

Licensing Sub-Committee

Tuesday, 15th January, 2019

PRESENT: Councillor B Flynn in the Chair

Councillors C Knight and G Wilkinson

1 Election of the Chair

RESOLVED – To elect Councillor Flynn to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal.

3 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. Although Councillor Wilkinson did not declare an interest, he informed the Sub-Committee that he had previously sat on the hearing held 20th November 2018. It was confirmed that Cllr Wilkinson had read the agenda pack before the revised copy was sent out, but would treat the application with an open mind. The Members all confirmed they had considered the 60 page Agenda Pack only.

6 Application to vary a premises licence held by Krakus 54 Harehills Road, Harehills, Leeds, LS8 5LE

Further to minute 6, from the meeting held on 20th November, the report of the Chief Officer, Election and Regulatory presented an application for the variation of a premises license for Krakus 54 Harehills Road, Harehills, Leeds, LS8 5LE.

The Sub-Committee were informed that the applicant nor a representative acting on behalf of Krakus, were present at the hearing. The parties were asked whether they wished for the application to proceed in the applicants' absence; they all confirmed that they wished for the meeting to proceed. After consideration, Members agreed that on the basis the applicant has had proper notice of the hearing and has had two opportunities to attend the hearing, they were happy for the application to proceed.

Those in attendance:

Councillor S Arif – Ward Councillor
PC Andy Clifford - West Yorkshire Police (WYP)
Sgt Martin Mynard - WYP
Robert Stirk - Entertainment Licensing
B Cockerham – Member of the public
I Cockerham – Member of the public
Andy Birkbeck, Localities Programme Manager (Observing)
Councillor Hussain (Observing in support of Cllr Arif)
Councillor Maqsood (Observing in support of Cllr Arif)

The Licensing Officer informed Members that this application sought the grant of a license to vary the opening hours and licensable activities to 24 hours every day.

Members heard that the application was before them as representations had been received from West Yorkshire Police and the Licensing Authority in their capacity as responsible authorities. The application had also received representations from members of the public, the East Leeds MP and the Ward Councillor representing Gipton and Harehills Ward and in addition, a Councillor from the Moortown and Meanwood Ward, on the grounds of crime and disorder and public nuisance.

Councillor Arif attended the hearing on behalf of local residents and informed Members that the locality has become saturated with off-licensed premises and shops, situated near schools and places of worship; residents have experienced alcohol related abuse and the frequent litter, often including broken glass, around the premises, people's homes and areas children play. Members heard that under the councils new Statement of Licensing Policy, the location the premises is situated in Harehills is now subject to a Cumulative Impact Assessment.

WYP informed Members of the following points:

- There are issues associated with the premises, including an increase with noise nuisance (arguing), groups gathering, Anti-social behaviour, littering peacocking, loitering, urinating in the street; noise levels tend to decrease when shops close at 11pm. The issues at Krakus mirror problems in the area.
- The operators were not responding to the issues already occurring and do not do anything to resolve issues which carry on outside of the premises; the license holder has shown no attempt to liaise with WYP to resolve issues. The committee were reminded that there is a condition on the premises licence that the operator must cooperate with the police.
- There is speculation that there is an under-reporting of incidents in the locality due to a variety of reasons, one being that residents feel the on-going issues are normalised.
- The premises is attached to residential properties and the proposed late night operating hours would be intrusive throughout the night, particularly to those residents on a morning waking up for school and work.

Robert Stirk, Entertainment Licensing informed Members that the premises is part of the Council's Statement of Licensing Policy and Cumulative Impact Assessments and directed Members to consider the application under the new policy. Members were referred to statistics presented in the submitted representation at Appendix E of the Agenda, summarising on a City level, the area is in the top 10% for the city; the

only areas which rank higher are the dense, late night entertainments areas in the city centre.

The members of the public in attendance as objectors to the application, addressed the Sub-Committee. Members heard that the concern of local residents was mostly due to the alcohol related crime generated from customers gathering outside of the premises. It was reported that crowds of men already loiter outside, making local residents feel they have to walk on the road to avoid any incidents, which may occur. The objectors also noted that the proposed hatch would be treated like a public bar, without the provision of toilets which would ultimately lead to further contribution of people urinating in the street and increasing noise nuisance in the area. They raised issues about residents not being able to sleep, particularly children. They asked for the committee to refuse the application to extend the existing premises licence.

In response to a question from a Member, WYP confirmed there is a Public Space Protection Order which is actively breached as people do consume alcohol openly on the street, however this is something they are trying to actively enforce.

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

RESOLVED- To refuse the application.