

Licensing Sub-Committee

Tuesday, 12th June, 2018

PRESENT: Councillor N Buckley in the Chair

Councillors B Garner and K Groves

1 Election of the Chair

RESOLVED – That Councillor N Buckley be appointed 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

That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information 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) Appendix A (i) of the report referred to in minute 7 in accordance with Access to Information Procedure Rule 10.4 (1,2,3), as it includes information relating to an individual, information which is likely to reveal the identity of an individual, and information relating to the financial or business affairs of any particular person (including the authority holding that information).

(b) To note that the press and public will 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.

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 item:

- Item 6 – Application for the Grant of Premises Licence, Space to Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Space To Eat - Application for the Grant of Premises Licence, Space To Eat, 7 Hirsts Yard, Duncan Street, Leeds, LS1 6NJ.

The submitted report of the Head of Elections, Licensing and Registration advised Members of an application made by In The Pink Limited for the grant of a premises licence for Space to Eat, 7 Hirst's Yard, Duncan Street, Leeds, LS1 6NJ seeking the provision of late night refreshment from 23:00 to 05:00, seven days per week. The premises had previously been granted a six month

licence in January 2017, and again in October 2017. The premises fell within the red zone of the Cumulative Impact Area, and representations had been received from West Yorkshire Police and the Licensing Authority.

The following were in attendance on behalf of the applicant:

Mr P Whur, Woods Whur 2014 Limited

Mr J Lawson, Woods Whur 2014 Limited

Mr Whur submitted apologies on behalf of Mr Edwards, the proposed Licence Holder, who could not be in attendance due to another urgent business matter. Just prior to the meeting, Mr Whur produced some additional information which detailed a witness statement from the compliance consultant who carried out an unannounced inspection on the premises, as set out in the conditions of the previous 6 month premises licence. All parties agreed to the additional information being tabled at the meeting.

Mr Whur addressed the Sub-Committee on behalf of Space to Eat and explained the background to this third application for a premises licence. Members were informed that the Sub Committee which dealt with the first application in January 2017, had agreed that this was a genuine exception to depart to the policy. The Sub Committee heard that additional lighting, CCTV and staff supervision had been introduced by Space to Eat to Hirst's Yard. Mr Whur emphasised that following the grant of the two time limited licences, there was no evidence of crime and disorder attributed to the venue. Mr Whur suggested that although there had been difficulties during the first licensed period, these had been resolved during the second 6 month period and the conditions of the licence had been complied with. Members were informed that if this application was refused, Hirst's Yard would lose the additional CCTV, supervision and lighting, which Mr Whur suggested would be detrimental to the area.

Mr Whur explained the concept behind Space to Eat was to deter some of the customers of Space Nightclub – owned by the same operator – and others frequenting Hirst's Yard, from going to Macdonald's on Briggate which was he suggested, was notorious for crime and disorder. Space to Eat was a kiosk selling easily eaten, cheap food such as pizzas, hotdogs and Paninis with soft drinks, tea and coffee.

PC Arkle attended the hearing on behalf of West Yorkshire Police (WYP) and addressed the Sub-Committee in opposition of the application. Members were informed that overall crime in the red zone of the Cumulative Impact Area had risen by 15% since the last review of crime statistics a year ago and there had been an increase in assaults, robbery, sexual offences and theft. However, no crimes had been directly linked to the premises. PC Arkle highlighted the problems in the area, including it being used by drug dealers to target the young demographic that attend that part of town during the night time economy. PC Arkle explained that whilst the addition of door staff and additional lighting was welcomed, this had to be balanced with the issues people staying later in the area to attend late night refreshment places brought to Hirst's Yard.

Finally, PC Arkle confirmed that the operator did liaise with WYP and the premises had been better managed during the second time limited licence, however her concerns outweighed the potential benefits of the premises being granted a licence in such a sensitive area in Leeds 'Cumulative Impact Area.

Susan Holden, on behalf of the Licensing Authority, addressed the Sub-Committee in support of PC Arkle's comments about the Cumulative Impact Area. Members were also informed that exceptional circumstances did not require an establishment to simply function without fault, but to effectively reduce crime and disorder in the area. The Sub Committee were directed to that part of the Policy relating to measures to consider if departing from that Policy. It was her recommendation that the application should not be granted.

