol:

Monday to Saturday	11:30 to 01:30
Sunday	08:00 to 01:30

Performance of recorded music:

Monday to Saturday	11:30 to 01:30
Sunday	08:00 to 01:30

7 Application for the Grant of a Premises Licence for Wendy's, 88 - 91 Briggate, Leeds, LS1 6NP

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence for Wendy's, 88-91 Briggate, Leeds, LS1 6NP.

The application was for the provision of late night refreshment every day from 23:00 to 03:00.

The application had attracted a representation from a member of the public who was opposed to the application on the grounds of public safety, public nuisance and the prevention of crime and disorder.

The following were in attendance:

- Soteris Papacaoullas, Director, Square Burgers Ltd - Applicant
- Costantino Papadamou, Director, Square Burgers Ltd – Applicant
- George Papadamou, Director, Square Burgers Ltd - Applicant
- Bradley Cowley – Square Burgers Ltd – Applicant

- Sean, Founder, McKickz Ltd – Objector

Prior to the start of the hearing, the objector requested an adjournment. He had wanted to submit photographic and video evidence which highlighted the kinds of anti-social behaviour that had occurred but this still required editing for data protection requirements. The Sub-Committee did not feel an adjournment was appropriate and informed the objector that he could give further information when making his representations.

The applicant was invited to address the Sub-Committee. The following was highlighted:

- There were lots of takeaways and bars nearby and this application would not be out of the ordinary for that part of the city.
- There was no evidence that this application would contribute to the existing problems in the area.
- There had not been any police objections to the application.
- There would be 24/7 CCTV operation and security staff employed during late night opening.
- There would not be the sale of alcohol and it was felt this would give customers an opportunity to sober up and reduce the risk of any disorder.
- There would be patrols and litter collection in the surrounding area.
- There would be a team of between 40 to 60 employed at the premises and all would receive full training and have career prospects.
- The concerns with regards to anti-social behaviour were understood.
- There had not been objections from other neighbouring businesses.
- There were other premises that operated for 24 hours and it was felt that the applicant would provide a better operation than others.
- Door staff would be employed from 23:00 until closing.

The objector was invited to address the Sub-Committee. The following was highlighted:

- The objector had a shop premises near to the applicant and had issues relating to anti-social behaviour from other late night premises.
- The applicant's premises would attract intoxicated people and there had been problems with people urinating and taking drugs round the back of the objector's premises. It would also attract homeless people and other drug users who were begging.
- The premises would need to have a toilet.
- The objector's premises had a glass frontage and windows had been smashed. Other nearby premises had also been damaged and had problems due to anti-social behaviour.

In response to questions from the Sub-Committee, discussion included the following:

- The objector had concerns that friends of people attending the premises would congregate outside and this could lead to anti-social behaviour. He also made reference to fights that had occurred outside other similar premises.

- The applicant confirmed that toilets at the premises would remain open throughout the hours of opening.
- It was proposed to employ an extra member of staff for late nights to monitor outside the premises.
- Litter would be cleared on a morning before the premises opened.
- The premises would create more lighting in the area and the addition of CCTV and door staff will improve security.
- The applicant was willing to work with any neighbours and the Council to tackle any concerns.
- The objector was not convinced that the measures would prevent any further issues as similar premises in the city still had problems during late night openings.

The applicant was invited to sum up. Although they understood the concerns of the objector, they did not think their operation would add to any problems within the city centre and they aimed to be good neighbours.

The Chair concluded the open session of the hearing before the Sub-Committee went into private session to make their decision. All parties were informed that the decision would be sent within 5 working days.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing.

RESOLVED – That the application be granted as applied for.