

## **Licensing Sub-Committee**

**Monday, 12th December, 2011**

**PRESENT:** Councillor G Hyde in the Chair

Councillors B Gettings, T Hanley and  
G Hyde

### **158 Election of the Chair**

Councillor Hyde was elected Chair for the meeting.

### **159 Late Items**

No formal late items of business had been added to the agenda, however Members had received a revised representation from LCC Health and Safety Team in respect of KFC City Station. Additional paperwork had been submitted in respect of Shell at Roydsbeck in order to name a new DPS.

### **160 Declarations of Interest**

There were no declarations of interest.

### **161 "K F C" - Application for the grant of a premises licence, KFC, City Station, New Station Street, Leeds LS1 4DT**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy considered an application for the grant of a Premises Licence in respect of KFC, City Station, New Station Street, Leeds LS1.

Representations had been received from the LCC Health and Safety Team, however agreement had been reached with the applicant and these representations had been withdrawn prior to the hearing. A representation had also been received from West Yorkshire Police.

Present at the hearing were:

Mr P Connell- Unit Manager  
Ms N Smith- Solicitor for the Applicant  
Mr J Heathcote- Operations Manager  
Mr K Dungey- Regional Operations Manager  
PC Arkle- West Yorkshire Police  
Sgt M Jackson- British Transport Police

The Sub-Committee heard from Ms Smith who informed them that the application was for Late Night Refreshment only (no alcohol) until 02.00 .am. The KFC premises is currently a convenience store which is licensed to sell alcohol, this licence would be surrendered once the premises was running as a KFC if this application was granted. The Sub-Committee was informed that the applicant has extensive experience running business in stations across the country, including in Leeds where they run a number of other businesses in Leeds Station, and have done for many

years. The proposed KFC would have a dedicated seating area of 32 seats outside the premises for customers to eat at. There would be CCTV. The applicant stated that he was used to dealing with queuing systems and other issues that were relevant to a business at the station, and that the KFC would cater both to travellers and station staff. He stated that they had a good working relationship with the British Transport Police.

PC Arkley made representation on behalf of West Yorkshire Police against the grant of the Licence. Sgt Jackson outlined the concerns of the British Transport Police regarding the application, which were around customers congregating around the premises late at night rather than dispersing, and that people could be attracted from outside the station, such as from the taxi rank, to congregate around the premises. The applicants reiterated their experience in managing similar premises at Leeds City Station and clarified that the premises needed to have seats for customers to eat at.

The Sub- Committee carefully considered all the written and verbal submissions. Members felt that granting the application with conditions would uphold the licensing objectives.

**RESOLVED-** To grant the license as per the application as agreed with the responsible authorities and with the inclusion of a condition requiring that the external seating be removed from 12.00 midnight until close every night.

**162 "Shell Garage" - Application for the grant of a premises licence for Shell Roydsbeck, Ring Road, Lower Wortley, Leeds LS12 6AN**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance, and the Authority's own Statement of Licensing Policy considered an application received for the grant of a premises licence for Shell Roydsbeck, Ring Road Lower Wortley, Leeds LS12. The application was to allow sale by retail of alcohol. The application also sought Late Night Refreshment from 23.00 – 05.00 daily.

A representation had been received from West Yorkshire Police regarding the application.

Present at the hearing were:

Mr L Charalambloes- Barrister for the applicant  
Mr G Wardell- Cluster Manager for Shell  
Mr C Lockett- Licence Holders Agent  
Mr B Patterson- West Yorkshire Police

The Sub-Committee heard from Mr Charalambloes who requested that the Licence Application be determined prior to applying the s176 test in order to determine the primary use of the Shell premises. Mr Charalambloes was informed that the Sub-Committee needed to hear all of the evidence and that the s176 test would be applied first.

Mr Charalambloes informed the Sub-Committee that additional conditions had been agreed with West Yorkshire Police in respect of football match days. Mr

Charalambloes tabled actual trading figures in respect of the application. The Sub-Committee were informed that Shell is the Premises Licence Holder.

Mr Pattison, of West Yorkshire Police informed the Sub-Committee that there had been concerns regarding the premises, and it's proximity to the Football Ground, however conditions had been agreed and he was now satisfied regarding this. He commented that the Licence Agents had always provided data to him when requested.

The Sub-Committee having carefully considered both the written and verbal representations from the applicant and West Yorkshire Police declined to accept the application. The Sub-Committee considered the application and use of the premises in line with Section 176 of the Licensing Act 2003 and concluded the primary use of the premises was as a garage. In making this decision the Sub-Committee considered the figures provided by the applicant; the number of litres of fuel sold and the locality.

**RESOLVED** - That the application should not be accepted as it related to an excluded premise under s176 of the Licensing Act 2003

**163 "Leeds Deli Limited" - Application for the grant of a premises licence for Stall 232/23, Leeds Kirkgate Market, Leeds LS2 7HY**

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance, and the Authority's own Statement of Licensing Policy considered an application received for the grant of a premises licence in respect of Stalls 232/234 of Leeds Kirkgate Market, Leeds, LS2.

Representations had been received from West Yorkshire Police.

PC Arkle made representation on behalf of West Yorkshire Police against the grant of the Licence. Mr Jai Van-Toch, from HMRC informed the Sub-Committee of previous events at the applicant's other premises on Dewsbury Road, and at the applicant's home whereby illegal cigarettes and wine had been found, together with large amounts of cash.

The Sub-Committee carefully considered all the written and verbal submissions. Members felt that use of premises for crime was particularly serious and that it would be necessary to take steps to address this issue. Members felt that this premises could be used for tax evasion by the importing of goods where no duty had been paid.

The Sub-Committee therefore was satisfied that granting the application in part or with condition would undermine the crime prevention objective. It was therefore necessary for the promotion of this objective to refuse the application.

**RESOLVED-** To refuse the application

**164 "The Sportsman" - Application to vary a premises licence held by the Sportsman, Stoney Rock Lane, Burmantofts, Leeds LS9 7TZ to specify an individual as designated premises supervisor**

This item was withdrawn in it's entirety prior to the meeting.