

Licensing Sub-Committee

Tuesday, 10th September, 2024

PRESENT: Councillor S Holroyd-Case in the Chair

Councillors N Buckley and L Martin

1 Election of the Chair

RESOLVED – To elect Councillor Holroyd-Case to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the 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 late items.

5 Declaration of Interests

No declarations of interests were made at the meeting.

6 Application for the Grant of a Premises Licence for Pipeworks, 73 - 75 Albion Street, Leeds, LS1 5AA

The report of the Chief Officer, Elections and Regulatory requested Members consideration on an application for the grant of a premises licence made by PW Leeds Ltd., for Pipeworks, 73 - 75 Albion Street, Leeds, LS1 5AA.

In attendance at the meeting were:

- Piers Warne, TLT Solicitors – Applicant’s Representative
- Andre Graham – attending on behalf of the Applicant, PW Leeds Ltd.
- David Cooper – attending on behalf of the Applicant, PW Leeds Ltd.
- Paddy Whur, Woods Whur – Objector’s Representative
- Simon Oxby, attending on behalf of the Berens Group Ltd. t/a Berrys Jewellers - Objector
- Simon Walton, attending on behalf of the Berens Group Ltd. t/a Berrys Jewellers – Objector to be called as a witness.
- Matt Brigg – Observer
- Dom Mort - Journalist

The Legal Officer outlined the procedure for the hearing.

The Principal Licensing Officer presented the application providing the following information:

- The applicant’s name is PW Leeds Ltd. And the proposed Designated Premises Supervisor is David Andrew Cooper.

- A redacted version of the application was appended to the report at Appendix A. The application was for:
 - The Sale by Retail of Alcohol (for consumption on the premises) and the Exhibition of Films Monday to Friday 11:00 until 00:00 hours, Saturday and Sunday 00:00 until 23:59 hours
 - Late Night Refreshment Sunday to Thursday 23:00 until 00:30 hours, Friday, and Saturday 23:00 until 05:00 hours. Opening hours from the times stated above until 30 minutes after the terminal sale of alcohol.
 - Sunday to Thursday, with 24 hour opening Friday and Saturday.
 - Non-standard Timings on any Sunday prior to Bank Holiday Mondays, New Year's Eve, Boxing Day, and Thursday before Pride weekend.
- The applicant proposed to promote the licensing objectives by taking the steps identified in the document at Appendix B.
- A map identifying the location of the premises was attached at Appendix C.
- No representations had been received from the responsible authorities. However, the application had attracted representation from the operator of a nearby retail premises who opposed the application mainly on the grounds of crime and disorder and noise nuisance. A redacted copy of the representation was attached to the submitted report at Appendix D.
- The premises is located within the cumulative impact area for Leeds City Centre, albeit not in either of the two designated red zones. The Statement of Licensing Policy was appended to the report at Appendix E for Members information.
- A list of premises in the local area and their licensed hours and activities was provided at Appendix F.

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

- This application is not for a nightclub and is not designed to trade as a nightclub. Music will only be played until 23:00 and the cafe / bar area is to be small.
- No representations had been received from the responsible authorities. The application for the premises was submitted in January 2024, and a meeting with the responsible authorities on site had taken place in February 2024. It was noted that the application had gone back and forth between the responsible authorities until it was agreed in July 2024.
- The applicant has experience in this type of operation as they operate a similar premises in Glasgow, and the premises in Leeds would mirror that operation in Glasgow. The premises in Glasgow works well with the local authority and police, with no trouble reported at the premises in Glasgow.
- Mr Warne said that concerns had been raised by the retailer and he addressed these as follows:
 - The entrance for the premises will be away from the main pedestrian area.
 - Customers to these premises would be discreet and would be entering in 1's or 2's.
 - No loud music will be played, it would be relaxing background music. There would be no speakers in the entrance.
 - The third floor terrace is to the rear of the premises and screening would be used for privacy and safety. The capacity on the terrace will

be 10 people and CCTV cameras in this area will be linked to the main desk to allow staff to monitor the area.