The Sub Committee carefully considered the application and representations, included within the report and at the hearing, along with the supplementary evidence brought to the hearing on behalf of the applicant. Members also considered the Council's own Statement of Licensing Policy, the Cumulative impact assessment and the relevant sections of the Licensing Act 2003.

The Sub Committee acknowledged that a Cumulative Impact Policy was in place to stop new licences which cannot show that they will not add to a pre-existing problem in specific areas. Any new licence granted in a red Cumulative Impact Zone must be considered an exception to the policy. Members recognised that in this instance, this premises had the benefit of two previous time limited premises licences. Although difficulties were encountered following the grant of the first licence in January 2017, no evidence had been put forward by a responsible authority that this specific premises had not promoted the licensing objectives and had been anything other than a responsible operator.

Members were mindful that there had been an increase in crime and disorder in the area around the premises and this did weigh heavily on their minds; however WYP had acknowledged that the additional door staff, CCTV cameras and increased lighting in the area were helpful and had also reported that the operator (who also owns Space Nightclub) did co-operate in providing CCTV to assist in the detection or prevention of crime. The Sub Committee noted that whilst there may be some disadvantages to the premises location, there were also significant advantages to this premises being granted a licence such as the increase in security measures in the area.

Therefore on that basis, the Sub Committee
RESOLVED – To grant the premises licence as applied for.

The Sub Committee noted that the operator offered a condition for further unannounced visits to be undertaken, however this condition for a non-time limited licence was unlikely to be enforceable. Members expressed their expectation that as a gesture of goodwill the operator would arrange such a

visit before the end of 2018 and provide any information to the relevant authorities.

7 Whiskey Down - Application for the renewal of a Sex Establishment Licence, Whiskey Down, 25 Crown Street, Leeds LS2 7DA.

The report of the Head of Elections, Licensing and Registration presented an application for the renewal of a Sex Establishment Licence at Whiskey Down, 25 Crown Street, Leeds, LS2 7DA.

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 a number of objections to the application, from the following:

- Support After Rape and Sexual Violence Leeds (SARSVL)
- The Leeds Civic Trust Planning Committee
- An Out of Locality Contributor

The following were in attendance on behalf of the applicant:

- Mr P Whur, Woods Whur 2014 Limited
- Mr J Lawson, Woods Whur 2014 Limited
- Mr Aaron Mellor, Whiskey Down
- Mr Paul Sinclair, Whiskey Down

Before the meeting started, Mr Whur applied to the Sub-Committee to request they consider additional information including a number of photographs of the establishment and copies of promotional marketing material intended to be used over the coming months. The Sub Committee resolved to accept these additional items.

Mr Whur noted that there were no objectors present at the meeting; he also noted that this application had only attracted 3 objections in comparison with the original application for a Sex Establishment Licence which had attracted 77 objections. Mr Whur addressed each of the mandatory and discretionary grounds for refusal of the application and suggested that none were relevant to this application.

Mr Whur highlighted the request to remove Condition No.60 of the original licence, which required a member of door staff to be employed during hours of operation. Mr Whur referred to the photographs provided to Members, which show the CCTV system installed at the venue. He stated that the CCTV system provided a greater view of surrounding areas than door staff, and that the member of door staff was not a useful resource to the premises. Whiskey Down had also provided CCTV footage to West Yorkshire Police to assist with enquires in the surrounding areas when necessary.

During discussion of the marketing material, Members made particular reference to the boxing glove image used, and suggested it could be associated with domestic violence, and therefore requested for this image to be replaced by a generic photograph of the venue. Mr Mellor confirmed that female orientated events were held at the venue, however the material

provided was only reflective of the activities taking place over the coming months. Those in attendance on behalf of the applicant agreed to amend the marketing material as requested.

Members carefully considered the application, with particular regard for equality and diversity, and

RESOLVED – That the application be granted as applied for.

Promotional Materials – Generic photograph of the premises to be utilised for Event Passes (document P12 of the pack)