

Licensing Sub-Committee

Tuesday, 10th November, 2015

PRESENT: Councillor Wilkinson in the Chair

Councillors M Harland and Asghar Khan

95 Election of the Chair

RESOLVED – That Councillor Wilkinson be elected as Chair for the duration of the meeting.

96 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

97 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt 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 so designated as follows:-

- (a) Supplementary information to the report entitled, 'Application for the Grant of a Premises Licence for Black Swan 37, Call Lane, Leeds, LS11 9AT', referred to in Minute No. 100 is designated as exempt from publication in accordance with Access to Information Procedure Rule 10.4(1), (2) (3) and (7) in order for Members to receive witness statements and information from West Yorkshire Police;
- (b) The Sub Committee also noted that the press and public would also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules.

98 Late Items

A late item was submitted to the agenda which was accepted for consideration by the Chair as follows:

"Application for the grant of a premises licence for Bargain Booze, 23 Nora Place, Bramley, Leeds, LS13 3JE" Minute No.103 refers.

Supplementary information was received in relation to Agenda Item 7 “ Application to vary a premises licence held by Clayton Hotel Leeds City Walk, Holbeck, Leeds, LS11 9AT.”

Supplementary information was also received from both the Applicant and West Yorkshire Police in relation to Agenda Item 6 “Black Swan, 37 Call Lane, Leeds, LS1 7BT.” Minute No 100 refers.

99 Declarations of Disclosable Pecuniary Interests

No declarations were made.

100 Application for the Grant of a Premises Licence for Black Swan 37 Call Lane, Leeds, LS1 7BT

The Sub Committee heard an application for the grant of a premises licence for Black Swan, 37 Call Lane, Leeds, LS1 7BT.

It was noted that the premises benefited from an existing premises licence. The application proposed an entirely new operating schedule, which included an extension of the terminal hour for licensable activities.

Present at the hearing were:

Mr Ord – Premises Licence Holder
Mr Lyons- Licence Holders Agent

PC Arkle – West Yorkshire Police
Ms Holden – Leeds City Council Licensing Authority
Mr Mudhar – Leeds City Council Environmental Protection Team

It was reported that the premises were situated within a Cumulative Impact Area (Red Zone) and as such representations had been received from West Yorkshire Police, Leeds City Council Licensing Authority and – Leeds City Council Environmental Protection Team.

Mr Lyons addressed the Sub Committee submitting that there were exceptional circumstances relating to this application as follows:

25 other premises in the vicinity to the Black Swan traded later than the Black Swan putting the venue at a disadvantage. It was highlighted that the venue was also unique to the area, it was not drink driven and nor were there any drinks promotions. Mr Lyons stressed that the Black Swan “raised the bar” due to the high quality food and drink on offer.

The premises had recently been re-furbished at a cost of approximately £250,000.

The venue was unique in that food would continue to be served until late into the evening and until 3.30am if the application was granted. Furthermore, that after 6pm the first floor of the premise would be reserved for dining only.

The applicant also proposed to reduce the capacity of the venue from 450 to 375 people.

The Sub Committee were informed that the current licence which permits alcohol to be sold until 3am meant that the Black Swan could not continue to service its customers after this hour and that they subsequently went to other venues to get served.

Allowing the venue to stay open for the extra hour requested would also mean a more gradual dispersal of patrons, which would help reduce problems caused by large numbers of people spilling onto Call Lane all at once.

The Sub Committee heard that the venue had successfully operated longer opening hours on several occasions through the use of Temporary Event Notices and had received no objections.

Mr Lyons refuted evidence submitted by West Yorkshire Police about crimes being committed on the premises of the Black Swan. It was also highlighted that no residential objections to the premises had been received at any time.

Mr Lyons addressed the representation made from the Environmental Protection Team explaining that one complaint had been made about the Black Swan and that this was due to the failure of a fire escape which allowed noise to escape the building.

Members asked why the applicant wanted to open for an extra hour, it was explained that the applicant wished to have commercial parity to help maintain his customer base.

