

## **Licensing Sub-Committee**

**Tuesday, 27th March, 2018**

**PRESENT:** Councillor R Downes in the Chair

Councillors A Garthwaite and B Gettings

### **1 Election of the Chair**

**RESOLVED** – To elect Cllr. Downes to the 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 late items. However there was supplementary information in relation to the following items:-

- Item 9 – Application for the grant of a premises licence for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ.
- Item 10 – Temporary Event Notice for Freedom Mills, Unit 47 Washington Street, Kirkstall, Leeds, LS3 1JQ.

All information had been circulated to interested parties prior to the meeting.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 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 consideration for the grant of a premises licence for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ.

At the discretion of the Chair and with the agreement of all parties it was agreed to hear together Agenda Item 9 and Agenda Item 10 – Temporary Event Notice for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ.

In attendance at the hearing were:-  
Kyle McSparron – Licence Holder  
Joshua Threlfall – Director

Matthew Cooney – Consultant  
Natasha Forrest – WYP – Observing  
Sarah Blenkhorn – WYP – Observing  
Cath Arkle – WYP  
Samantha Longfellow – Licensing Authority  
Seamus Kennedy – Licensing Authority  
James Gall West Yorkshire Fire Service

The sub-Committee noted that James Gall of West Yorkshire Fire Service had been called as a witness by WYP.

Supplementary information had been supplied by James Gall in relation to a Prohibition Notice which had been served on the premises by West Yorkshire Fire Service and circulated to all parties prior to the hearing. The Prohibition Notice had been received in relation to the Temporary Event Notice (TEN) on the grounds of public safety.

The Members were advised that this was the first premises licence application for these premises. A summary of the application was set out at 3.3 of the submitted report.

It was noted that WYP had made representations in respect of the premises licence application. Agreement had been reached with WYP and its objection had therefore been withdrawn.

WYP had been advised of a TEN for Freedom Mills. It was noted that the event was due to take place on Saturday 7<sup>th</sup> April 20:00 until Sunday 8<sup>th</sup> April 2018 05:00, the capacity for the event was to be 499 persons. WYP had been of the view that to allow the premises to be used for the event would undermine the public safety objective. This was set out at appendix C of the submitted report.

It was noted that West Yorkshire Fire Service also expressed their concerns after reading the report.

Mr Cooney speaking on behalf of Freedom Mills informed the Sub-Committee that the application was for an Events and Art Space and would form a valuable part of the community. He said that the venue had been used in the past for a variety of activities including exhibition area for artists' work and club nights. Previously the events had taken place without alcohol being served. However they would now like to promote events at which alcohol could be served so that the activities on offer can be more varied.

Mr Cooney informed the Members that a snagging list had been provided by the authority and would hopefully be completed soon. However due to the weather they had fallen behind and requested that everything be held back for at least 2 weeks.

Mr Cooney advised the Members that James Gall of the Fire Service had been invited to a meeting to discuss concerns and look at solutions.

Mr Cooney advised the Sub-Committee that the applicant wished to withdraw the TEN and submit a new application for the premises at a later date.

James Gall addressed the meeting setting out his concerns as follows:-

- No fire alarm system
- Only two areas of escape located at main entrance
- Doors were not sufficiently wide enough to allow escape
- Lining materials not sure if fire retardant
- Steps near fire doors

It was noted that a notice had been served on Mr Threlfall, the Director on the day of the visit stating that the premises were not deemed adequate in relation to illumination and escape.

Mr Threlfall in responding explained some of the works undertaken to address the concerns including opening up 116mm wide doors to the rear of the stage that had not been there previously.

All responsible authorities were of the view that Building Control should visit the premises to ensure that all work undertaken was satisfactory.

The Chair made the following observations that once the fire regulation issues had been resolved and the work undertaken had been signed off by Building Control, all responsible authorities may be able to come to an agreement.

