

Licensing Sub-Committee

Tuesday, 23rd October, 2018

PRESENT: Councillor R Downes in the Chair

Councillors P Drinkwater and B Gettings

1 Election of the Chair

RESOLVED – That Councillor R Downes 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 there was some supplementary information provided to Members at the meeting relating to Item 6- Certification of Films. This was an additional film to be considered, which could not be provided for agenda publication (minute 6 refers).

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. However, in relation to Item 7, Councillor Drinkwater wished for it to be noted that he had financially supported the Leeds Palestinian Film Festival, but had not received any funds in return.

6 Certification of Films

The report of the Chief Officer, Elections and Regulatory presented an application for the certification of films to be shown at the Leeds International Film Festival, which will run from 1st November 2018 until 15th November 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 the various classifications for each.

Chris Fell and Alex King from Leeds Film (City Development LCC) addressed the Sub-Committee on behalf of the applicant and provided some historical context of the festival. The Sub-Committee was informed that the classifications applied for were chosen using the BBFC Guidelines as provided in Appendix A. Additionally, Members heard that the additional film presented as supplementary information, 'Roma', was recommended to be given a rating of '15' and was due to be shown on television in December 2018.

Member suggested that the following films should be given the recommended '12A' rating, as opposed to the suggested '12' rating, in line with the descriptions provided:

- 'The Drunkard's Lament'
- 'Genesis 2.0'
- 'In the Stillness of Sounds'
- 'Rodeo'
- 'Something Left Behind'
- 'Sofia'

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, subject to the amended 12A ratings noted above.

7 Certification of Films

The report of the Chief Officer, Elections and Regulatory presented an application for the certification of films to be shown at the Leeds Palestinian Film Festival, which will run between 15th November and 11th December 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 the various classifications for each.

Frances Bernstein addressed the Sub-Committee on behalf of the applicant. The Sub-Committee was informed that the classifications applied for were chosen using the BBFC Guidelines as provided in Appendix A.

Members queried how the screenings would be regulated to ensure that children under the age of 15 would not be able to gain access. They were informed that there are three members of staff at each screening and their role is to check tickets and show customers to their seats, which provides them with the opportunity to visually check ages.

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.

8 Application for the grant of a premises licence for The Wetherby, Sandbeck Way, Wetherby, LS22 7DN

The report of the Chief Officer, Elections and Regulatory set out an application for the grant of a premises licence for The Wetherby, Sandbeck Way, Wetherby, LS22 7DN.

In summary, the application was for the performance of plays, films, indoor sporting events, live music, recorded music, dance and anything of a similar description, the sale of alcohol for consumption both on and off the premises, and the provision of late night refreshments. The application also sought approval to serve on New Years Eve until 03:00, and closing at 03:30.

Representations were received from Environmental Health, a ward Member and the Leeds City Council Planning Department. Prior to the meeting, discussions had taken place between the applicant and Environmental Protection, and the operating schedule had been amended to include the measures agreed by both parties.

Nathan Clark and Jilly Chatten from Brudenell Presents Ltd were in attendance on behalf of the applicant. Mr Clark informed the Sub-Committee that the premises served as a space for the whole community, and was often used by a range of local charities and organisations. Members heard that the applicant had worked with Environmental Health to agree a number of new conditions to reduce noise pollution and nuisance.

Lisa Hart and Adam Ward were in attendance on behalf of the Leeds City Council Planning Department. Members heard that the planning permission only allowed activities to take place until 11:30pm, whilst the premises licence for part of the building allowed activities to take place until 1am. Lisa noted that the premises had been in breach of the planning permission since 2005, however, the number of years that had passed permitted the applicant to apply for a Certificate of Lawful Use. Members were informed that a planning application had been approved for a 65 bed care home to be built within close proximity of the premises, with 20 of the rooms overlooking the premises. The planning application was agreed on the basis of evening activities at the premises ending at 11:30pm, and Planning Department representatives present were concerned about the potential noise pollution this would create for the new residents of the care home.

Members questioned whether the Planning Department were aware of the breach during the application for the care home, and were informed by representatives present that they were not.

Councillor Gerald Wilkinson was in attendance as a local ward Member, and informed Members of his concerns in relation to the welfare of elderly residents who would be living in the care home upon completion. Members were also informed of nearby sheltered housing and accommodation for vulnerable people, who he felt could also be impacted by the lateness of activities proposed. Councillor Wilkinson also informed Members that he was unaware of the breach during the planning process for the care home.

Mr Clark informed Members that the premises would play music until 11pm, and that there would be a 'cooling down' period between 11pm and 11:30pm. Members also heard that the applicants were not aware that they did not have planning permission in line with their premises licence until a month ago and that they had not been informed when they bought the premises in May 2018. The applicant also felt that the concerns around noise pollution and nuisance had already been addressed by their negotiations with Environmental Health.

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, with agreed conditions between operator and Environmental Health.

9 Application to vary a premises licence held by Hemingway's Cuban Bar (formerly Sandbar) 15 Town Street, Horsforth, Leeds, LS18 5LJ

The report of the Chief Officer, Elections and Regulatory set out an application for the grant of a premises licence for Hemingway's Cuban Bar, 15 Town Street, Horsforth LS18 5LJ.

In summary, the application was to add late night refreshment onto the premises licence, extend the sale of alcohol hours and to extend the regulated entertainment on Fridays & Saturdays.

A representation was received from West Yorkshire Police in their capacity as a responsible authority. An additional condition was agreed between the applicant and West Yorkshire Police prior to the hearing, and subsequently the representation was withdrawn. A representation was also received from Environmental Health, and representatives were in attendance at the meeting to provide an oral representation.

The applicant Paul Kinsey and his legal representative Paddy Whur, of Woods Whur 2014 Limited, were in attendance. Mr Whur addressed the Sub-Committee, informing them that the premises was a small venue (60 customers on a busy night) with an older clientele and premium prices. As the premises had become increasingly popular, Mr Kinsey felt that the current closing time seemed artificially early. Members also heard that the additional hour would allow gradual dispersal from the property, as the new condition agreed with West Yorkshire Police stated that last admittance to the premises for customers would be 1am. Mr Whur also addressed the complaint included in the report, and noted that the incident involved a chef leaving a door open when accessing a storage area, which resulted in some noise pollution. Members heard that this occurred shortly after the premises was opened and had since been resolved, with no further complaints received.

Karl Sheldon addressed the Sub-Committee on behalf of Environmental Health, objecting on the grounds of the likelihood of noise pollution. Members heard that there was a ginnel to the side of the premises, in which normal conversation would be amplified and cause noise pollution to the block of flats built to the side of the ginnel if customers were to leave by this route. The Sub-Committee heard that there had been 10 complaints relating to loud music at premises between June 2003 and June 2012, however Mr Kinsey informed the Board that he was not the operator at that time. Mr Sheldon added that he had heard from Mr Whur's office regarding the additional condition agreed with West Yorkshire Police after submitting the objection, and did not feel that there was any other condition that could be added to protect local residents further. Mr Whur informed Members that the door staff would supervise customers leaving the property through the ginnel at closing time, and Members asked whether Condition 85 could be amended to reflect the supervision, which Mr Kinsey confirmed he would be in agreement with.

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, with the following two additions:

- a) The condition set out in the report agreed by West Yorkshire Police prior to the hearing;
- b) Condition 85 to be amended as follows “the premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary. This will include patrons leaving the premises and dispersing via the ginnel between Town Street and Church Road, Horsforth.”