

Licensing Sub-Committee

Tuesday, 13th August, 2024

PRESENT: Councillor L Farley in the Chair

Councillors N Buckley and J Senior

1 Election of the Chair

RESOLVED – To elect Cllr L Farley as 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 were no formal late items.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Certification of Films – Spell Reel & O Regresso de Amilcar Cabral

The report of the Chief Officer (Elections and Regulatory) advised Members of an application for the certification of Spell Reel & O Regresso de Amilcar Cabral to be shown at Hyde Park Picture House, Brudenell Road, Headingley LS6 1JD. The film will be shown as part of their Tuesday Wonders Documentary Strand on Tuesday 29th October 2024.

Members were informed that the promoter was available by phone should they have any questions.

The Licensing Officer presented the application providing Members with the following points:

- As the films did not hold a national British Board of Film Classification (BBFC) rating, it was a requirement of the Licensing Authority to certify the films ratings, which would apply to the Leeds district only.
- Both the films had been suggested for a PG rating and the contents of the films were historical video footage related to the decolonisation of Guinea-Bissau from Portuguese control.

It was noted that as per the officer's comments set out in the submitted report, the promoter's recommendations are considered suitable when considered in accordance with the BBFC Classification Guidelines.

RESOLVED – To grant the following ratings:

Spell Reel – PG

O Regresso de Amilcar Cabral – PG

7 Application for the Grant of a Premises Licence for Caffe Brigante, Venture House, 17 Hunslet Road, Hunslet, Leeds, LS10 1QN

The report of the Chief Officer Elections and Regulatory requested Members consideration of an application for the grant of a premises licence made by Brigante Ltd., for Caffe Brigante, Venture House, 17 Hunslet Road, Hunslet, Leeds, LS10 1QN

Present at the meeting were:

- Ahmad Alrababa – Applicant / Proposed Designated Premises Supervisor (DPS)

The Legal Officer set out the procedure for the hearing.

The Licensing Officer presented the application providing the following details:

- The application was for the premises to operate as a café/bar, proposing the Sale by Retail of Alcohol (for consumption on the premises) Monday to Sunday 7am to 11pm.
- A redacted copy of the application form was available at appendix A, from page 11 of the report.
- Agreements had been reached with responsible authorities, West Yorkshire Police (WYP) and the Environmental Protection Team (EPT), with details of the proposed conditions available at appendix C and appendix D.
- There were three objections from other persons, primarily focused on public nuisance concerns, which remained outstanding matters for consideration by Members.
- The options available to Members were outlined as: grant the application as requested, grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule, refuse to specify the said person as the DPS or reject the whole or part of the application.

The applicant addressed the Sub-Committee providing the following information:

- The objections were perceived to be based on a misunderstanding as to what the application and business operations were proposing. Assurance that the premises was not altering the café business model was provided for residents in the upstairs flats, the landlord and property management company.
- Discussions that there may be a future intent to sell some alcohol at the premises had occurred during initial conversations when considering renting the property from the landlord.
- Before enacting any licensable activities, agreement with all interested parties was sought in order to provide clarity of business operations, maintain good communication and create a cooperative, harmonious way forward.

In response to questions from Members the following points were noted:

- The process for resolving the objection to the application by the landlord, that was detailed on page 43 of the agenda pack, was queried. It was outlined that further conversations were needed with all objecting parties, but a recent meeting with the landlord and property management company had concluded with a potential way forward and some agreements.

- Upon signing the contract with the landlord, the applicant had noted the future intention to possess a sale by retail of alcohol licence in order to be able to offer products such as Irish coffees and tiramisus to customers. During these early conversations, it had been outlined to the applicant that the property management company were likely to object, however, it was thought they had misinterpreted the business model, believing cocktails, wine and beer would be the main products for sale.
- As the proposed licensed hours for the application were from 7am daily it was confirmed that these hours had been applied for as they were considered standard licensing hours and correlated with opening hours. The applicant also ran a premises in Bradford which was licensed from 9am to 11pm.
- Engagement with local residents and the residents living in the above flats had been done via sending emails detailing the proposals and providing clarity on social media posts. There was a misunderstood perception as to what the business model was, and although, there was some local support for the application, the applicant sought to work through any issues and concerns with residents and the property management company. Members noted that any supporting information for the application should have been provided beforehand to supplement the evidence base.

In summary, the applicant outlined the following points to the Sub-Committee:

- The recent meeting with the landlord and property management company had reached somewhat of an agreement in light of an explanation of the business model to address misunderstandings. The applicant noted he had a good relationship with the landlord.
- The licensable activities applied for were not considered onerous and sale of alcohol was not the main direction of the business.
- The applicant did not want to cause issues for local residents and thought a good local reputation to be more important than the licence.
- Although the licensed hours applied for were up to 11pm, it was not anticipated for any alcohol to be sold at late hours.

RESOLVED – To grant the premises licence as applied for.