**RESOLVED** – To adjourn the hearing of the premises licence application until 24<sup>th</sup> April 2018.

The application for the Temporary Event Notice to be withdrawn.

**7 Temporary event notice for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ**

The report of the Head of Elections, Licensing and Registration which advised Members of a Temporary Event Notice for Freedom Mills Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ

At the Chair's discretion this Item was heard as part of Agenda Item 9 – Application for the grant of a premises licence for Freedom Mills Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ. (Minute 6 refers)

**8 Application to vary a premises licence held by HGS-UK Ltd 268 - 270 Harehills Lane, Harehills, Leeds, LS9 7BD**

The report of the Head of Elections, Licensing and Registration informed Members of an application to vary a premises licence made by HGS – UK Ltd, 268 -270 Harehills Lane, Harehills, Leeds, LS9 7BD.

Members noted that the purpose of the variation was to vary the current licensable activities operating hours to 24 hours a day, seven days a week.

Members were advised that the application had attracted representations from a ward councillor on behalf of the Harehills Resident Group who were opposed to this application on the grounds of Crime and Disorder and Public Nuisance, A redacted copy was attached at Appendix E of the submitted report.

No objectors attended the hearing.

Members were advised that this application was in an area where the council has put in place Local Licensing Guidance. The area in which the premises are located had been identified by the Community Committees as vulnerable to problem drinking and there are additional issues that directly impact the promotion of the licensing objectives. It was noted that the applicant had been sent a copy of the guidance but had not volunteered conditions to mitigate concerns. The Local Licensing Guidance was attached at Appendix F of the submitted report.

In attendance at the hearing on behalf of HGS –UK Ltd were:-

- Dylan Safy – Director HGS –UK Ltd
- Niyaz Raof – RE Group representing HGS –UK Ltd
- Ammann Zimri – RE Group – observing

Mr Raof informed the Licensing Sub-Committee that the owner Mr Dylan Safy was a resident in Leeds and the premises opened 5 years ago. Mr Safy is the new owner. He went on to explain that Mr Safy had another shop on Burley Road which opened 24 hours to sell alcohol; he was of the view that this demonstrated that Mr Safy had the key qualities for such a premises. Members were informed that Mr Safy had had no issues with his 24 hour business premises on Burley Road which was in a student residential area.

The Sub-Committee were informed of the following points that Mr Safy would take to promote to the licensing objectives:-

- Staff training
- 14 High quality CCTV cameras with 2 CCTV cameras positioned outside
- Bright lights inside and outside the premises
- Spirits such as vodka and whiskey would only be displayed behind the counter
- Refusal log system
- Assist Police and PCSO's
- ASB logged
- Drunk and disorderly customers to be refused
- Staff would conduct hourly checks around the premises and remove any litter
- ID approval

In responding to Members questions and also the comments from representations received Mr Raof informed the Sub-Committee of the following points:-

- Measures had been agreed with Environmental Protection Team in relation to noise from vehicles; hatch shutter system; and rubbish to the rear of the property;
- The shutters would not be used between 11:00pm and 7:00am;
- The hatch area would be covered by CCTV;
- Notices to customers explaining responsibilities in relation to noise would be displayed;

Members were presented with photographs showing the premises. Mr Raof said that a lot of money had been spent on the premises and that this was not your typical local shop but akin to a Sainsbury's local or Tesco's Express.

Member's attention was drawn to a specific photograph showing the rear of the premises which Mr Raof said showed that the area had been cleaned and tidied. Mr Raof said that litter at the rear of the premises had been found to belong to a neighbouring shop. Mr Safy had spoken to the premises owner and requested that the area be kept clean.

It was noted that Mr Raof supplied a number of signatures which purportedly supported the 24 hour opening times of the premises. However, Members were of the view that the signatures should not be used as part of their considerations as (a) words appeared to have been inserted in a different hand and (b) only the front page of the petition document included details of what the signatories were putting their names to.

It was noted that staff lived above the shop.

