

## Licensing Sub-Committee

Monday, 26th July, 2010

**PRESENT:** Councillor B Selby in the Chair

Councillors Mrs R Feldman and T Hanley

### 46 Election of the Chair

**RESOLVED** - Councillor B Selby was elected Chair of the meeting

### 47 Late Items

No formal late items of business were added to the agenda, however the Sub Committee and all parties were in receipt of the following supplementary documentation which had been submitted after the despatch of the agenda for the meeting and issued all parties prior to the hearing:

- Additional bundle supplied by the applicant's solicitor including
  - A statement outlining the other premises operated by the applicant; history of this premises licence application, liaison and agreements with the responsible authorities
  - Magazine reviews of Reform and Verve bars operated by the applicant
  - Menu from Verve bar
  - "Worlds Best Bar" listings showing Reform (23) and Verve (61)
  - "Scores on the Doors" listings for Reform and 3 bars operated by objectors to the application
  - Copies of the Premises Licences for Verve and Reform
- Additional bundle supplied by the solicitor for some of the objectors to the application which included:
  - Copy of LCC Public Consultation Report of the Statement of Licensing Police 2011-13
  - Copy of the High Court Judgement JD Wetherspoon vs. Guildford Borough Council
  - Copy of the High Court Judgement: Luminar Leisure Ltd vs. Wakefield Magistrates Court

### 48 Declarations of Interest

There were no declarations of interest

### 49 "38 Call Lane" - Application for Grant of a Premises Licence, 38 Call Lane, Leeds LS1 6DT

The Sub-Committee, having regard to the Licensing Act 2003, the Statement of Licensing Policy and the Statutory Guidance, considered the application and the written submissions before them relating to an application for the grant of a new Premises Licence in respect of premises to be known as "Call Lane" 38 Call Lane, Leeds LS1 6DT.

The report included the representations initially submitted by West Yorkshire Police (WYP) and LCC Environmental Protection Team (LCC EPT) however it was noted that agreements had been reached between the applicant and the responsible authorities and the representations had been withdrawn.

Representations had also been submitted by the following local residents: Mr F Stride; Mr T Davies & Ms S Watson; Ms A Harding; Mr C Burton; Mr O Lowe and Mr B Cook. None of the local residents attended the hearing and the Sub Committee resolved to proceed with the hearing and consider the residents written representations in their absence.

Written submissions had also been received from representatives of local businesses including Mr N Coughlan (Norman Restaurant & Bar); and by Mr C Rees-Gay the solicitor acting on behalf of Norman Restaurant & Bar; Boutique Partnership; Neon Cactus; Jakes Bar & Grill and Oporto. Mr Rees-Gay also submitted colour copies of maps already within one of his written submissions for ease of reference.

#### Attendees

##### Applicant

Mr J Anderson (solicitor)  
Mr P Harrison  
Mrs M Harrison

##### Objectors

Mr C Rees-Gay (solicitor)  
Mr P Lane  
Mr G Feltham

##### Observers

PC C Arkle – West Yorkshire Police  
Mr S Wright  
Miss J Caisley

Prior to the start of the hearing Mr Anderson made a request to withdraw Paragraph 2 of Page 5 of the written statement submitted by his colleague, Mr N Walton on behalf of the applicant, as it did not accurately reflect the stance of West Yorkshire Police. The Sub Committee agreed to this request.

The Sub Committee heard first from Mr C Rees-Gay on behalf of operators of other venues within the Call Lane locality of Leeds who had made representations.

Mr Rees-Gay referred the Sub Committee to those parts of the Council's own Statement of Licensing Policy which he believed to be most relevant to this application. He highlighted the crime and disorder statistics contained within the proposed revised Policy which showed the locality as being a hotspot area for incidents of anti social behaviour and assaults during the night. Mr Rees-Gay also relied upon the introduction of street marshals in that area as further evidence that this locality already suffered from incidents of crime and disorder.

Mr Rees-Gay then addressed the two High Court judgements he had submitted for consideration and explained their relevance to this application in terms of parties making representation and the impact of increased numbers of patrons and licensable hours in a defined area. Mr Rees-Gay also stated his belief that the applicant had not submitted enough evidence to prove that they could address the licensing objectives and he urged the Sub Committee to refuse the application

The Sub Committee invited PC C Arkle of WYP to comment at this point. PC Arkle outlined the liaison that had taken place with the applicant and the agreed conditions which WYP believed would ensure the venue did not become a vertical drinking establishment.

Members having noted the comments made by Mr Rees-Gay about capacity and the figures provided for other venues in the Call Lane locality considered the advice provided by PC Arkle and the Sub Committees' own legal adviser about the approach to capacity as set out in the Fire Regulatory Reform Act.

The Sub Committee then heard representation from Mr A Anderson on behalf of the applicant who responded to the comments made on behalf of the objectors in the first instance, particularly in relation to reliance on the draft Statement of Licensing Policy which was currently out for consultation; and the terms of the CIP.

Mr Anderson also described the proposed style of venue which included provision of food and cocktail bar with waiter service. Mr Anderson noted the comments made about the length of time and type of food which would be available and offered to amend an already agreed condition to read "at all times when licensable activities are taking place, a substantial food offer shall be made available". Mr Anderson also addressed queries from the Sub Committee relating to doorstaff, management of patrons and the Call Lane locality as a distinct night time destination.

All parties then discussed issues of capacity; dispersal and closing times of other premises within the locality and the impact another venue in this location would have on other venues in the locality and city wide.

The Sub Committee noted the written representations and carefully considered the submissions made at the hearing. Members additionally considered the 2 High Court cases during their deliberations but did not find either particularly helpful in this case and neither were applied.

The Sub Committee considered whether this premise was caught within the CIP. Members noted the capacity of 184 patrons, with provision for 118 seated. Members noted the applicant had agreed this would be a drink led establishment but also took into account the agreed conditions regarding seating and waiter service. Therefore Members did not feel this would be a vertical drinking establishment.

With regard to the CIP, the violent crime statistics and likely impact of another venue on the Call Lane locality were noted. However Members did not feel the grant of this application for a new Premises Licence for this venue would cause a significant increase in the recorded incidents. Members determined that the capacity of 184 patrons would equate to a 12% increase in the number of patrons generally in the locality.

The Sub Committee further noted that WYP had agreed measures to address the crime and disorder licensing objective with the applicant, rather than make representations against the application.

With regards to the public nuisance licensing objective, Members further noted the agreed and offered measures which they felt would address the concerns stated by local residents in their submission.

The Sub Committee concluded this application did not fall within the Cumulative Impact Policy (area 1) and could find no other reason to refuse the application, however were concerned to ensure the proposed style of operation was maintained for the future. Members therefore

**RESOLVED** – To grant the application for the licensable activities and hours of operation as requested and

- The measures agreed between the applicant and the responsible authorities to address the licensing objectives are imposed as conditions on the Premises Licence – with the exception of Condition 3 from WYP which is modified as follows:
  - at all times when licensable activities are taking place, a substantial food offer shall be made available”
- imposed the following conditions to ensure the venue maintains the proposed style of operation
  - There shall be a written procedure to ensure the venue does not exceed the given capacity of 184 patrons
  - There shall be a minimum of 2 doorstaff on duty on all evenings the premises is open
  - The door supervisors shall monitor capacity at all times when licensable activities are taking place