

Licensing Sub-Committee

Tuesday, 16th July, 2019

PRESENT: Councillor B Garner in the Chair

Councillors H Bithell and A Garthwaite

1 Election of the Chair

RESOLVED – That Councillor B Garner be elected as Chair for the duration of the hearing.

2 Late Items

There were no late items. Supplementary information in relation to Agenda Item 6 – Application for the grant of a Premises Licence for Oodles Chinese, Woodhouse Lane, Leeds was published and distributed prior to the hearing.

3 Declarations of Disclosable Pecuniary Interests

There were no declarations.

4 Application for the grant of a premises licence for Oodles Chinese 40 Woodhouse Lane, Woodhouse, Leeds, LS2 8LX

The report of the Chief Officer, Elections and Regulatory presented an application for the grant of a Premises Licence for Oodles Chinese, 40 Woodhouse Lane, Leeds, LS2 8LX.

Prior to the hearing updated information was given with regard to other licensed premises in the area that had not been included on the map supplied with the Agenda.

In summary, the application was for:

Recorded Music:

Monday to Thursday 11:00 to 01:00

Friday to Saturday: 11:00 to 03:00

Sunday: 11:00 to 18:00

Late Night Refreshment:

Monday to Thursday 23:00 to 01:00

Friday to Saturday: 23:00 to 03:00

Representations to the application had been made by West Yorkshire Police and the Licensing Authority.

The following were in attendance:

Mr Abid Mahmood – CBOX Ltd

Mr Khuram Akhtar – CBOX Ltd

Mr Mohammed Ismail Ali – CBOX Ltd
PC Cath Arkle – West Yorkshire Police
Robert Stirk – Entertainment Licensing

The applicant was invited to address the hearing. The following was highlighted:

- The applicant was willing to work with Leeds City Council, West Yorkshire Police and the Licensing Authority to meet the licensing objectives.
- The premises was situated in a location close to nightclubs and bars and granting of the application would reduce the number of people moving across the city to other late night refreshment establishments and therefore reducing risk.
- A reduced menu would be available for late night refreshment with an approximate service time of 5 to 7 minutes.
- Customers would be encouraged to leave the city centre after being served at the premises.
- The seating area would be reduced during late night licensed hours for the ease of managing numbers.
- The applicants had some concern as to the effectiveness of the Cumulative Impact Policy. Crime figures had remained constant and there had been an increase in violence.
- The applicant would disperse customers quickly and quietly preventing them from travelling through the city to other establishments.
- The applicant was involved on the Safe Zones Initiative that had been piloted in Huddersfield and was also a member of Businesses Against Crime in Leeds (BACIL).
- Staff would be trained to identify vulnerable persons.
- It was felt that the business could be operated and licensing objectives be promoted.
- Denial of the licence would have an impact on the local economy. The company would employ 10 to 15 staff, use local supplies and re-invest in the local economy.
- Security staff would be used to manage the premises and there would be a dispersal policy.
- Music levels would be lowered prior to closing and customers would be directed to public transport/taxis.
- In response to questions from the sub-committee, the following was highlighted:
 - The number of covers would be reduced from 58 to 26 during licensed hours for late night refreshment.
 - Customers took approximately 10 minutes to eat their food.
 - Arrangements could be put in place for queuing customers.
 - Food would be served in recyclable cardboard packaging and drinks in recyclable cans. Paper straws would be used.
 - Additional litter bins would be provided and areas outside the premises would be kept clean.
 - There would initially be two members of door staff employed during licensable hours. These would be likely to work in co-operation with other nearby establishments and use the same walkie talkie system.