The Sub Committee then heard from PC Arkle of West Yorkshire Police who highlighted the crime and disorder in the Call Lane area and put it to the Sub Committee that the Black Swan may contribute to this.

The Sub Committee heard about the saturation of licensed premises in the area that have led many local residents to complain to West Yorkshire Police about this part of Leeds.

The witness statements submitted by West Yorkshire Police were also considered by Members and were used to paint a picture of the type of problems associated with this part of the City.

The Sub Committee were informed that the Black Swan was opposite an alley which led to Regent Court where there were serious problems with anti-social behaviour.

PC Arkle explained that no representations had been made by local residents this possibly due to the difficulty people find with making themselves known when complaining. However PC Arkle highlighted that residents had been happy to make witness statements.

PC Arkle considered that this application was not exceptional and that extending the hours of licensable activity resulted in more people with more alcohol in their systems at a peak time for crime and disorder in the area.

PC Arkle agreed that no crime and disorder had been associated with the operation of temporary events. However she felt that this did not mean that crime had not occurred in other premises due to the later than normal opening hours of the venue during these temporary events.

The Sub Committee heard that although the venue is food driven in West Yorkshire Police's experience after 12:00am people want to drink alcohol and not eat food. Furthermore that the hours between 02:00 and 04:00 were peak times for robberies in the Call Lane area.

The Sub Committee heard from Mr Mudhar – Leeds City Council Environmental Protection Team, who highlighted that the CIP and Red Zone had been created because of evidence of problems with noise and anti-social behaviour in this area of the City. The Sub – Committee were informed that it was very difficult to pin point which premises and where noise and loud music escaped from in this area and to which venue people had been in.

Mr Mudhar went through the list of complaints received from residents against licensed premises situated in The Calls Red CIP Area in 2013 and 2014 as detailed at Appendix 1 of the submitted report. The Sub Committee were informed that often people did not wish to have complaints formally logged as residents in the area did not wish to be identified.

Mr Mudhar submitted that extending the hours of this venue would only add to the problems encountered by the Environmental Protection Team in this area.

Members asked if any residents regularly met to discuss issues. Mr Mudhar responded that no co-ordinated group existed to discuss the noise issues of the area and that residents in the main were very patient.

The Sub-Committee heard from Ms Holden – Leeds City Council Licensing Authority who re-iterated that the application fell within the Cumulative Impact Area and Red Zone. It was highlighted that this was an already very busy area and that due to this, road closures were in operation at the weekend to help ensure public safety. Ms Holden commented that the applicant was a good operator but questioned whether the venue was exceptional enough to allow for potentially 375 people leaving the premises at 4:30 in the morning.

The Sub Committee carefully considered the application and the objections. It was noted that the premises are located in the Red Zone of a Cumulative Impact Area. The Committee also noted that the Cumulative Impact Policy creates a rebuttable

presumption of refusal for an application of this type. However, in this instance the Sub-Committee felt that the application was exceptional.

RESOLVED – That the application be granted as applied for.

101 Application to Vary a Premises Licence held by Clayton Hotel Leeds City Walk, Holbeck, Leeds, LS11 9AT

The Sub Committee heard an application to vary the premises licence held by Clayton Hotel, Leeds City Walk, Holbeck, Leeds, LS11 9AT.

The application was to extend the current hours for the sale of alcohol, provision of live music, provision of performance of dance, provision of anything of similar description from 10:00am to 01:00am every day and for the provision of late night refreshment every day from 11:00pm to 01:00am.

The application had received representations from Scanlans Property Management on behalf of local residents.

Present at the hearing were:

Mr J Quinn and Mr Clark Coates of Crescent Brook – The applicant
Ms Perraton – Licence Holder's agent
Paul Christopher – Scanlan's Property Management
Brian Hunt – Local resident

The applicant addressed the Sub-Committee. Issues highlighted in discussion and further to questions from Members included the following:

That the applicant only took over the hotel last year, and was re-furbishing the hotel with a view to it achieving 4 star status. The hotel was also benefitting from a new management team.

