

Licensing Sub-Committee

Tuesday, 24th April, 2018

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.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 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 that part of the agenda (agenda item 6 “Silks” Application for renewal of a Sex Establishment Licence) designated as exempt from publication in accordance with paragraph 10.4 (1, 2 and 3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the documents relate to an individual and include information which is likely to reveal the identity of an individual which that person would not ordinarily expect to be in the public domain. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, due to the impact that the disclosure of the information would have on the individual. (Minute 6 refers)

4 Late Items

The Chair admitted the following supplementary information/late item to the Agenda:

- Supplementary Information - Agenda Item 7 – Application to Vary a Premises Licence Held by Turtle Bay, Unit A14, The Light, Albion Street, Leeds
- Late Item – Agenda Item 9 – Film Classification

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

In relation to Agenda Item 6, Application for the Renewal of a Sex Establishment Licence for Silks, Sovereign Place, Leeds; Councillor A Garthwaite made it known that she had recently had discussions with the manager but this would not prejudice her views on the application. Also with regard to Agenda Item 9, Certification of films, she was known to Wendy Cook who would be presenting the application but had not been involved in any discussions with her.

6 Application for the Renewal of a Sex Establishment Licence for Silks, 2 Sovereign Place, Leeds LS1 4SP

The report of the Head of Elections, Licensing and Registration presented an application for the renewal of a Sex Establishment Licence at Silks, 2 Sovereign Place, Leeds, LS1 4SP.

The Licensing Officer presented the application and gave a brief summary of the renewal history of the premises along with the hours of operation. There had been no representations made from responsible authorities or objections to the application.

The following were in attendance:

Anthony Lyons – Representing Silks
Elizabeth Morris – Silks
Maria Cunningham – Silks

Mr Lyons addressed the Sub-Committee. This was the sixth year that the premises had held a Sexual Establishment Licence and there had been no issues with the operation over the previous twelve months. All operating policies and safeguarding procedures would remain the same and renewal was sought on the same terms as the previous year. The Sub-Committee's attention was brought to photographs of the frontage of the premises which was also to be agreed as part of the application.

The Licensing Sub-Committee carefully considered the application, the report and the representations made at the hearing.

RESOLVED – That the application be granted as applied for.

7 Film Certification

The report of the Head of Elections, Licensing and Registration presented an application for the certification of films to be shown at the Hyde Park Picture House, Brudenell Road, Leeds on Tuesday, 8 May 2018.

The Licensing Officer presented the report and informed the Sub-Committee that the application had been received as the films had not been classified by the BBFC. The report outlined a brief synopsis of the films to be shown and a Category 18 classification had been suggested by the applicant.

Wendy Cook of the Hyde Park Picture House addressed the Sub-Committee. The Sub-Committee was informed that both films to be shown, *The Room* and *Best F(r)iends*, had scenes that contained bad language, violence and sexual content although none of these were overly graphic. It was reported that even though both films sat closely with the Category 15 classification guidelines outlined by the BBFC that a Category 18 certification would be appropriate.

The Licensing Sub-Committee carefully considered the application, the report and the representations made at the hearing.

RESOLVED – That the application be granted as applied for and the films 'The Room' and 'Best F(r)iends' be given Category 18 certification.

8 Application to Vary a Premises Licence Held by Turtle Bay, Unit A14, The Light, Albion Street, Leeds, LS1 8TL

The report of the Head of Elections, Licensing and Registration presented an application to vary a Premises Licence held by Turtle Bay, Unit A14, The Light, Albion Street, Leeds.

The Licensing Officer presented the application. The Sub-Committee was informed that the premises fell within the red zone of the Cumulative Impact Area and a previous application to vary the Licence had been refused in June 2017. The applicant had now provided additional information to support their application. The applicant had originally been presented to the Sub-Committee on 20 March 2018 when it had been adjourned at the request of the applicant's representative. Objections to the application had been received from West Yorkshire Police and the Applicant's representative.

The Sub-Committee was informed of the licensing history of the premises and this application sought to extend the hours for the sale of alcohol and provision of recorded music until 01:00 on Fridays and Saturdays; the provision of Late Night Refreshment and opening hours of the premises until 01:30 hours on Fridays and Saturdays.

The following were in attendance for this item:

- Anthony Lyons – Representing Turtle Bay
- Steven Entwistle – Development Director, Turtle Bay
- PC Cath Arkle – West Yorkshire Police
- Susan Holden – Licensing Authority.

The Applicant's representative addressed the Sub-Committee. Attention was brought to Turtle Bay's Licensing Presentation pack which had been included in the Agenda papers. He highlighted the following in support of the application:

- The premises were currently allowed to remain open until 01:00. This application would only permit a further 30 minutes.
- The applicant has designed and delivers the same package across other cities in the UK and wants to do the same in Leeds.
- Turtle Bay was primarily a food led business and the brand operated in 40 cities across the UK. 21 of these premises were located in Cumulative Impact Zones including Newcastle, Nottingham, Liverpool, Bristol, Birmingham and York. The applicant representative reported that York has issues with crime and disorder with stag and hen do's, but Turtle Bay trades there and without issue.
- Drink offers at the premises were limited and jugs of alcohol, shots and spirits by the bottle were not sold.
- The only draft beer is Red Stripe, there is a limited range of cocktails and ten wines available by the glass.
- Following the previously refused application, Leeds Council's Licensing Policy had been analysed and it was felt that the reasons outlined in the supporting document demonstrated that this application would not contravene the licensing objectives. The premises had recently operated extended hours

with the use of Temporary Event Notices and these had been successfully operated without incident.