- The bar area is to be small, with no drinks allowed outside. It was noted that only 10% revenue would be related to sales of alcohol. Alcohol is not the primary reason for visiting these premises it would be mainly for use of the spa facilities.
- Increase in traffic would not impact the area.
- These premises are not located in the red zone of the City Centre Cumulative Impact Policy (CIP).
- There will be 4 to 5 CCTV cameras located on the outside of the premises.

Responding to questions from Members the following information was provided:

- No drinks would be allowed on the roof terrace.
- The premises would employ approximately 25 staff, and there would be 3 to 4 staff and a supervisor on site.
- Members were advised that the applicant had considered referring to the type of proposed operation in the application but needed to ensure that the customers were safe and comfortable and there was no discrimination towards them. It was noted that they had been open and transparent about the proposed operation with the responsible authorities. They had spoken to the objector in relation to the proposed operation, but in the application and the papers to the Licensing Sub-Committee they had stuck to licensing related matters.
- It was acknowledged that at the premises in Glasgow there had been concerns initially as the premises is located near a Rangers Football Club pub. It was noted that this has worked well.
- It was estimated that at any one time there may be approximately 20 to 25 people using the facilities. The busiest periods were expected to be lunchtime and between 7pm and 9pm. Customers would not be leaving on mass but in twos or threes spread over a long period throughout the day and evening.
- There would be no windows looking out onto the street, these would be blacked out. There would be CCTV over the entrance and onto the street. The CCTV is sophisticated and can record date, time and has facial recognition.

Mr Whur asked the Sub-Committee if he was permitted to ask questions in relation to the premises plans provided by the applicant, as the answers provided may assist in his representation. The Members of the Sub-Committee agreed to this.

Mr Whur asked questions about the plans in relation to:

- The outside area.
- The area proposed for screening films.
- The smoking area.
- The capacity of the spa area

Mr Warne acknowledged that some of the plans had changed from those submitted and should the licence be granted, then the applicant would have to apply for a variation to that licence.

Mr Whur referred to the Pipeworks website and asked if the proposed premises would be offering the same event nights as the Glasgow premises. It was noted that the same event nights would be offered at the Leeds venue.

Mr Whur also referred to an incident which had occurred at the Glasgow venue where a man had collapsed and died. Members were informed that the staff at Pipeworks were all first aid trained and had assisted the man as best as possible using the defibrillator located at the premises. No blame had been attached to the Glasgow premises with staff being applauded for their efforts.

Mr Whur addressed the Sub-Committee providing the following information:

- The objector had submitted his letter of objection directly to the Licensing Authority and then contacted Mr Whur to represent him.
- As a Licensing Lawyer he did have concerns that the plans did not match the application and the applicant had recognised that if granted they would need to apply for a variation.
- The objection had come from a retailer who had traded in Leeds since 1960, and there had been no consultation undertaken with any of the retailers in the area.
- This part of Leeds has a high footfall.
- There were no proposals for SIA staff at weekends.
- Staffing levels in the premises were proposed to be low.
- The roof top terrace is overlooked by several buildings.
- Mr Whur referred to the policy of Leeds City Council taken in relation to Sexual Entertainment Venues (SEVs) and was of the view that the same scrutiny had not been applied to this application, in this location.
- It was his view that the application had not been drawn up properly and said that some of the retailers in the area had missed the notice. However, they would not miss the variation notice.

Mr Whur invited his witness Mr Walton to address the Sub-Committee and he provided the following information:

- Mr Walton was born and bred in Leeds and had worked in Leeds for 35 years, he was the fourth generation to operate at the jewellers, which had six stores which brought millions of pounds into the city centre.
- The proposed premises would be on a main shopping area in the city centre, with families travelling through this area. He supports the LGBT; however, this was not the type of premises that should be in the city centre.
- It was his view that the website for Pipeworks was not discreet about the proposed venue but felt that it had been secretive only posting small notices about the proposals on the window, with many retailers missing the deadline to submit representation. Therefore, he was attending on behalf of the Albion Street retailers.

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

- The concerns of the objectors were listed as:
 - Open roof top terrace is overlooked by several buildings.
 - Noise nuisance.

