

Licensing Sub-Committee

Tuesday, 17th April, 2018

PRESENT: Councillors: G Hyde, C Townsley and
G Wilkinson

1 Election of the Chair

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

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items.

However, supplementary information had been circulated to all interested parties prior to the hearing in relation to the following items:-

- Item 6 – Application for the grant of a premises licence for Papaya Bar and Restaurant 501 Bradford Road, Pudsey, Leeds, LS28 8EE; and
- Item 7 – Gambling Act 2005 – Application for a premises licence (Betting Premises) Betfred, 86c Queen Street, Morley, LS27 9BP.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 Application to vary a premises licence held by Best Kebab 48 & 50 Westgate, Otley, LS21 3AS

The report of the Head of Elections, Licensing and Registration set out an application to vary a premises licence, made by Mr Sajid Khan, for Best Kebab 48 & 50 Westgate, Otley, LS21 3AS.

The applicant Mr Sajid Khan was not in attendance at the meeting.

The application had attracted representation from responsible authorities, in attendance at the meeting were:

- Natasha Forrest – WYP
- Michael Waters - Entertainment Licensing

- Trevor Porter – Environmental Health

Members heard from the responsible authorities that they wished to adjourn the hearing for this application as the premises licence was due to be reviewed on 8th May 2018.

RESOLVED – To adjourn until the review hearing to be held on 8th May 2018.

7 Gambling Act 2005 - Application for a Premises Licence (Betting Premises) Betfred, 86c Queen Street, Morley LS27 9BP

The submitted report of the Head of Elections, Licensing and Registration advised Members of an application under Part 8 of the Gambling Act 2005 for the grant of a betting premises licence in respect of 86c Queen Street, Morley, LS27 9BP.

John Blowe of Yorkshire Evening Post attended the hearing for this item.

Members heard that the application had been made by Done Brothers (Cash Betting) Limited, T/A Betfred, Spectrum, 56-58, Benson Road, Birchwood, Warrington, WA3 7PQ.

Members were advised of the following points:-

- This was the first application under the Act for the premises;
- A plan showing the proposed internal layout was attached at Appendix 1 of the submitted report;
- A map identifying the location of the premises was attached at Appendix 2 of the submitted report;
- Under the requirement of the Act notice of the application had been served on the responsible authorities, advertised in a local newspaper and displayed on the premises for a period of no less than 28 consecutive days;
- The application had not received any representations from any responsible authorities as listed at 4.2 of the submitted report;
- Representation had been received from Cllr. Finnigan an Elected Member. He had raised concerns in relation to the number of betting shops in Morley and the negative impact on local children and young people; and
- The Local Area Risk Assessment (LARA) was attached at Appendix 6 of the submitted report and formed part of the circulated supplementary information.

In attendance at the hearing on behalf of the applicant were:

- Mark Owen – Solicitor
- Stuart Divitt – Betfred

Mr Owen apologised for an error on page 29 of the circulated supplementary information at paragraph 2.2 as it referred to an application granted in Batley by Kirklees Council.

Mr Owen informed the Members of the following points:-

- Betfred currently trade 21 licences in the Licensing Authority's area;

- Betfred was the country's 3rd largest bookmaker operating 1667 shops nationwide;
- The location around Queen Street, Morley currently has 3 betting premises operating, 2 William Hills and a Ladbrokes. It was noted that Coral betting premises had now closed;
- Security was paramount with the premises benefitting from the following:-
 - CCTV – 6 cameras installed internally
 - Monitoring screen behind the counter
 - Premises fully alarmed
 - Shutters for the counter
 - Panic alarms
 - Time delayed safe
 - Key to be issued by staff for customer toilets
 - 24 hour security
 - Security manual
- Use of Think 21;
- No person under 18 years of age to be permitted in to the premises;
- A 10 year lease had been taken on the premises; and
- The shop would employ 3 full time staff and 2 part time staff who would be recruited from the local area and would receive sufficient training at other Betfred shops. The Shop would have an experienced deputy manager.