It was highlighted to the Sub Committee that the layout of the ground floor would not be changing despite the re-furbishment.

The hotel wanted to hold wedding receptions and as such needed to be able to play recorded and live music.

Representations had been received from the Environmental Protection Team but these had been withdrawn due to agreement being reached, meaning that no statutory authorities had an objection to the application.

The Sub- Committee were informed that the hotel was taking steps to reduce the amount of noise from residents smoking outside and taxis arriving. More night porters and security staff were being employed and smokers were being encouraged to use the rear of the building. There were also notices about noise at the front of the hotel. Furthermore all staff were being re-trained and more staff will be obtaining personal licences.

Ms Perraton also confirmed that a telephone number will be made available for residents to contact the management of the hotel directly, should they have any issues in relation to noise or anti-social behaviour.

Members asked questions about the noise from residents returning to the hotel late at night and smoking outside the hotel and how this could be addressed. Members were informed about the increase in trained night staff and the greater emphasis being placed on getting people to leave and return to the hotel quietly.

The Sub-Committee heard from the objectors Mr Christopher of Scanlan's Property Management and Mr Hunt a local resident. They explained the issues of noise and anti-social behaviour associated with residents of the hotel over the last few years. The Sub Committee were informed that large numbers of stag and hen do's base themselves at the hotel creating a lot of noise late into the night. They acknowledged that issues do get resolved by the hotel but that often management can be dismissive of residents' complaints.

The Sub Committee heard that West Yorkshire Police had been contacted about the noise and anti-social behaviour.

Mr Hunt explained the difficulties he has had over the years with the management of the hotel. He highlighted the number of children and families that live nearby and the detrimental effect noise from the hotel had on their sleep.

Members asked if there had been any improvement in the situation since the hotel had come under new ownership. Mr Hunt stated there had been no change but that he would welcome the hotel's efforts to ensure guests did not smoke outside the front of the hotel. Members asked about the level of involvement of the Police with regards to the noise and antisocial behaviour and the number of residents that had complained about the hotel. It was confirmed the Police had been aware of issues over the years but that the hotel and Mr Hunt were unaware of other resident complaints. Mr Hunt accepted that although he had complained to the Police in the past, he had not done so in the last 12 months.

The Sub-Committee carefully considered the application and objections. They fully understood and respected the concerns raised by the local residents and the property management company. Having considered the information provided by the Applicant, the Sub-Committee could see no reason why granting the Application would be likely to impact on the licensing objectives.

RESOLVED - That the application be granted as applied for.

102 Application for the grant of a premises licence for Convenience Store Cross Gates Filling Station , 644 York Road, Leeds, LS14 6UJ

The Sub Committee heard an application for the grant of a premises licence for a convenience store, Cross Gates Filling Station, 644 York Road, Leeds, LS14 6UJ.

The application related to the sale by retail of alcohol.

In attendance:

Mr Mitchener – Licence Holders Agent

One letter of objection had been received in relation to the application.

Mr Mitchener addressed the Sub-Committee and put forward the following:

That the only representation made by the statutory authorities (West Yorkshire Police) had been withdrawn.

The objector had raised concerns about litter should a licence to sell alcohol be granted. Mr Mitchener confirmed that the site around the convenience store would be kept litter free and run by operators who were responsible. Bins would also be placed on the forecourt. Furthermore it was put to the Sub Committee that the objections raised were not relevant to the licensing objectives.

All staff are trained in relation to the sale of alcohol and tested on a three monthly basis. Furthermore the company operates a challenge 25 policy and a refusals and incident log is routinely maintained.

The Sub Committee were informed that the store was being upgraded and would feature smart, well known branding on the outside.

The Sub-Committee carefully considered the application and the objection. They fully understood and respected the concerns raised by the objector. Having considered the information provided by the Applicant, the Sub-Committee could see no reason why granting the Application would be likely to impact on the licensing objectives.

