

Licensing Sub-Committee

Tuesday, 26th March, 2019

PRESENT: Councillor P Drinkwater in the Chair

Councillors H Bithell and M Harland

1 Election of the Chair

RESOLVED – That Councillor Drinkwater 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

Formal late items were added to the agenda in relation to the following:

- Application for the certification of films to be shown at Hyde Park Picture House Brudenell Road, Leeds 6 between the 28th March and 31st August 2019.
- Temporary Event Notice for Juicy Gossip, 5 Briggate, Leeds, LS1 4AF.

All Parties were provided with copies of the reports prior to the meeting.

5 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

6 Application for the grant of a premises licence for Pizza Torino 52 Westgate, Otley, LS21 3AS

This item was withdrawn from the agenda prior to the meeting, all parties were advised

7 Application for the grant of a premises licence for Restaurant/Bar, Unit 2.36, Trinity Leeds, Albion Street, Leeds, LS1 5AY

No outstanding matters remained on this item and it was therefore withdrawn from the agenda. All parties were advised prior to the meeting date.

8 Certification of Film

The report of the Chief Officer Elections and Regulatory advised Member of an application for the certification of films to be shown at the Hyde Park Picture House, Brudenell Road, Leeds 6 between the 28th March and 31st August 2019.

It was noted that in addition to licensing premises for film exhibitions, the Licensing Authority has a duty under Section 20 of the Licensing Act 2003 to categorise films which are absent of a Certificate from a film classification body such as the BBFC. BBFC Guidelines were attached at Appendix A of the submitted report.

Details of the films and a brief synopsis along with an advised certificate and reason was provided at Appendix B of the submitted report.

The General Manager of Hyde Park Picture House was in attendance at the meeting and provided more detailed information for Members which included the following points:

- Reason for advised certification of PG on the following films: ‘Something Said’; ‘Candy’s Crush’; ‘Something to Cry About’; and ‘Worlds of Ursula K LeGuin’ was that these were short documentaries. Although some elements were challenging, the content was informative and educational;
- The U certificate for ‘Charanga del Norte and Guillermo Davis is a simplistic animation produced as a celebration of the Cuban band’s 20th anniversary and Cuban life. The film is family orientated;
- ‘Drawn by Desire’ is a series of short animation films which was initially put together for the London Film Festival. It was explained that the film had not received a rating whilst playing at the festival due to the way that the film was presented. It was presented as a moving image artwork which is outside the usual BBFC Guidelines;
- ‘Drawn by Desire’ talks about women and sex and is to empower women to discuss the female form in a positive way. The film does not aim to sexually arouse the audience but to be used more for information and education. In response to Members questions it was suggested that similar programmes can be viewed on ‘Netflicks’ or BBC3;
- Currently the film is not due to be shown until August and it was suggested that a speaker may attend to present the film. This was thought by Members to be a good idea to add context;

In response to a question in relation to the ‘Worlds of Ursula K LeGuin’ Members were advised that the film poses a moral question to provoke thought and conversation. It was noted that the work of Ursula K LeGuin looks at issues such as bullying and discrimination with an aim to make the world better working together.

Members had attempted to view ‘Drawn by Desire’. However, the link which had been provided did not work.

RESOLVED – To grant the following film certificates:

- Something Said – PG as applied for
- Candy’s Crush – PG as applied for
- Something to Cry About – 12A rather than PG
- Worlds of Ursula K LeGuin – 12A rather than PG
- Charanga del Norte and Guillermo Davis – U as applied for
- Drawn by Desire – Deferred to later date to allow the Applicant to address technological issues so that the film can be viewed by all Members.

9 Temporary Event Notice for Juicy Gossip, 5 Briggate, Leeds, LS1 4AF

The report of the Chief Officer Elections and Regulatory advised Members that a temporary event notice (“TEN”) had been received from Juicy Gossip 5 Briggate, Leeds, LS1 4AF, a premises operating as a takeaway.

The TEN had attracted an objection from West Yorkshire Police who had served an objection notice on the grounds of crime and disorder.

PC Arkle called Sam Longfellow, an officer of Licensing Enforcement as a witness.

PC Arkle made a representation to the Licensing Sub Committee to introduce an additional piece of evidence. It was agreed by all parties present that the additional evidence could be considered as part of the meeting on the understanding that the premises user would be given the opportunity to respond.

The evidence was in the form of an email which had been received on 25th March 2019, from a Police Officer working in the city centre on 23rd March 2019. Members were informed that the Officer had noticed that Juicy Gossip was open and apparently serving hot food until at least 2:00am on 24th March 2019. They were, it was alleged, doing this with the majority of lights in the front of the shop off and they appeared to have a member of staff stood at the door way.

The Licensing Officer provided a list of previous TEN's which had been submitted for the premises for Members information.

PC Arkle referred to her objection letter attached at Appendix C of the submitted report which set out the basis of the objection. The objection notice expressed concerns that the premises user is committing offence on a constant basis under Section 136 of the Licensing Act 2003 and has been operating in breach of planning permission. The letter also provided a list of incidents directly and indirectly linked to the premises.

Members were advised that Mr Hussain has applied for a premises licence for late night refreshment but the premises are located within the red zone of the Cumulative Impact Policy (CIP).

History of the premises was set out at point 2 of the submitted report. It was noted that on all six occasions listed on the objection letter the premises were not operating under a temporary event notice.

Members were made aware of an ongoing investigation being undertaken by Licensing Enforcement. Mr Hussain has been invited to attend an interview with regard to the alleged contravention of Section 136 of the Licensing Act 2003.

Mr Hussain, the licence holder of Juicy Gossip informed the Licensing Sub Committee that he had been a business man for 35 years, he was a Chef and had other premises in Leeds and Hull. He said that he had only just heard about the cumulative impact area.

He explained to the Members that the premises had previously been a tailors, he went on to tell the Members how he had come to be the owner of the premises buying it from the tailor after going in to buy a jacket.

He said that the previous owner had told him that he either had or would obtain planning permission for a takeaway which was why he had purchased the property. He said that the premises without a late licence was unsuccessful and he had put a lot of money into the business and employed a number of staff. He said that had he known about the CIP he would not have purchased the premises.

Mr Hussain informed Members that he was willing to work with the Police and the Licensing Authority and that he had never had any issues at other premises.

He said that he felt isolated and named other premises within the area that he said had been given a licence since he had been refused.

Mr Hussain went on to speak about the incidents listed in the objection presented by the Police saying that the incidents had not occurred within the premises. PC Arkle confirmed that no employee of the premises had been charged with any offence.

Mr Hussain referred to the additional evidence that had been presented saying that the premises were not open at the time and that staff had been cleaning. He said that it can take a long time to get rid of customers who turn up just before closing time.

PC Arkle said that the Police were not unsympathetic to Mr Hussain. However he had bought a premises within the CIP area. PC Arkle said that it had been her suggestion to Mr Hussain to apply for temporary event notices.

In response to questions the Members were informed of the following points:

- Crimes were associated with the premises;
- The Police had objected to all three applications for a licence;
- The premises only has permission to open between 12 noon and 23:00;
- When operating a temporary event notice this starts at 12 midnight, the premises close for 1 hour;
- No charges in relation to the crimes listed had been brought against Juicy Gossip and no staff were involved;
- Unlicensed activities are alleged to be on-going;

Members considered all the information presented both written and at the meeting.

RESOLVED – That a direct counter notice be issued over the nature and number of incidents in relation to the crime and disorder objectives.