Mr Owen explained that Betfred used the self-exclusion scheme within their shops and how it worked. It was noted that other betting premises may use MOSES, Betfred would consult with those premises in the area and assured Members that the self-exclusion scheme would be adhered to.

Mr Owen provided Members with proposed opening hours as follows:-
 Monday to Saturday 08:00am – 22:00
 Sunday 09:30am – 22:00

In response to Members questions the Licensing Sub Committee were informed that there was no direct view into the shop or any images in the window which would entice children or younger people into the shop.

It was suggested that often the external area of betting premises can become littered and unclean; in response, Mr Owen offered a measure to ensure that the front of the premises would kept clean and tidy.

Mr Owen highlighted some proposed measures which were listed on page 33 of the supplementary information at paragraphs 5.1 and 5.2.

RESOLVED – To grant the premises licence subject to the incorporation of the proposed measures at paragraphs 5.1 and 5.2 of the Written Submission at page 33 of the Supplementary Information as conditions of the licence.

8 Application for the grant of a premises licence for Papaya 501 Bradford Road, Stanningley, Pudsey, LS28 8EE

The submitted report of the Head of Elections, Licensing and Registration advised Members of an application made by Baboshka Limited for the grant of a premises licence for Papaya, 501 Bradford Road, Stanningley, Pudsey, LS28 8EE.

John Blowe of the Yorkshire Evening Post attended the meeting for this item.

In attendance at the meeting was Anthony Horne the Solicitor on behalf of the applicant.

It was noted that Mr Horne had informed the Sub-Committee that the applicant was unable to attend as they were unwell; Mr Horne requested that the Sub-Committee consider the application in their absence. The Licensing Sub-Committee were agreeable to this.

Members were informed that this application had attracted representations from WYP. However, the applicant had amended the operating schedule to incorporate suggested measures by WYP which had been agreed and the objection by WYP had subsequently been withdrawn. Representations had also been received from the three Ward Members on the grounds of public nuisance which were attached at Appendix D of the submitted report.

Members heard that this premises was previously licensed under the Licensing Act 2005 and had traded under the name of The Farmers. The licence had been surrendered in December 2015 by the premises licence holder.

This application was for:

- Late night refreshment every day 23:00 – 02:30;
- Recorded music
- Sale of alcohol (for consumption on the premises) every day 15:00 – 02:30
- Non-standard timings –
 - From start of permitted hours on New Year's eve to the end of permitted hours New Year's Day
 - An extra hour on the day when British Summer Time commences.

Mr Horne addressed the Sub-Committee highlighting the photographs provided within the supplementary information which he said showed that this application was for a bona fide restaurant which had an extensive menu.

Mr Horne had been of the view that the operating schedule was robust. However, WYP had raised concerns and provided a number of suggested measures which had now been incorporated into the operating schedule, as a result of which WYP had now withdrawn their representations. WYP were also satisfied that the CCTV was comprehensive and were satisfied with information being held for 28 days.

Mr Horne informed the Members that 20 Temporary Event Notices (TENs) had been used with no complaints being made by residents living nearby.

The Members were informed that the TENs had operated between 15:00 – 02:00 and 15:00 – 24:00.

Mr Horne, in response to concerns raised by the Councillors in relation to fireworks, explained that there was already legislation with regards to the setting off of fireworks and this would be adhered to.

In response to Members questions it was noted that that these premises were a dedicated restaurant providing 140 covers and alcohol would only be served with meals.

It was also noted that these premises would not be used as a takeaway, that there would be no outdoor seating area, only a small smoking area within the curtilage. Customers leaving the premises would be requested to leave quietly and this would be monitored by staff.

Mr Horne offered an additional condition that doors and windows would remain closed during operating hours except for access and egress to limit noise escaping from the premises.

RESOLVED – To grant the premises licence subject to the following:-

- Late night refreshment – 23:00hrs -01:30hrs
- Sale of Alcohol – 15:00hrs – 01:30hrs
- Premises to close 02:00hrs
- Doors and windows to remain closed during operating hours except for access and egress
- Conditions suggested by WYP to be incorporated within the operating schedule