

Licensing Sub-Committee

Tuesday, 10th October, 2017

PRESENT: Councillor B Selby in the Chair

Councillors B Flynn and A Garthwaite

1 Election of the Chair

RESOLVED – That Councillor B Selby be elected as Chair for the hearings.

1 Late Items

There were no late items as such. Supplementary information for Agenda Item 6, Application for the grant of a premises licence for Restaurant/Café, 5 Briggate, Leeds was submitted by West Yorkshire Police.

1 Declarations of Disclosable Pecuniary Interests

There were no declarations.

1 Application for the grant of a premises licence for Restaurant/Cafe, 5 Briggate, Leeds, LS1 3LZ

The report of the Head of Elections, Licensing and Registration presented an application for the grant of a Premises Licence for a Restaurant/Café at 5 Briggate, Leeds.

The following were in attendance:

Mr M Hussain – Applicant
Mr L Charalambides – Representing the applicant
PC C Arkle – West Yorkshire Police
Mr T Porter – Environmental Health
Ms S Holden – Entertainment Licensing

At the outset of the hearing, additional information was presented by West Yorkshire Police. This presented up to date crime figures for the City Centre Cumulative Impact Area.

The Sub-Committee was informed that the application was to provide late night refreshment from 11.00 p.m. to 04:00 a.m. every day. The premises fell within the red zone of the City Centre Cumulative Impact Area and the application had received representations from West Yorkshire Police, Environmental Health and Entertainment Licensing.

Mr Charalambides addressed the Sub-Committee on behalf of the applicant. He referred to the Statement of Licensing Policy in relation to the Cumulative Impact Area and challenged the lawfulness of the policy due to the exclusion of consultation with all relevant stakeholders when reviewing the area. He made further reference to the lack of reference to provision of late night refreshment/restaurants within the policy and also referred to the evidence supplied regarding crime figures and the

focus on alcohol related crime. Concern was expressed that any decision taken would be based on an unlawful policy.

In response to the applicant's representations, the following was highlighted by the responsible authorities present:

- The crime figures produced related to events that happened in the Cumulative Impact Area and could not necessarily be related to any individual premises.
- The area had been identified as problematic due to people congregating and potential for noise nuisance.
- The policy remained the same, it was only the Red Zone of the Cumulative Impact Area that was redefined following the annual review.

Following an adjournment it was suggested that the hearing be adjourned to a future date to allow further information to be submitted by the applicant with regards to the challenge to the lawfulness of the policy.

RESOLVED –

- (1) That the hearing be adjourned until 2.00 p.m. on Tuesday, 5th December 2017.
- (2) That the applicant be requested by no later than 25 October 2017 to set out in writing the full basis of the challenge to the Council's Cumulative Impact Policy and for this to be served on all responsible authorities.
- (3) That by no later than 8 November 2017 the Responsible Authorities to respond in writing to the applicant's letter.

1 Application to vary a premises licence held by Hessian Cafe, 466 Roundhay Road, Leeds, LS8 2HU

The report of the Head of Elections, Licensing and Registration presented an application to vary a Premises Licence held at Hessian Café, 466 Roundhay Road, Leeds.

The following were in attendance:

- Mr W Pugh – Applicant
- Mr J Taylor-Jones – Local resident/neighbour
- Ms C Ohm – Local resident/neighbour
- Ms C Brennand – Entertainment Licensing

The Sub-Committee was informed that the application was to vary conditions to the existing licence which would reduce the number of covers at the premises to 30 and also remove the condition that alcohol should only be sold to accompany food. The application had attracted the attention of a responsible authority in Environmental Health and also other persons.

The Sub-Committee was given a brief history of the operation of the licence at the premises which included an enforcement issue following reports of noise disturbance on the open evening. The applicant had at the time apologised and stated that this

had been a private party. A subsequent licensing visit had highlighted the need for the amendments to the conditions that this application had been made for.

The applicant addressed the Sub-Committee. The following was highlighted:

- The number of covers on the current license had been over estimated and it was sought to reduce these in agreement with Entertainment Licensing.
- The premises were predominantly food led. There was no intention to move to a bar style operation.
- The applicant had now complied with all requirements of planning and environmental health.
- The request to sell alcohol unaccompanied by food was due to complaints from customers who could not have a drink while waiting and a loss of custom.

Mr Taylor-Jones addressed the Sub-Committee with concerns to the application. Both his business and residential premises were adjacent and there had been instances of noise disturbance. This was mainly from the moving of furniture but voices from the restaurant could be heard two stories up in his residential property. He also queried whether there would be conditions regarding soundproofing and measures to soundproof the property.

It was reported that a soundproofing assessment had been carried out at the property and soundproofing work was due to commence.

In response to comments and questions from the Sub-Committee, the following was discussed:

- Environmental Health were satisfied that on completion of soundproofing works there would not be a noise nuisance from the premises.
- The reduction in covers was requested following advice from Entertainment Licensing.
- The premises was mainly booking led but did get occasional walk in customers. Alcohol on sale was not cheap and did not appeal to large groups of drinkers.
- The soundproofing was due to be installed by 19th October 2017.

The Licensing Sub-Committee carefully considered the report of the Head of Elections, Licensing and Registration, the Statement of Licensing Policy and the representations made at the hearing.

RESOLVED – That the application be approved as applied for subject to the following:

- That hours of operation reflect those as agreed with Planning.
- That soundproofing works are carried out within 14 days of the hearing.