The West Yorkshire Police representative addressed the Sub-Committee. The following was highlighted:

- As the application was for a premises in the red zone of the Cumulative Impact Area, an automatic objection to the application had been made. There was an onus on the applicant to be able to demonstrate that they would not add to the impact.
- Most recent statistical information showed that crime was at a peak between 00:00 and 02:00. This fell within the hours applied for.
- Concern that when the application was first submitted there were no details of security measures in relation to door supervisors or CCTV and there had not been more liaison prior to the application being submitted. At this stage of the hearing it was confirmed that the applicant had applied to participate in the BACIL radio scheme but was not yet a Member.
- Quick dispersal of customers from the area may not happen as customers would still be eating and taxis would not take people who were eating hot food.
- The provision of another late night refreshment venue would not ease dispersal in the area and would attract people from other areas of the city. There were several alcohol led premises in close proximity and these would feed into the premises.
- The applicant's submission that Cumulative Impact Policies did not work based on evidence in Wolverhampton should be dismissed as they were still relatively new and only select information had been included in the Applicants supplementary information.
- Granting the application would be contrary to the Councils Statement of Licensing Policy.

The Entertainment Licensing representative addressed the sub-committee. The following was highlighted:

- Concern that there were no suitable arrangements to mitigate the extra people that would congregate.
- The proximity to other premises would cause a pressure point.
- The sub-committee should not consider the comparisons from Wolverhampton as this was a different city with different issues.
- The crime rate in the area was too high and the CIA was in place to prevent crime rising.
- Customers from other premises would still be congregating in the same area and making similar journeys across the city.

In summary, the applicant highlighted the following:

- That they should have liaised with West Yorkshire Police before submitting the application.
- Their proposed measures would help to combat the problems in the area.
- The applicant was willing to work with the Police with regard to security measures.

- Customers would not be encouraged to stay at the premises. Once they had eaten they tended to leave the city.
- Public safety was at the heart of the company.

The Sub-Committee adjourned to consider the application, report of the Chief Officer Elections and Regulatory along with the representations submitted in writing and made at the hearing. Following comments from responsible authorities with regard to conditions that they would have expected to be included in the application, all parties were recalled to discuss possible conditions that could be included on the licence to promote the licensing objectives, should the licence be granted.

The responsible authorities present were asked as to what conditions they would like to have seen included with the application and following a further adjournment, the applicant confirmed that they would be happy to comply with the conditions requested.

RESOLVED – That the application be granted for Recorded Music and Provision of Late Night Refreshment from 11:00 until 00:00 and subject to the following conditions as discussed:

1. A suitable closed circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.
2. The minimum number of door supervisors for the premises is 2
3. The days and hours door supervisors operate on the premises are Monday, Wednesday, Friday and Saturday, and any bank holiday Sunday
4. The premises licence holder will ensure that a Daily Record Register is maintained on the premises by the door staff. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature). The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
5. Security staff will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
6. The premises licence holder will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social

behaviour, admissions refusals and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.

7. Notices will be prominently displayed at the entrances of the premises which state:
 - a) a search may be conducted as a condition of entry to premises;
 - b) Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.
 - c) Entry to the premises will be refused to any person who appears to be acting in a threatening manner or is violent; or appears to be under the influence of drugs or excessive alcohol
 - d) Entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances
8. The premises licence holder will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.
9. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
10. There will be a communication link in operation at the premises via radio to the police and other venues in the city centre. The communication link will be operated to the guidance provided and all instructions on use agreed. All reasonable police instructions provided via the link will be complied with.
11. The premises shall be and remain predominantly food led.
12. An agreed number of covers will be maintained at all times the premises are operating.
The number of covers will be 30.
13. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.
14. Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.
15. A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
16. The premises licence holder will adopt a “cooling down” period where music volume is reduced towards the closing time of the premises.
17. The premises licence holder will ensure that litter, including cigarette ends, arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter.

18. SIA Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure that queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
19. 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.
20. A facility will be provided for customers to order Hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.
21. Systems will be in place to monitor, detect and report any suspicion of child/young person exploitation or safeguarding concerns.
22. The premises will have a procedure for dealing with distressed and lost children/young people and ensure all staff receive training in this procedure.