

Licensing Sub-Committee

Tuesday, 25th September, 2018

PRESENT: Councillor G Wilkinson in the Chair

Councillors H Bithell and C Knight

1 Election of the Chair

RESOLVED – Councillor G Wilkinson was 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 information.

4 Late Items

Supplementary information for Agenda Item 6 – Application to grant a Premises Licence for 6-7 Duncan Street, Leeds.

Late item received for Agenda Item 7 – Application to determine a license for film certification at Hyde Park Picture House.

Both late and supplementary documents were published and distributed prior to the hearing.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Film Certification

The report of the Chief Officer, Elections and Regulatory presented an application for the certification of films to be shown at the Hyde Park Picture House, Brudenell Road, Leeds, LS6 1JD.

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 the various classifications for each. The applicant had suggested a PG certification for all the films outlined in the report.

Laura Ager, representing the Hyde Park Picture House, addressed the Sub-Committee. Members were informed that the nature of the films would usually require a U rating, however the applicant felt a PG rating was safer, giving the option to parents to decide whether the content of the films is appropriate.

Members requested further information regarding the synopsis of 'They Call Us Maids' as it states there is disturbing truths within the content. Members were informed that the content related, was aimed at the minimal violence relating to the

women being domestic workers in the UK. The women have their passports taken from them ultimately resulting in not being able to see their family. It was explained that due to the film using vivid watercolour animation, it was still deemed appropriate to categorise this film PG.

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 Application for the grant of a Premises Licence for Hotel, Unit 2, 7 Duncan Street, Leeds, LS1 6DQ

The report of the Chief Officer, Elections and Regulatory set out an application for the grant of a premises license, made by Palagander Limited for Hotel 2, 7 Duncan Street, Leeds, LS1 6DQ.

Members were advised that the applicant was Palagander Ltd, who were applying for:

- Recorded Music and Supply of Alcohol
Everyday 10:00 until 02:00
- Late Night Refreshment
Everyday 23:00 until 02:00
- Nonstandard timings for Bank Holidays or Special Occasions are proposed

Members were advised that the application had attracted representations from West Yorkshire Police and Entertainment Licensing in their capacity as responsible authorities. Both were objecting to the application in its entirety due to its location within the Cumulative Impact Area and the potential of this premises adding to the already existing issues.

Mr P Whur addressed the Sub-Committee on behalf of the applicant.

Mr Whur explained he feels his part of the process has been open and transparent throughout, following meetings with West Yorkshire Police and Entertainment Licensing. Mr Whur expressed he feels it is difficult to prove exceptional circumstances for applicants within the cumulative impact area, however he has brought successful cases in-front of the Sub-Committee in the past. It was also expressed that his applicants have existing companies which operate within the red and amber cumulative areas of Leeds.

Mr Whur said this would be different to other premises license holders and would bring a positive benefit. Mr Whur described the premises as a preeminent building which has fallen into disrepair, seeking to achieve bringing this building back to life. Mr Whur expressed he felt this development would regenerate Duncan Street and that this particular area of Leeds is underdeveloped. It was noted the intentions for a development of a six suite hotel and the plans contained within the pack are modest.

Members were informed that within the bar/restaurant area, there would be 28 seats and no space to stand. It was also mentioned that should the license be granted, the bar/restaurant area would only be open to residents and their guests after midnight.

Mr Whur's exception to the Red Zone is that the premises will be of small scale and refers to the type of food and drink the premises is looking to sell, with the impression only a small number will enter the bar.

Mr Whur responded to the Police statement within the pack suggesting that 'alcohol should only be allowed within the suite rooms', to be off-putting to customers wanting to stay at the hotel. Mr Whur made it clear he was understanding of the suggestions, only should it have been viable.

Members were made aware of the applicant's experienced operating history and the rarity of an application such as this coming before them with Mr Whur.

PC Arkle was in attendance for the meeting and made reference to the current statutory guidance issued by the secretary of state under section 182 Licensing Act 2003, relating to the Council's policy in regards to the premises being located in the current red zone and that it is the Council's policy, on receipt of relevant representations, to refuse new and variation applications in red area.

PC Arkle raised the following concerns:

- Peak times for crime and disorder in the red zone area of the city cumulative impact area are between 23 00hrs and 04 00hrs (referring to Appendix 2, Page 22)
- A hotel with a ground bar is to primarily serve Members of the Public and not customers staying at the hotel
- Not apparent the hotel is a food led business as no-where specifies otherwise
- The location of hotel as set out in the density map, (Appendix 2, Page 22) has the highest rate for crime related problems
- The volume of nearby license premises within the city centre (referring to Appendix B, Page 9)
- After the times the establishment is closed to members of the public, it would be hard for the business to monitor proof of residency due to the limit of having 1 doorman on limited nights – Friday and Saturday

PC Arkle invited the consideration to Members of amending condition 21, contained in appendix 1 of the agenda 'the licensed bar/restaurant will be available only to people staying in the hotel rooms and their bona fide guests between the hours of midnight and 02 00am' to read *the premises will only be available to residents and their guests after 23:00.*

Susan Holden, Entertainment Licensing, Licensing Officer was also attending the meeting following her representation and raised the following concerns:

- Statistics and increases of crime related behaviour within the cumulative impact area do not seem to be slowing down
- Un-sure how another licensed bar would not contribute to the area
- The development would sit between a bar and a restaurant with both of their closing hours being 01:30am and 11:30pm
- References were made to Call Lane and Lower Briggate and the persistent problems they both contribute

- Concerns that 1 doorman will not be enough to enforce sensible actions
- Concerns regarding the 12pm closing time for members of the public

In summary, Mr Whur informed the Sub-Committee that concerns raised are addressed by conditions the applicant is offering and a risk assessment will be carried out for the sufficient requirement of doormen.

Members were reminded that Boar Lane used to be in a troubled area and since different styles of bars and operators have come in, this has substantially improved and it was made aware that investing in the right units, can drive up the quality of that particular area.

Mr Whur advised Members that the premises was of such small scale that concerns regarding members of the public entering the premises were not substantial and that people using the service, would more or less be seated and served by waiters. Members were further informed that waiters would look after those seated and bar staff would cater for those sat at the bar area.

Members were informed that there would not be a reception area and the bar staff would be the primary point for customers checking in to one of the suite rooms.

At the conclusion of the discussions Members carefully considered all the information before them.

RESOLVED – to grant the premises license as applied for subject to the following amendments:

- The premises only to be open to residents and their guests after 23:00.
- That a door supervisor be present from 22:00 until closing on Thursday, Friday and Saturday.