- Public nuisance in relation to busy lunchtime trade and in the period leading up to Christmas.
- Crime and disorder due to the operation of the retail premises opposite.
- This area is mainly a retail area with only a few licensed premises further down Albion Street, which are mostly food led.
- The 24 hour licence at weekends with people arriving a different times.
- No SIA door staff.
- Management controls as set out in the proposals are for low numbers of staff.

Mr Warne in his summing up said:

- The Manager and Assistant Manager would be security trained.
- The plans would be amended and a variation to the licence applied for.
- The applicant had complied with Licensing Policy and had put up notices for the required time.
- The applicant was willing to engage with the retailers.
- This was not a Sexual Entertainment Venue, so no SEV licence was required.

Discussions of the Sub-Committee included:

- Consideration of the Cumulative Impact Policy and Licensing Act.
- Only 10% of sales would be alcohol related.
- No representations had been received from the responsible authorities.
- Conditions set out were appropriate and proportionate.
- Windows were to be blacked out.
- Discreet operation with no billboards.
- Not sure that the roof terrace could be overlooked.

RESOLVED – To grant the licence as applied for.

7 Certification of a Film – Freaky Farley

The report of the Chief Officer, Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, 'Freaky Farley' to be screened on 23rd September 2024, at Outlaws Yacht Club, 38 New York Street, Leeds LS2 7DY.

With no advance screening available the request was made for the film to be awarded an 18 rating, subject to a declaration provided by the distributor. Further information on this element was detailed at Paragraph 3.5 of the report. A report provided by the distributor included the synopsis, further details on the screening and the declaration referred to above. A copy of the report was attached at Appendix A.

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

RESOLVED – To grant the film certification rating 18 as requested in line with current BBFC Classification Guidelines.

8 Certification of a Films – Leeds International Film Festival (LIFF) 2024 Trailer Reel & Oddity.

The report of the Chief Officer, Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, 'Oddity' to be screened on 14th September 2024, at Vue Light Cinema, The Headrow, Leeds LS1 8TL and LIFF 2024 Trailer Reel to be screened from 9th October 2024 at Vue Light Cinema, The Headrow, Leeds LS1 8TL, Hyde Park Picture House, 73 Brudenell Road, Headingley, Leeds LS6 1JD and Mill Hill Chapel, City Square, Leeds LS1 5EB.

With no advance screenings available the request was made for the film and trailer reel to be awarded an 18 rating, subject to a declaration provided by the distributor. Further information on this element is detailed at 3.5 of this report.

A report provided by the distributor included a synopsis, further details on the screening and the declaration referred to above for each item. A copy of the report was attached at Appendix A.

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

RESOLVED – To grant a film certification of rating 18 for both the film and the trailer reels as requested and in line with current BBFC Classification Guidelines.

9 Certification of a Film – Mycelial

The report of the Chief Officer, Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, 'Mycelial' to be screened on 26th September 2024, at Hyde Park Picture House, 73 Brudenell Road, Headingley, Leeds LS6 1JD.

With no advance screening available the request was made for the film to be awarded an 18 rating, subject to a declaration provided by the distributor. Further information on this element is detailed at 3.5 of this report.

A report provided by the distributor included a synopsis, further details on the screening and the declaration referred to above. A copy of the report was attached at Appendix A.

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

RESOLVED – To grant a film certification of rating 18 as requested and in line with current BBFC Classification Guidelines.

10 Certification of Films – Resistance Climbing

The report of the Chief Officer, Elections and Regulatory advised the Licensing Sub Committee Members of an application for the certification of a film titled, 'Resistance Climbing' to be screened on 27th September 2024, at City Bloc Climbing Wall, 1-4 Kitson Road, Hunslet LS10 1NT.

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

An advance screener had been provided by the promoter and the application was made to award the film a 15 rating. Officers had viewed the film in advance of the hearing and provided comments, at Appendix B, confirming they had no concerns when considered in accordance with the 15 rating criteria as set out in the BBFC Classification Guidelines.

RESOLVED – To grant a film certification of rating 15 as requested and in line with current BBFC Classification Guidelines.

Meeting concluded at 12:15