- The applicant acknowledged that there had been an increase in crime statistics for the red zone of the cumulative impact area and a freedom of information request had highlighted that no incidences of crime had been attributed to customers or the operation of Turtle Bay.
- If the police had any issues with the premise, this would have been disclosed. Previous issues in 2017 have since been addressed. There is no evidence about irresponsible behaviour, drunkenness or underage drinkers at the premise.
- In response to questions from the Sub-Committee the following was discussed:
 - Spending at the bar was no more than 10% of takings at the premises.
 - Dispersal of customers was overseen by staff from the premises including door staff. There had never been any problems or incidents during the period when customers were leaving.
 - It was estimated that 75% of takings in the restaurant operation were from the sale of food.
 - The premises were operated as a restaurant in line with the relevant planning permission.

The Sub-Committee heard from PC Cath Arkle. The following was highlighted:

- The objection to applications in the red zone was due to the area rather than an individual premises. The problems in the area tended to occur when people had left the premises and congregated in food takeaways, on the streets and taxi queues.
- Police statistics had shown that crime statistics had risen in the area.
- This was a third application for the premises to have these extended hours. Since the first application the only change in the area had been rising crime.
- The peak time for crime was between 23:00 and 04:00 with a further peak between 01:00 and 03:00.
- From a police visit this year, it was noted that the kitchens at the premises closed from 23:00 onwards and thus we are concerned about the sale of alcohol rather than food after this time
- There had been past breaches of the Licence in relation to the operation of the BACIL radio system and CCTV which does not support an “exceptional operator”.
- The offer at the premises after 23:00 was alcohol led with loud music giving the impression of a nightclub style operation.
- The impact on the area following the operation of temporary event notices at the premises could not be measured. The applicant can show what happens within their premise, but not what happens after their customers leave. They cannot evidence their customers do not add to the problems in that area. TENs are not covered by Cumulative Impact Policies so that is why no objection was made.

Sue Holden, Licensing Authority addressed the Sub-Committee. The issues highlighted by PC Arkle were re-iterated and reference was made to the original

application for the premises which was granted in 2015. Sue Holden noted that the applicant's solicitor had talked a lot about how Turtle Bay operated in other parts of the country, but that is not accepted within Leeds City Councils Policy.

The original application also sought the hours of operation that were now being applied for. The licence had only been agreed with the reduced hours currently operated. This issue had been considered by two other Licensing Sub Committees and the Licensing Authority had not seen anything in this application to show that this committee should make an exception to the Policy. Her view was the applicant should be making the area better, not holding it to the same standard and even with their current hours, they have not made the current crime rate go down.

In summary, the Applicant's representative made reference to other similar premises in the vicinity that had later opening hours and queried the location of the premises within the Cumulative Impact Area. Reference was also made to another application that had been granted in the red zone of a Cumulative Impact Area in Leeds. Further reference was made to the Council's Statement of Licensing Policy and the Sub-Committee's ability to grant applications where exceptional circumstances could be demonstrated. The Applicants representative confirmed that there is no entry to new customers after midnight; this application was not about attracting new customers at that time, it was to provide a service to existing customers and for an extra half an hour to disperse from the premises.

Following an adjournment, the Applicant was asked to consider whether they would be willing to remove their existing 2 for 1 cocktails offer that they promoted after 22:00. The Applicant was not willing to do this as it was the style of operation across the entire Turtle Bay chain.

The Licensing Sub-Committee carefully considered the Statement of Licensing Policy, the application, report and the representations made by the applicant's representative, West Yorkshire Police and the Licensing Authority.

RESOLVED – That the application be granted as applied for.

9 Application for the grant of a premises licence for Freedom Mills Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ.

The report of the Head of Elections, Licensing and Registration presented an application for the grant of a Premises Licence for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds.

The Licensing Officer informed the Panel that prior to the hearing, both the Applicant and Licensing Authority had agreed to adjourn to a future date.

The following were in attendance:

Michael Waters – Licensing Authority
Samantha Longfellow – Licensing Authority
Joshua Threlfall – Director, Freedom Mills
Matthew Cooney – Licensing Consultant
Kyle Mc Sparron – Designated Premises Supervisor, Freedom Mills

Samantha Longfellow informed the Sub-Committee that the adjournment had been requested until the appropriate planning and building consent had been obtained as main concerns focussed on public safety and capacity requirements of the building. There had also been a prohibition notice given by the West Yorkshire Fire and Rescue Authority.

Mr Threlfall informed the Sub-Committee that all necessary works would be carried out by Friday of this week and that planning permission was imminent. There had not been any planning objections raised. He also stated that the licence would only be for the occasional sale of alcohol.

RESOLVED – That the application be deferred to be heard by the Licensing Sub-Committee on Tuesday, 22 May 2018.