Mr Raof explained that the hatch would be used for the sale of alcohol from passing trade. He said that Mr Safy would take note of the guidance provided by the Environmental Protection Team and also the guidance provided by other 24 hour shop owners.

Mr Raof said that Mr Safy had not yet put the hatch in but would appreciate the advice of the Sub-Committee on the location of the hatch.

**RESOLVED** – To grant the application to vary the premises licence with the following conditions:-

- Hatch to be set back from the building line either in a vestibule or recessed area; and
- CCTV to be on the hatch and area surrounding the hatch at all times that the hatch is in operation.

## **9 Application for the grant of a premises licence for Cafe/Bar 1 Terminus Parade, Station Road, Cross Gates, Leeds, LS15 7JZ**

The report of the Head Elections, Licensing and Registration advised Members of an application for the grant of a premises licence, made by Assembly Bar Group Limited, for Café/ Bar, 1 Terminus Parade, Station Road, Crossgates, Leeds, LS15 7JZ.

Members heard that that representations had been received from Health and Safety, West Yorkshire Police and Planning in their capacity as responsible authorities. Members noted that negotiations had taken place with the applicant and Health and Safety and West Yorkshire Police prior to the hearing and agreements had been reached. Copies of objections and agreements in relation to Health and Safety and West Yorkshire Police were attached at Appendix C of the submitted report.

Members were advised that an objection raised by planning had now been withdrawn as the applicant had agreed not to operate without the requisite planning permissions in place.

The Licensing Authority was in receipt of a letter of objection which opposed this application on the grounds of public nuisance. A redacted copy was attached at Appendix D of the submitted report. Mr Judge of the Residents' Association was in attendance at the hearing.

Member's attention was drawn to paragraph 3.3 of the submitted report which set out the proposed opening times and activities.

Mr Matthew Cliffe, the applicant, attended the hearing. He informed the Members that he had been working in the entertainment and events industry for 20 years and it was his dream to open a café / bar selling fine quality food and wine in an area that he loved.

Mr Cliffe went on to explain that it was his intention to have a cosy, intimate venue that would support local business such as local butchers shops. He said that he had applied for a licence to 23.30 on Friday and Saturday so that he was able to compete with other licensed premises in the local area.

Mr Cliffe was of the view that the conditions set by the Environmental Protection Team were important and that he took his responsibilities in adhering to them very seriously.

He informed the Members that he would be available at the premises at all times it was open, he would ensure that residents close by were provided with his mobile number should they need to call him on any issues.

Mr Cliffe informed the Licensing Sub-Committee that he had a long standing relationship with a local taxi firm and would be requesting that they did not use horns, bang car doors or sit idling for long periods. It was his intention that people leaving the premises would be requested to do so in small groups.

Mr Cliffe explained he planned to have between 15 and 20 covers with a vertical drinking area for a maximum of 10 people. His plan was to provide food pairing evenings such as cheese and wine events or ploughman's lunches using a supply of foods from local shops.

Mr Cliffe informed the Sub-Committee that he did not want a loud venue but a social hub playing background music.

Mr Judge addressed the Sub-Committee saying that Mr Judge had emailed him setting out his intentions for the premises. He said that Mr Cliffe seemed like an organised applicant.

Mr Judge raised his concerns in relation to the closing time of 11.30pm given that the premises were able to allow for drinking up time which would mean that customers would be leaving the premises at midnight. Mr Judge went on to say that Mr Cliffe was unable to control the level of noise of his customers once they leave the premises. He said that there would be an impact of the opening times on the residents living nearby.

Mr Cliffe in response to Mr Judge's concerns reiterated that noise disruption would be kept to a minimum as he wished the premises to be a low key venue.

**RESOLVED** - To grant the application as applied for.

**10      Application to vary a premises licence held by New York Food And Wine, 18 New York Street, Leeds, LS2 7DY**

This application was withdrawn prior to the hearing date.