8 Application to Vary a Premises Licence held by Greens Leeds Limited, 841 York Road, Leeds, LS14 6AA

The report of the Chief Officer Elections and Regulatory presented an application to vary a premises licence, made by Mr Daniel Gary Fallas, for Greens Leeds Limited 841 York Road, Leeds, LS14 6AA.

Present at the meeting were:

- Daniel Gary Fallas – Applicant / Proposed DPS

The Legal Officer outlined the procedure for the meeting.

The Licensing Officer presented the application providing Members with the following points:

- The application was made following a new operator taking control of the premises and sought to extend the hours for the Sale by Retail of Alcohol and Recorded Music, to add Live Music and to amend the conditions attached to

the licence. The hours proposed for all activities were, Monday to Thursday 08:00 - 23:30, Friday & Saturday 08:00 - 00:00 and Sunday 08:00 - 23:30.

- A copy of the existing licence was available at appendix A and the application form for the variation was detailed at appendix B.
- Agreements had been reached with responsibility authorities, WYP and EPT, with details of proposed conditions available at appendix F and appendix G.
- There was one representation submitted in objection to the application from other persons, which remained an outstanding matter for consideration by Members.
- The options available to Members were outlined as: grant the application as requested, grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule, refuse to specify the said person as the designated premises supervisor or reject the whole or part of the application.

The applicant addressed the Licensing Sub Committee and informed them of the following points:

- The contents of the outstanding objection comment were perceived to be based upon the poor operations of the previous owner of the premises and were not considered applicable to this application.
- The applicant had worked within hospitality for over 12 years, as well as working in security for 9 years. There were already strict measures in place to address any issues of crime and disorder and drug use.
- The premises had been operating for 5 weeks without any complaints being received.
- A further objection comment from a local resident, based on drug use and noise concerns, had been withdrawn following an explanation to the resident that the new business operations did not involve the previous operator.
- The premises held a zero tolerance to drug use policy and conducted door searches when necessary as well as regular toilet checks. The concerns for crime and disorder, drug use and reckless driving were not considered relevant to this application as it was based on issues that had occurred during the time the premises was operated by another business.
- Since opening, there was one patron that had driven to the premises who had been a designated driver and consumed no alcohol, they had also received a discount on their soft drinks as an offer of gratitude for safe conduct.
- The hours applied for were based against the business plan with the intention to offer bookings for small gatherings and events such as baby showers. The existing licence only allowed for licensed activities to occur from 4pm. There was no intention to play loud music at any time as it would primarily be background music to create an ambience for customers, unless a specific event had been planned.
- The applicant had engaged with the local community via handing out letters detailing the business operations and providing contact details so any issues or concerns could be directed to and addressed by staff members.
- The applicant noted he had addressed concerns to the best of his abilities and the one outstanding objection was from a significant distance from the premises.

Responding to questions from the Sub-Committee the following points were noted:

- It was confirmed by the applicant he had 9 years experience working in security and 12 years working in hospitality venues. He outlined that the business operations were to be much better practise than the previous operator, supported by the high level of experience, the good engagement with local residents and responsible authorities displayed evidence for this.
- A fire risk assessment had identified the premises as having a suitable amount of space for 65 people at a time, to ensure safety, it was proposed that there would be no more than 60 people on the premises at any time, including staff members. This was approximated as 40 seated covers and 20 standing.
- Methods for positively engaging with the local community were outlined as providing a letter and contact details for local people to report any issues of litter, noise and disturbance, clearing an adjacent alleyway of litter, trimming obstructive hedges from the outside path and clearing up litter from nearby streets which had primarily consisted of takeaway food containers.
- Measures for customer safety, given the premises was on a busy stretch of road, were to install lighting immediately outside the premises, constructing barriers or fences to restrict parking and traffic to the premises frontage, putting up signage to advice on safety and to limit noise when leaving and having a disability access ramp available.
- As the objection comment had referenced witnessing drug dealing outside the premises proactive crime and disorder enforcement measures were queried. In response it was noted that regular toilet checks were conducted, there was a stringent door policy in place, including ID checks and processes for confiscating drugs and weapons which were to be logged and reported to WYP. There was also a group phone messaging group between all staff members to discuss and record any incidents which were then to be formally logged in an incident book. The issues of drug dealing were outlined to be associated with the previous business at the premises.

In summary, the applicant outlined the following points to the Sub-Committee:

- Engagement with WYP had been positive to reach an agreement, with conditions proposed by WYP already considered, such as challenge 25 and the associated signage.
- EPT had removed their original objection with an agreement made that no live music was to occur until soundproofing was in place, it was noted that this was more of a planning than a licensing issue.
- There were regular internal and external cleaning processes in place and there were currently six CCTV cameras with four internal and one to the front of the premises and one at the rear access. The CCTV was to be available for at least 38 days. An incident log was active and would be used appropriately.

RESOLVED – To grant the premises licence as applied for.