

Licensing Sub-Committee

Monday, 11th March, 2013

PRESENT: Councillor C Townsley in the Chair

Councillors A Khan and R Charlwood

169 Election of the Chair

RESOLVED – Councillor Townsley was elected Chair for the meeting

170 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information, designated in Appendix C of the report referred to in minute 175 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing Regulations 2005) and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.

171 Late Items

No formal late items of business were added to the agenda however the following supplementary documents were received by Members prior to the hearing

Minute 174 Libby's – copies of 2 letters of representation which had been included in the Members Pack of representations but had been transposed during the copying process

Minute 175 Venus Foods – supplementary documents supplied by West Yorkshire Police providing additional evidence in respect of the applicant

172 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary interests, however Councillor Khan stated that he knew the agent for the applicant in respect of Libbys as the agent had made an application for a similar establishment close to Councillor Khan's home

173 Application for the Certification of Films - Leeds Young Film Festival

The Sub Committee considered the report of the Head of Licensing and Registration on an application for the certification of a number of films to be shown during the Leeds Young Film Festival scheduled to be held during April 2013.

Under Section 20 of the Licensing Act 2003, the Licensing Authority has a duty to categorise a film which is absent of a certificate from a film classification body such as the British Board of Film Classification (BBFC).

Details of the 18 films requiring certification were attached to the report along with a brief synopsis and recommended rating based upon BBFC guidelines.

Mr A King and Mr M Grund attended the hearing and provided the Sub Committee with details of the Film Festival and responded to Members;' queries in respect of the film entitled "Approved for Adoption." Members were pleased to note that the organisers had viewed each of the films and were able to provide assurances over the style and nature of the content of the films proposed to be shown.

RESOLVED – To grant the films those classifications as proposed in the schedule to the report

174 "Libbys @ 37" - Application for the grant of a premises licence for Libbys @ 37 Ltd, 37 Main Street, Garforth, Leeds

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 Libby's@37, 37 Main Street, Garforth. It was noted that this premises, as Garforth Liberal Club, currently benefitted from a Club Premises Certificate which was to remain in force and exempt from this application.

Measures contained within a representation submitted by West Yorkshire Police had been agreed by the applicant prior to the hearing. The measures contained within a representation submitted by LCC Environmental Protection Team had also been agreed by the applicant which effectively reduced the requested hours to:

Opening hours	10:00 until 00:30 hours the following day
Licensable activities	10:00 until 00:00 hours Monday – Saturday
	10:00 until 23:00 hours Sunday

Representations had also been received from local residents, 22 in objection and 3 in support of the application.

Mr N Purves, agent for the applicant and Mr C Parker, Director of Libby's attended the hearing. Councillor M Dobson attended on behalf of local residents. The hearing was also observed by Mr P Rix, LCC Entertainment Licensing and PC C Arkle, West Yorkshire Police

Mr Purves provided information on the history and proposed style of operation of the premises, providing assurances that the venue would not operate as a nightclub and would still operate under the same Club Management regime. He explained that a premises licence was required in order to hold functions later into the night and provide revenue for the business and suggested that 12:00 midnight was the norm for licensed premises in Garforth. Mr Parker reported that the Club had held functions under the auspices of Temporary Event Notices previously, and that no problems had been associated with these. Mr Purves in summing up assured the Sub Committee that there was no intention to hold functions until 00:00 midnight with live music every night.

The Sub Committee then heard from Councillor Dobson who reported the concerns of local residents at the 01:00 hours request contained in the initial

application. Councillor Dobson stated that although the premises was situated on Main Street, it was surrounded by a densely populated residential area. Residents noted the reduced hours but remained concerned that midnight throughout the week was unacceptable in terms of the noise and disturbance likely to be caused by patrons leaving the premises. Councillor Dobson made reference to the Designated Public Places Order in force in Garforth and the work undertaken by the Neighbourhood Policing Team to tackle the incidents of anti-social behaviour associated with alcohol which had been experienced in Garforth and suggested that midnight closing on Friday and Saturday would appear more appropriate in this location.

The Sub Committee carefully considered the application and the representations received, noting the agreements reached between the applicant and the responsible authorities and the location of the premises. Members additionally noted that TENs had been utilised at the premises without complaint, however remained concerned at the likely disturbance to residents caused by patrons leaving the premises later at night through the week. The Sub Committee considered the application could be granted but that there were further steps which could be taken to address the licensing objectives in respect of public nuisance

RESOLVED – That the application be granted as requested, with provision for Performance of Live Music being amended as follows:

Sunday to Thursday	11:00 until 23:00 hours
Friday & Saturday	11:00 until 00:00 midnight

175 "Venus Foods Leeds Ltd" - Application for the grant of a premises licence at Venus Foods, 67 Domestic Street Holbeck Leeds LS11 9NS

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 Venus Foods Leeds Ltd, 67 Domestic Street, Holbeck.

The applicant, Mr C Esengul, did not attend the hearing and it was noted that he had not made contact with the Licensing Authority to request an adjournment. Members received assurances that the applicant had received documentation associated with the hearing and resolved to proceed with the hearing in the absence of the applicant.

PC C Arkle attended the hearing on behalf of West Yorkshire Police. Mr P Rix, LCC Entertainment Licensing Enforcement & Liaison Section attended the hearing for the Licensing Authority.

PC Arkle briefly addressed the Sub Committee on the contents of the representation contained within the agenda and the additional document despatched following the despatch of the agenda.

Members considered the contents of the report and the representations made by WYP. The Sub Committee commented that it was unfortunate that their queries and concerns could not be addressed by the applicant as he had not

attended the hearing. Members noted the applicant had not engaged with WYP or the Licensing Authority, therefore
RESOLVED – That the application be refused.