RESOLVED – That the application be granted as applied for.

103 Application for the grant of a premises licence for Bargain Booze 23 Nora Place, Bramley, Leeds, LS13 3JE

The Sub Committee heard an application for the grant of a premises licence for Bargain Booze, 23 Nora Place, Bramley, Leeds, LS13 3JE.

This was the first application for the premises which had previously traded as a chemist.

In attendance were:

Mr A Pandit – Proposed Licence Holder

Ms Sherratt – Licence Holders Agent

Cllr K Ritchie – Objecting

Several members of the public – objecting

Ms Sherratt addressed the Sub Committee, she highlighted the following:

Alcohol sales would form 20 – 25% of of total sales, due to this being ‘select’ convenience store and not just a store selling alcohol.

The operators were very experienced and ran a similar convenience store in Bradford, having had no issues or complaints with regards to their operation.

The applicant would be investing a total of £90,000 to re-furbish the store which would have a state of the art till system offering prompts on all sales of alcohol.

The staff running the store would be trained on alcohol sales and would all also be required to attain personal licences. The owner, Mr Pandit, would be working at the store full time.

The Sub – Committee heard that Bargain Booze franchises had operated successfully in Leeds for many years and that 13 stores were currently open. None of the stores had ever been subject to a review of the licence.

It was confirmed to the Sub-Committee that West Yorkshire Police were happy with the CCTV being installed and the check 25 policy to be adopted.

In addressing the representations made Ms Sherratt contended that objections raising concerns about parking and traffic were not a relevant issue for the Sub-Committee.

It was confirmed that the premises would be looked after, kept litter free and have a positive impact on the area.

It was highlighted that stores in the area such as Tesco had similar licensing hours.

Crime mapping statistics were raised and it was put to the Sub- Committee that this was a lightly policed area that posed few problems for the Police.

Members sought confirmation on the percentage of alcohol sales and also asked what consultation had been undertaken with local residents. It was confirmed that only notices in the papers had been used to consult with the residents.

Councillor Ritchie addressed the Sub-Committee raising concerns that if the licence should be granted it could cause anti-social behaviour to spread towards this otherwise quiet neighbourhood. Other premises in the area do not stay open until 11:00pm and that granting this application would encourage other licenced premises to stay open until this time.

Councillor Ritchie considered it highly likely that should the licence be granted there would be an increase in litter in the area.

Concern over the increased traffic in the area was raised with the Sub-Committee and the potential risk to public safety.

The Sub – Committee heard concerns about public health specifically the protection of children and the high levels of domestic violence in the Bramley and Stanningley ward often fuelled by alcohol.

Mr Hudson, addressed the Sub-Committee highlighting fears about anti-social behaviour fuelled by cheap alcohol and underage drinking. Although Mr Hudson does not live in the area, he has two daughters who do.

Highways issues were raised as a concern specifically the increase in traffic and difficulties caused by vehicles parking near the shop.

The Sub Committee were informed that the shop would be on the route to two large schools and as such was an advert for a place to obtain cheap drink.

General concerns were raised about the grant of a licence to this premise as being detrimental to the area.

Mr Garrett, a local resident addressed the Sub Committee and highlighted the large number of parents and children passing the shop, voicing concerns that a Bargain Booze store would not be a good influence.

The Sub-Committee heard about the parking issues that would be encountered and the noise problems of deliveries early in the morning.

Mr Garrett expressed disappointment at the lack of consultation with local residents.

Members asked questions about the level of consultation, specifically if ward councillors had been consulted. It was confirmed that ward Councillors had not been approached by the applicant.

The Sub-Committee carefully considered the application and the objections. They fully understood and respected the concerns raised by the objectors. Having considered the information provided by the Applicant, the Sub-Committee could see no reason why granting the Application would be likely to impact on the licensing objectives.

RESOLVED – That the application be granted as applied for except that alcohol is not to be served before 8:00am and where applicable sold in multipacks of no less than 4.