

Licensing Sub-Committee

Monday, 6th February, 2012

PRESENT: Councillor G Wilkinson in the Chair
Councillors D Wilson and G Hussain

203 Election of the Chair

Councillor Wilkinson was elected Chair for the meeting.

204 Late Items

There were no late items.

205 Declarations of Interest

There were no declarations of interest.

206 "Safran Restaurant" - Application for the grant of a Premises Licence for Safran Restaurant, 81 Kirkgate, Leeds LS2 7DJ

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 for Safran Restaurant, 81 Kirkgate, Leeds LS2.

The applicant's representative, Mr Digwa, informed the Sub-Committee that the applicant was very ill and could not attend the meeting. Mr Digwa therefore asked the Sub-Committee if they would allow the consideration of the application to be deferred to another date so that the applicant could attend.

RESOLVED- That the application be deferred to the 5th March 2012.

207 "Macy's" - Application for the grant of a Premises Licence for Macy's, 6 a Otley Road, Headingley, Leeds LS6 2AD

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 for Macy's, 6a Otley Road, Headingley, LS6 2AD.

Representations had been received from LCC Environmental Protection Team, Ward Councillors, Neighbourhood Groups and from individuals. There had also been a letter of support.

Present at the hearing were:

Mr Robert Carlton- the applicant
Mr Paddy Whurr- solicitor for the applicant

Ms Monica Legiza- legal assistant

Mr B Kenny- LCC Environmental Protection Team

Councillors Matthews and Walshaw

Joan Brown- Cardigan Triangle Community Association

Local Residents: Susan Sleeman, Christine Beels, Tony Green, Carry Franklin and Marion Charlton

The Sub-Committee heard from Mr Whurr who was representing the applicant. He put forward the view that this application did not come under the Cumulative Impact Policy and informed the Sub-Committee that Macy's was intended to be a European Style Café. The premises did not have a bar, and would only sell bottled beers and wines rather than draught as it would be a deli supplying a modest amount of alcohol as a high quality food led business. The premises would usually be shut by 7pm, with the exception of charity events. The business would create 12 new local jobs, and would donate 5% of it's profits to charity.

The Sub-Committee heard from Mr Kenny, of LCC Environmental Protection Team, who informed the Sub-Committee that their objection was based on the belief that the application did come under the Cumulative Impact Policy as an additional premises in Headingley which would be selling alcohol.

Councillor Matthews addressed the Sub-Committee as opposing the application. He outlined his concerns for the area such as the problems with Anti Social Behaviour and litter, and problems with illegal taxis plying for trade there. He gave examples of establishments in the area which had started as food led establishments which had become alcohol led over time which then caused problems within the area.

Councillor Walshaw reminded the Sub-Committee of the scale of public opposition to this application, and asked that they consider the Cumulative Impact Policy in relation to this application.

Carry Franklin, a local resident, addressed the Sub-Committee, outlining her concerns around the problems caused by drinking in the area such as intimidation of local residents and the amount of rubbish created. She gave her view that Headingley had enough food establishments that served alcohol already.

Following full and lengthy consideration of all the written and verbal representations, the Sub-Committee felt that the Cumulative Impact Policy did not apply to this application as, in the Sub-Committee's view, this was not an alcohol led premises. The Sub-Committee on balance felt that granting the application with stringent conditions would uphold the licensing objectives. The Chair commented that this had been a very difficult application to deal with.

RESOLVED- That the application be granted in the following terms:-

- That the supply of alcohol be between the hours of 10.00 a.m. and 7.00 p.m. only.
- That alcohol only be sold with food, and only for consumption on site.
- That condition 8 be amended to replace “first floor” with “ground floor”.
- That condition 1 be amended to prevent the sale of spirits and draught wine and beer and to specify that only bottled beer and wine be sold.

Members had also noted that any future application to install a bar by way of a minor variation had the potential to impact on the licensing objectives and should be subject to the full variation process.

208 "Brew Dog" - Application for the grant of a premises licence for Brew Dog, Unit 2, White Cloth Hall, Crown Street, Leeds LS2 7DA

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 for Brew Dog, Unit 2, White Cloth Hall, Crown Street, Leeds LS2 7DA.

Representations had been received from LCC Health and Safety Team, however these had subsequently been withdrawn following an agreement being reached with the applicant. Other representations had been received from West Yorkshire Police, LCC Environmental Protection and LCC City Development.

Present at the hearing were:

Mr Bruce Gray- the applicant

Mr Tony Lyons- solicitor for the applicant

Mr Bob Patterson and PC Cath Arkle- West Yorkshire Police

Mr B Kenny- LCC Environmental Protection

Mr C Sanderson- LCC City Development

The Sub-Committee heard from Mr Lyons who was representing the applicant. He informed Members that Brew Dog is a Scottish based business which has successful licensed premises in Edinburgh, Glasgow and Aberdeen as well as Camden. The application was for a premises which had been vacant for some time, and it was hoped would create 10 new local jobs. There would be no more than 60 customers on the premises. Mr Lyons informed the Sub-Committee of the ethos of the Brew Dog company- it believes it is different to other pubs in Leeds as it brews it’s own beers and wishes to educate people in appreciating beers in a similar way to appreciating fine whiskey or wine. He reiterated the experience of the Brew Dog company in running similar premises in other cities, and emphasised the company’s achievements in not having any incidents in any of it’s premises to date. He reminded the Sub-Committee that no local residents had objected to the application.

Mr Gray addressed the Sub-Committee in relation to his style of operation, indicating that he would hope to be a positive influence on the area by educating people to a different way of drinking. He informed the Sub-Committee that staff training was extensive and thorough and that customers were not allowed to become drunk.

The Sub-Committee heard from PC Arkle who outlined her concerns with regard to the application. The premises was located in a violent crime hotspot within the Cumulative Impact area which was not covered by the LeedsWatch CCTV system. Whilst much work had been done to try to address this, there were many problems and issues in that area. An additional concern was that Brew Dog would be likely to attract different people to it rather than those already using the area, therefore drawing additional people into the area which could exacerbate the problems there.

Mr Kenny, LCC Environmental Protection, addressed the Sub-Committee. He described the problems with public nuisance in the area, and outlined his concerns that an additional premises and therefore additional customers there would make the problems worse.

Both WYP and the EPT expressed surprise that residents had not raised representations as they were aware of a number of complaints submitted by residents in the area about existing problems.

Mr Sanderson, LCC City Development informed the Sub-Committee that the permitted planning hours for the premises were based on them operating as a café bar, and suggested that a change of use may need to be applied for in order to reflect the proposed use as a bar. He informed the Sub-Committee that the permitted planning hours were imposed due to the proximity to residential property and the impact on the amenity, and suggested that the application be rejected due to public nuisance and the Cumulative Impact Policy.

The Sub-Committee carefully considered all the written and verbal submissions. Whilst the concept of the bar and style of operation were welcomed, it was noted that the premises were within a violent crime hotspot within the Cumulative Impact Policy area. The Sub-Committee were regrettably not persuaded that the application would not add to the impact in the area, despite the undoubted experience of the operator.

RESOLVED- That the application be refused.